THE

STATUTES AT LARGE

OF THE

UNITED STATES OF AMERICA

FROM

MARCH 1933 to JUNE 1934

CONCURRENT RESOLUTIONS
RECENT TREATIES AND CONVENTIONS, EXECUTIVE PROCLAMATIONS
AND AGREEMENTS, TWENTY-FIRST AMENDMENT
TO THE CONSTITUTION

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The original of every act and joint resolution printed in this volume from page 1 to page 311, inclusive, has the following heading:

SEVENTY-THIRD CONGRESS OF THE UNITED STATES OF AMERICA;

AT THE FIRST SESSION,

BEGUN AND HELD AT THE CITY OF WASHINGTON ON THURSDAY, THE NINTH DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND THIRTY-THREE

The original of every act and joint resolution printed in this volume from page 313 to page 1291, inclusive, has the following heading:

SEVENTY-THIRD CONGRESS OF THE UNITED STATES OF AMERICA;

AT THE SECOND SESSION,

BEGUN AND HELD AT THE CITY OF WASHINGTON ON WEDNESDAY, THE THIRD DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND THIRTY-FOUR

All bills and joint resolutions presented to the President of the United States bear the signatures of the Speaker (or of the Speaker *pro tempore*) of the House of Representatives and of the Vice President and President of the Senate (or of the President of the Senate *pro tempore*); those signatures accordingly appear on the originals of all acts and joint resolutions.

The signature of the President of the United States appears on the originals of all approved acts and joint resolutions.

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Fairbanks, Alaska, bonds. AN ACT To authorize the incorporated town of Fairbanks, Alaska, to undertake certain municipal public works, including construction, reconstruction, and extension of sidewalks; construction, reconstruction, and extension of sewers, and construction of a combined city hall and fire-department building, and for such purposes to issue bonds in any sum not exceeding $50,000 .. June 18, 1934 .. 1006

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Air Commerce Act of 1926, amendment. AN ACT To amend the Air Commerce Act of 1926 and to increase the efficiency of the Aeronautics Branch of the Department of Commerce with respect to the development and regulation of civil aeronautics.....June 19, 1934.. 1113

Philippine currency reserves. AN ACT Relating to Philippine currency reserves on deposit in the United States.....June 19, 1934.. 1115

Vessels and aircraft, return of seized. AN ACT To amend section 938 of the Revised Statutes to vest the courts with discretion to refuse to order the return of vessels seized for violation of any law of the United States; and to amend subsection (b) of section 7 of the Air Commerce Act of 1926, as amended, to provide for the forfeiture of aircraft used in violation of customs laws.....June 19, 1934.. 1116

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Haiti, Government property. AN ACT To authorize the President to transfer to the Government of Haiti without charge to that Government certain property of the United States in Haiti.....June 19, 1934.. 1117

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Writings of George Washington. AN ACT Authorizing the George Washington Bicentennial Commission to print and distribute additional sets of the writings of George Washington.....June 23, 1934.. 1210

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Cromline Creek, N.Y., flood survey. AN ACT To provide for a preliminary examination of Cromline Creek in the State of New York, with a view to the control of its floods.....June 26, 1934.. 1223

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National Firearms Act. AN ACT To provide for the taxation of manufacturers, importers, and dealers in certain firearms and machine guns, to tax the sale or other disposal of such weapons, and to restrict importation and regulate interstate transportation thereof.....June 26, 1934.. 1236

Coal and asphalt deposits, Choctaw and Chickasaw lands. AN ACT To amend the Act of June 19, 1930 (46 Stat. 788), entitled "An Act providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes".....June 26, 1934.. 1240

Processing tax on hogs. AN ACT To amend the Agricultural Adjustment Act with respect to the processing tax on hogs.....June 26, 1934.. 1241

Federal Trade Commission report, utilities investigation. JOINT RESOLUTION Whereas it is learned that the Federal Trade Commission, because of lack of time, money, and personnel, intends to close its utilities investigation under S. Res. 83, Seventieth Congress, first session, without investigating various important corporations included among those described in said resolution; and
Whereas it is in the public interest that certain of said corporations be investigated: Therefore be it.....June 26, 1934.. 1242

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Thomas Jefferson Memorial, D.C. JOINT RESOLUTION Authorizing the creation of a Federal Memorial Commission to consider and formulate plans for the construction, on the apex block, Constitution and Pennsylvania Avenues, in the city of Washington, District of Columbia, of a permanent memorial to the memory of Thomas Jefferson, third President of the United States and author of the Declaration of Independence.....June 26, 1934.. 1243

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House of Representatives, committees expenses. JOINT RESOLUTION To provide an additional appropriation for expenses of special and select committees of the House of Representatives for the fiscal year 1935.....June 26, 1934.. 1244

Puerto Rico, citizenship and naturalization. AN ACT To amend the Act of March 2, 1917, entitled "An Act to provide a civil government for Puerto Rico, and for other purposes".....June 27, 1934.. 1245

Indian liquor laws, modification. AN ACT To modify the operation of the Indian liquor laws on lands which were formerly Indian lands.....June 27, 1934.. 1245

National Housing Act. AN ACT To encourage improvement in housing standards and conditions, to provide a system of mutual mortgage insurance, and for other purposes.....June 27, 1934.. 1246

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Grazing Act. AN ACT To stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes.....June 28, 1934.. 1269

Tobacco Control Act. AN ACT To place the tobacco-growing industry on a sound financial and economic basis, to prevent unfair competition and practices in the production and marketing of tobacco entering into the channels of interstate and foreign commerce, and for other purposes.....June 28, 1934.. 1275

Compensate widows and children, certain World War Veterans. AN ACT To compensate widows and children of persons who died while receiving monetary benefits for disabilities directly incurred in or aggravated by active military or naval service in the World War.....June 28, 1934.. 1281

Railroad Retirement Act. AN ACT To provide a retirement system for railroad employees, to provide unemployment relief, and for other purposes.....June 27, 1934.. 1283

Bankruptcy Act of 1898, amendment. **AN ACT To amend an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and Acts amendatory thereof and supplementary thereto.....June 28, 1934..** **1289**

PUBLIC LAWS OF THE SEVENTY-THIRD CONGRESS

OF THE

UNITED STATES OF AMERICA

Passed at the first session, which was begun and held at the city of Washington, in the District of Columbia, on Thursday, the ninth day of March, 1933, and was adjourned without day on Friday, the sixteenth day of June, 1933.

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President; KEY PITTMAN, President of the Senate *pro tempore*; HENRY T. RAINEY, Speaker of the House of Representatives.

[CHAPTER 1.]

AN ACT

To provide relief in the existing national emergency in banking, and for other purposes.

March 9, 1933.
[H.R. 1491.]
[Public, No. 1.]

National banking system.
Emergency declared existing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that a serious emergency exists and that it is imperatively necessary speedily to put into effect remedies of uniform national application.

TITLE I

Proclamations, orders, etc., issued since March 4, 1933; approval.
Post, p. 343.
Trading with the Enemy Act, amended.
Vol. 40, pp. 415, 966, amended.
Foreign exchange, export or hoarding of coin, bullion, etc.
Regulatory powers of President during national emergency.

SECTION 1. The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subdivision (b) of section 5 of the Act of October 6, 1917, as amended, are hereby approved and confirmed.

SEC. 2. Subdivision (b) of section 5 of the Act of October 6, 1917 (40 Stat. L. 411), as amended, is hereby amended to read as follows:

"(b) During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by banking institutions as defined by the President, and export, hoarding, melting, or earmarking of gold or silver coin or bullion or currency, by any person within the United States or any place subject to the jurisdiction thereof; and the President may require any person engaged in any transaction referred to in this subdivision to furnish under oath, complete information relative thereto, including the production of any books of account, contracts, letters or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed. Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, may be imprisoned

Compulsory testimony, etc.

Punishment for violation.

for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. As used in this subdivision the term 'person' means an individual, partnership, association, or corporation."

"Person" construed.

Federal Reserve Act, amended. Vol. 39, p. 752.

SEC. 3. Section 11 of the Federal Reserve Act is amended by adding at the end thereof the following new subsection:

Emergency impounding of gold. Authority of Secretary of Treasury.

"(n) Whenever in the judgment of the Secretary of the Treasury such action is necessary to protect the currency system of the United States, the Secretary of the Treasury, in his discretion, may require any or all individuals, partnerships, associations and corporations to pay and deliver to the Treasurer of the United States any or all gold coin, gold bullion, and gold certificates owned by such individuals, partnerships, associations and corporations. Upon receipt of such gold coin, gold bullion or gold certificates, the Secretary of the Treasury shall pay therefor an equivalent amount of any other form of coin or currency coined or issued under the laws of the United States. The Secretary of the Treasury shall pay all costs of the transportation of such gold bullion, gold certificates, coin, or currency, including the cost of insurance, protection, and such other incidental costs as may be reasonably necessary. Any individual, partnership, association, or corporation failing to comply with any requirement of the Secretary of the Treasury made under this subsection shall be subject to a penalty equal to twice the value of the gold or gold certificates in respect of which such failure occurred, and such penalty may be collected by the Secretary of the Treasury by suit or otherwise."

Exchange for any other form of currency, etc.

Reimbursing transportation costs.

Hoarding, etc., deemed an offense.

Penalty.

Operations of the National Banking and Federal Reserve Systems. Emergency suspension, etc., provided for.

SEC. 4. In order to provide for the safer and more effective operation of the National Banking System and the Federal Reserve System, to preserve for the people the full benefits of the currency provided for by the Congress through the National Banking System and the Federal Reserve System, and to relieve interstate commerce of the burdens and obstructions resulting from the receipt on an unsound or unsafe basis of deposits subject to withdrawal by check, during such emergency period as the President of the United States by proclamation may prescribe, no member bank of the Federal Reserve System shall transact any banking business except to such extent and subject to such regulations, limitations and restrictions as may be prescribed by the Secretary of the Treasury, with the approval of the President. Any individual, partnership, corporation, or association, or any director, officer or employee thereof, violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $10,000 or, if a natural person, may, in addition to such fine, be imprisoned for a term not exceeding ten years. Each day that any such violation continues shall be deemed a separate offense.

Proclamation.

Penalty for violation.

Each day a separate offense.

TITLE II

"Bank Conservation Act." Citation of title. Terms construed. *Post*, p. 72.

SEC. 201. This title may be cited as the "Bank Conservation Act."

SEC. 202. As used in this title, the term "bank" means (1) any national banking association, and (2) any bank or trust company located in the District of Columbia and operating under the supervision of the Comptroller of the Currency; and the term "State" means any State, Territory, or possession of the United States, and the Canal Zone.

Conservators.

SEC. 203. Whenever he shall deem it necessary in order to conserve the assets of any bank for the benefit of the depositors and other

creditors thereof, the Comptroller of the Currency may appoint a conservator for such bank and require of him such bond and security as the Comptroller of the Currency deems proper. The conservator, under the direction of the Comptroller, shall take possession of the books, records, and assets of every description of such bank, and take such action as may be necessary to conserve the assets of such bank pending further disposition of its business as provided by law. Such conservator shall have all the rights, powers, and privileges now possessed by or hereafter given receivers of insolvent national banks and shall be subject to the obligations and penalties, not inconsistent with the provisions of this title, to which receivers are now or may hereafter become subject. During the time that such conservator remains in possession of such bank, the rights of all parties with respect thereto shall, subject to the other provisions of this title, be the same as if a receiver had been appointed therefor. All expenses of any such conservatorship shall be paid out of the assets of such bank and shall be a lien thereon which shall be prior to any other lien provided by this Act or otherwise. The conservator shall receive as salary an amount no greater than that paid to employees of the Federal Government for similar services.

Appointment. Bond, etc., required.

To take over all books, assets, etc.

Powers and obligations of.

Rights under.

Expenses of conservatorship.

Salary.

SEC. 204. The Comptroller of the Currency shall cause to be made such examinations of the affairs of such bank as shall be necessary to inform him as to the financial condition of such bank, and the examiner shall make a report thereon to the Comptroller of the Currency at the earliest practicable date.

Bank examination; reports.

SEC. 205. If the Comptroller of the Currency becomes satisfied that it may safely be done and that it would be in the public interest, he may, in his discretion, terminate the conservatorship and permit such bank to resume the transaction of its business subject to such terms, conditions, restrictions and limitations as he may prescribe.

Termination of conservatorship and resumption of bank business.

SEC. 206. While such bank is in the hands of the conservator appointed by the Comptroller of the Currency, the Comptroller may require the conservator to set aside and make available for withdrawal by depositors and payment to other creditors, on a ratable basis, such amounts as in the opinion of the Comptroller may safely be used for this purpose; and the Comptroller may, in his discretion, permit the conservator to receive deposits, but deposits received while the bank is in the hands of the conservator shall not be subject to any limitation as to payment or withdrawal, and such deposits shall be segregated and shall not be used to liquidate any indebtedness of such bank existing at the time that a conservator was appointed for it, or any subsequent indebtedness incurred for the purpose of liquidating any indebtedness of such bank existing at the time such conservator was appointed. Such deposits received while the bank is in the hands of the conservator shall be kept on hand in cash, invested in the direct obligations of the United States, or deposited with a Federal reserve bank. The Federal reserve banks are hereby authorized to open and maintain separate deposit accounts for such purpose, or for the purpose of receiving deposits from State officials in charge of State banks under similar circumstances.

Sums for depositors' withdrawals or payments for creditors set aside by conservator.

Receipt of deposits.

Certain limitations not applicable to.

Segregation; restriction on use, etc.

To be kept on hand in cash.

Separate accounts to be kept.

SEC. 207. In any reorganization of any national banking association under a plan of a kind which, under existing law, requires the consent, as the case may be, (a) of depositors and other creditors or (b) of stockholders or (c) of both depositors and other creditors and stockholders, such reorganization shall become effective only (1) when the Comptroller of the Currency shall be satisfied that the plan of reorganization is fair and equitable as to all depositors, other cred-

Bank reorganization. *Post*, p. 72. Requirements, etc.

Approval of Comptroller.

itors and stockholders and is in the public interest and shall have approved the plan subject to such conditions, restrictions and limitations as he may prescribe and (2) when, after reasonable notice of such reorganization, as the case may require, (A) depositors and other creditors of such bank representing at least 75 per cent in amount of its total deposits and other liabilities as shown by the books of the national banking association or (B) stockholders owning at least two-thirds of its outstanding capital stock as shown by the books of the national banking association or (C) both depositors and other creditors representing at least 75 per cent in amount of the total deposits and other liabilities and stockholders owning at least two-thirds of its outstanding capital stock as shown by the books of the national banking association, shall have consented in writing to the plan of reorganization: *Provided, however*, That claims of depositors or other creditors which will be satisfied in full under the provisions of the plan of reorganization shall not be included among the total deposits and other liabilities of the national banking association in determining the 75 per cent thereof as above provided. When such reorganization becomes effective, all books, records, and assets of the national banking association shall be disposed of in accordance with the provisions of the plan and the affairs of the national banking association shall be conducted by its board of directors in the manner provided by the plan and under the conditions, restrictions and limitations which may have been prescribed by the Comptroller of the Currency. In any reorganization which shall have been approved and shall have become effective as provided herein, all depositors and other creditors and stockholders of such national banking association, whether or not they shall have consented to such plan of reorganization, shall be fully and in all respects subject to and bound by its provisions, and claims of all depositors and other creditors shall be treated as if they had consented to such plan of reorganization.

Consent of depositors representing 75 per cent of deposits, etc.

Or stockholders.

Depositors and other creditors.

Proviso. Satisfied claims to be deducted.

Disposition of records, assets, etc., on reorganization.

Plan to apply equally.

Segregation of deposits to cease.

SEC. 208. After fifteen days after the affairs of a bank shall have been turned back to its board of directors by the conservator, either with or without a reorganization as provided in section 207 hereof, the provisions of section 206 of this title with respect to the segregation of deposits received while it is in the hands of the conservator and with respect to the use of such deposits to liquidate the indebtedness of such bank shall no longer be effective: *Provided*, That before the conservator shall turn back the affairs of the bank to its board of directors he shall cause to be published in a newspaper published in the city, town or county in which such bank is located, and if no newspaper is published in such city, town or county, in a newspaper to be selected by the Comptroller of the Currency published in the State in which the bank is located, a notice in form approved by the Comptroller, stating the date on which the affairs of the bank will be returned to its board of directors and that the said provisions of section 206 will not be effective after fifteen days after such date; and on the date of the publication of such notice the conservator shall immediately send to every person who is a depositor in such bank under section 206 a copy of such notice by registered mail addressed to the last known address of such person as shown by the records of the bank, and the conservator shall send similar notice in like manner to every person making deposit in such bank under section 206 after the date of such newspaper publication and before the time when the affairs of the bank are returned to its directors.

Proviso. Notice before turning back control.

To be furnished each depositor.

Provisions governing conservators.
R.S. sec. 5209, p. 1007; U.S.C. pp. 291, 475.
Vol. 35, p. 1108.
Vol. 40, p. 972.

SEC. 209. Conservators appointed pursuant to the provisions of this title shall be subject to the provisions of and to the penalties prescribed by section 5209 of the Revised Statutes (U. S. C., Title 12, sec. 592); and sections 112, 113, 114, 115, 116 and 117 of the Criminal Code of the United States (U. S. C., Title 18, secs. 202, 203, 204, 205, 206 and 207), in so far as applicable, are extended to apply to contracts, agreements, proceedings, dealings, claims and controversies by or with any such conservator or the Comptroller of the Currency under the provisions of this title.

Powers of President, etc., not impaired.

SEC. 210. Nothing in this title shall be construed to impair in any manner any powers of the President, the Secretary of the Treasury, the Comptroller of the Currency, or the Federal Reserve Board.

Rules to be prescribed.

SEC. 211. The Comptroller of the Currency is hereby authorized and empowered, with the approval of the Secretary of the Treasury, to prescribe such rules and regulations as he may deem necessary in order to carry out the provisions of this title. Whoever violates any rule or regulation made pursuant to this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $5,000, or imprisoned not more than one year, or both.

TITLE III

National banks.
Preferred stock.
Post, p. 147.
Issue of, by vote of shareholders.
Amount, par value, etc.

SEC. 301. Notwithstanding any other provision of law, any national banking association may, with the approval of the Comptroller of the Currency and by vote of shareholders owning a majority of the stock of such association, upon not less than five days' notice, given by registered mail pursuant to action taken by its board of directors, issue preferred stock in such amount and with such par value as shall be approved by said Comptroller, and make such amendments to its articles of association as may be necessary for this purpose; but, in the case of any newly organized national banking association which has not yet issued common stock, the requirement of notice to and vote of shareholders shall not apply. No issue of preferred stock shall be valid until the par value of all stock so issued shall be paid in.

Payment.

Dividends.
Post, p. 148.
Liability of shareholders.
Voting rights.
Retirement provisions.

SEC. 302. (a) The holders of such preferred stock shall be entitled to cumulative dividends at a rate not exceeding 6 per centum per annum, but shall not be held individually responsible as such holders for any debts, contracts, or engagements of such association and shall not be liable for assessments to restore impairments in the capital of such association as now provided by law with reference to holders of common stock. Notwithstanding any other provision of law, the holders of such preferred stock shall have such voting rights, and such stock shall be subject to retirement in such manner and on such terms and conditions, as may be provided in the articles of association with the approval of the Comptroller of the Currency.

Priority.

(b) No dividends shall be declared or paid on common stock until the cumulative dividends on the preferred stock shall have been paid in full; and, if the association is placed in voluntary liquidation or a conservator or a receiver is appointed therefor, no payments shall be made to the holders of the common stock until the holders of the preferred stock shall have been paid in full the par value of such stock plus all accumulated dividends.

Definitions.
"Common stock."
"Capital."

SEC. 303. The term "common stock" as used in this title means stock of national banking associations other than preferred stock issued under the provisions of this title. The term "capital" as used in provisions of law relating to the capital of national banking associations shall mean the amount of unimpaired common stock plus

"Capital stock."

the amount of preferred stock outstanding and unimpaired; and the term "capital stock", as used in section 12 of the Act of March 14, 1900, shall mean only the amount of common stock outstanding.

Reconstruction Finance Corporation.
Subscription for preferred stock.
Post, p. 21.

SEC. 304. If in the opinion of the Secretary of the Treasury any national banking association or any State bank or trust company is in need of funds for capital purposes either in connection with the organization or reorganization of such association, State bank or trust company or otherwise, he may, with the approval of the President, request the Reconstruction Finance Corporation to subscribe for preferred stock in such association, State bank or trust company, or to make loans secured by such stock as collateral, and the Reconstruction Finance Corporation may comply with such request. The Reconstruction Finance Corporation may, with the approval of the Secretary of the Treasury, and under such rules and regulations as he may prescribe, sell in the open market or otherwise the whole or any part of the preferred stock of any national banking association, State bank or trust company acquired by the Corporation pursuant to this section. The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions of this section.

Sale of, permitted.

Increase of outstanding obligations authorized.

TITLE IV

Federal Reserve Act, amendments.
Vol. 38, p. 269, amended.
U.S.C., p. 286.

SEC. 401. The sixth paragraph of Section 18 of the Federal Reserve Act is amended to read as follows:

Delivery of circulating notes on deposit of U.S. bonds, etc.
Post, p. 21.

"Upon the deposit with the Treasurer of the United States, (a) of any direct obligations of the United States or (b) of any notes, drafts, bills of exchange, or bankers' acceptances acquired under the provisions of this Act, any Federal reserve bank making such deposit in the manner prescribed by the Secretary of the Treasury shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, duly registered and countersigned. When such circulating notes are issued against the security of obligations of the United States, the amount of such circulating notes shall be equal to the face value of the direct obligations of the United States so deposited as security; and, when issued against the security of notes, drafts, bills of exchange and bankers' acceptances acquired under the provisions of this Act, the amount thereof shall be equal to not more than 90 per cent of the estimated value of such notes, drafts, bills of exchange and bankers' acceptances so deposited as security. Such notes shall be the obligations of the Federal reserve bank procuring the same, shall be in form prescribed by the Secretary of the Treasury, shall be receivable at par in all parts of the United States for the same purposes as are national bank notes, and shall be redeemable in lawful money of the United States on presentation at the United States Treasury or at the bank of issue. The Secretary of the Treasury is authorized and empowered to prescribe regulations governing the issuance, redemption, replacement, retirement and destruction of such circulating notes and the release and substitution of security therefor. Such circulating notes shall be subject to the same tax as is provided by law for the circulating notes of national banks secured by 2 per cent bonds of the United States. No such circulating notes shall be issued under this paragraph after the President has declared by proclamation that the

Amount of issue.

Value, use, etc.

Redemption.

Regulations.

Tax.

Issue to cease when emergency terminates; exception.

emergency recognized by the President by proclamation of March 6, 1933, has terminated, unless such circulating notes are secured by deposits of bonds of the United States bearing the circulation privilege. When required to do so by the Secretary of the Treasury, each Federal reserve agent shall act as agent of the Treasurer of the United States or of the Comptroller of the Currency, or both, for the performance of any of the functions which the Treasurer or the Comptroller may be called upon to perform in carrying out the provisions of this paragraph. Appropriations available for distinctive paper and printing United States currency or national bank currency are hereby made available for the production of the circulating notes of Federal reserve banks herein provided; but the United States shall be reimbursed by the Federal reserve bank to which such notes are issued for all expenses necessarily incurred in connection with the procuring of such notes and all other expenses incidental to their issue, redemption, replacement, retirement and destruction."

Agent of Treasurer or Comptroller of the Currency.

Sums available for expenses.

Reimbursement.

SEC. 402. Section 10(b) of the Federal Reserve Act, as amended, is further amended to read as follows:

Vol. 47, p. 56, amended.
U.S.C., Supp. VI, p. 136.

"SEC. 10(b). In exceptional and exigent circumstances, and when any member bank has no further eligible and acceptable assets available to enable it to obtain adequate credit accommodations through rediscounting at the Federal reserve bank or any other method provided by this Act other than that provided by section 10 (a), any Federal reserve bank, under rules and regulations prescribed by the Federal Reserve Board, may make advances to such member bank on its time or demand notes secured to the satisfaction of such Federal reserve bank. Each such note shall bear interest at a rate not less than 1 per centum per annum higher than the highest discount rate in effect at such Federal reserve bank on the date of such note. No advance shall be made under this section after March 3, 1934, or after the expiration of such additional period not exceeding one year as the President may prescribe."

Advances to member banks when acceptable assets not available for rediscount.
Post, p. 21.

Security.

Interest.

Expiration.

SEC. 403. Section 13 of the Federal Reserve Act, as amended, is amended by adding at the end thereof the following new paragraph:

"Subject to such limitations, restrictions and regulations as the Federal Reserve Board may prescribe, any Federal reserve bank may make advances to any individual, partnership or corporation on the promissory notes of such individual, partnership or corporation secured by direct obligations of the United States. Such advances shall be made for periods not exceeding 90 days and shall bear interest at rates fixed from time to time by the Federal reserve bank, subject to the review and determination of the Federal Reserve Board."

Advances to individuals, etc.

Security, interest, etc.

Post, p. 20.

TITLE V

SEC. 501. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,000,000, which shall be available for expenditure, under the direction of the President and in his discretion, for any purpose in connection with the carrying out of this Act.

Appropriation.

SEC. 502. The right to alter, amend, or repeal this Act is hereby expressly reserved. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Amendment, etc.

Saving provision.

Approved, March 9, 1933, 8.30 p. m.

[CHAPTER 2.]

JOINT RESOLUTION

March 17, 1933.
[H. J. Res. 75.]
[Pub. Res., No. 1.]

To provide for certain expenses incident to the first session of the Seventy-third Congress.

Appropriations for certain expenses, first session, Seventy-third Congress.
Mileage.
Sums available.
Vol. 47, pp. 1351, 1354.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the appropriations for mileage of Senators, Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from Hawaii, and for expenses of the Delegate from Alaska and the Resident Commissioners from the Philippine Islands, contained in the Legislative Appropriation Act for the fiscal year 1934, are hereby made immediately available and authorized to be paid to Senators, Representatives, Delegates, and Resident Commissioners, for attendance on the first session of the Seventy-third Congress.

Stationery.
Vol. 47, p. 1358.

The appropriation for stationery for Representatives, Delegates, and Resident Commissioners, and for the committees and officers of the House, contained in the Legislative Appropriation Act for the fiscal year 1934, is hereby made immediately available for expenditure on account of the first session of the Seventy-third Congress notwithstanding the provisions of section 304 of the Act of June 30, 1932 (47 Stat. 408): *Provided*, That from such sum each Representative, Delegate, and Resident Commissioner shall be allowed $90 for stationery allowance or commutation therefor.

Limitations waived.
Vol. 47, p. 408.

Proviso.
Stationery allowance.

Approved, March 17, 1933.

[CHAPTER 3.]

AN ACT

March 20, 1933.
[H.R. 2820.]
[Public, No. 2.]

To maintain the credit of the United States Government.

Maintenance of credit of United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

Veterans.

VETERANS

Pensions.
Regulations of the President.
Post, pp. 524, 1282.
Executive orders, Nos. 6089-6100, March 31, 1933; 6156-6159, June 6, 1933; 6231-6234, July 28, 1933.
Classes entitled.
Disease, etc., in line of duty.

SECTION 1. That subject to such requirements and limitations as shall be contained in regulations to be issued by the President, and within the limits of appropriations made by Congress, the following classes of persons may be paid a pension:

(a) Any person who served in the active military or naval service and who is disabled as a result of disease or injury or aggravation of a preexisting disease or injury incurred in line of duty in such service.

Certain war-time services.

(b) Any person who served in the active military or naval service during the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, or the World War, and who is permanently disabled as a result of injury or disease: *Provided*, That nothing contained in this title shall deny a pension to a Spanish-American War veteran past the age of sixty-two years entitled to a pension under existing law, but the President may reduce the rate of pension as he may deem proper.

Proviso.
Spanish - American War veteran over 62.

Widows, dependent parents, etc.

(c) The widow, child, or children, dependent mother or father, of any person who dies as a result of disease or injury incurred or aggravated in line of duty in the active military or naval service.

Designated war service.

(d) The widow and/or child of any deceased person who served in the active military or naval service during the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection.

(e) For the purpose of subparagraph (b) of this section, the World War shall be deemed to have ended November 11, 1918. Fixing World War service.

SEC. 2. The minimum and maximum monthly rate of pension which may be paid for disability or death shall be as follows: For disability, from $6 to $275; for death, from $12 to $75. Minimum and maximum rates. *Post*, p. 524.

SEC. 3. For each class of persons specified in subparagraphs (a) and (b) of section 1 of this title the President is hereby authorized to prescribe by regulation the minimum degrees of disability and such higher degrees of disability, if any, as in his judgment should be recognized and prescribe the rate of pension payable for each such degree of disability. In fixing rates of pensions for disability or death the President shall prescribe by regulation such differentiation as he may deem just and equitable, in the rates to be paid to veterans of different wars and/or their dependents and to be paid for Degrees of disability. Death.

(a) Disabilities and deaths resulting from disease or injury incurred or aggravated in line of duty in war-time service; War-time service.

(b) Disabilities and deaths resulting from disease or injury incurred or aggravated in line of duty in peace-time service; Peace-time service.

(c) Disabilities and deaths not incurred in service. Not in service.

SEC. 4. The President shall prescribe by regulation (subject to the provisions of section 1 (e) of this title) the date of the beginning and of the termination of the period in each war subsequent to the Civil War, including the Boxer Rebellion and the Philippine Insurrection, service within which shall for the purposes of this Act be deemed war-time service. The President shall further prescribe by regulation the required number of days of war or peace time service for each class of veterans, the time limit on filing of claims for each class of veterans and their dependents, the nature and extent of proofs and presumptions for such different classes, and any other requirements as to entitlement as he shall deem equitable and just. The President in establishing conditions precedent may prescribe different requirements or conditions for the veterans of different wars and their dependents and may further subdivide the classes of persons as outlined in section 1 of this title and apply different requirements or conditions to such subdivisions. Prescribing duration of certain wars. Regulations as to service, claims, etc. Classification, conditions, etc.

SEC. 5. All decisions rendered by the Administrator of Veterans' Affairs under the provisions of this title, or the regulations issued pursuant thereto, shall be final and conclusive on all questions of law and fact, and no other official or court of the United States shall have jurisdiction to review by mandamus or otherwise any such decision. Finality of decisions.

SEC. 6. In addition to the pensions provided in this title, the Administrator of Veterans' Affairs is hereby authorized under such limitations as may be prescribed by the President, and within the limits of existing Veterans' Administration facilities, to furnish to veterans of any war, including the Boxer Rebellion and the Philippine Insurrection, domiciliary care where they are suffering with permanent disabilities, tuberculosis or neuropsychiatric ailments and medical and hospital treatment for diseases or injuries. Domiciliary care. *Post*, pp. 301, 525.

SEC. 7. The Administrator of Veterans' Affairs subject to the general direction of the President and in accordance with regulations to be issued by the President shall administer, execute, and enforce the provisions of this title and for such purpose shall have the same authority and powers as are provided in sections 425, 430, 431, 432, 433, 434, 440, 442, 443, 444, 447, 450, 451, 453, 455, 457, 458, 459, 459a, 459c, 459d, 459e, 459f, title 38, U. S. C., and such other sections of title 38, U. S. C., as relate to the administration of the laws granting pensions. Administrator of Veterans' Affairs. Authority, etc. U.S.C., p. 1215.

Delegation of authority.

SEC. 8. The Administrator of Veterans' Affairs is hereby authorized in carrying out the provisions of Title 1 of this Act or any other pension Act to delegate authority to render decisions to such person or persons as he may find necessary. Within the limitations of such delegations, any decisions rendered by such person or persons shall have the same force and effect as though rendered by the Administrator of Veterans' Affairs. The President shall personally approve all regulations issued under the provisions of this title.

Approval of regulations.

Claims for benefits.
Filing, hearings, review, etc.

SEC. 9. Claims for benefits under this title shall be filed with the Veterans' Administration under such regulations, including provisions for hearing, determination, and administrative review, as the President may approve, and payments shall not be made for any period prior to date of application. When a claim shall be finally disallowed under this title and the regulations issued thereunder, it may not thereafter be reopened or allowed. No person who is entitled to any benefits under this title shall participate in any determination or decision with respect to any claim for benefits under this title.

Payments, reopening, etc.

Participation by beneficiary in decision.
Post, p. 526.

Retired emergency officers.
Continuance of pay, if retirement due to service injury, etc.
Post, p. 112.

SEC. 10. Notwithstanding the provisions of section 2 of this title, any person who served as an officer of the Army, Navy, or Marine Corps of the United States during the World War, other than as an officer of the Regular Army, Navy, or Marine Corps during the World War, who made valid application for retirement under the provisions of Public No. 506, Seventieth Congress, enacted May 24, 1928, sections 581 and 582, title 38, United States Code, and who prior to the passage of this Act has been granted retirement with pay, shall be entitled to continue to receive retirement pay at the monthly rate now being paid him if the disability for which he has been retired resulted from disease or injury or aggravation of a preexisting disease or injury incurred in line of duty during such service: *Provided*, That such person entered active service between April 6, 1917, and November 11, 1918: *Provided*, That the disease or injury or aggravation of the disease or injury directly resulted from the performance of military or naval duty, and that such person otherwise meets the requirements of the regulations which may be issued under the provisions of this Act.

Vol. 45, p. 735, amended.
U.S.C., Supp. VI, p. 727.

Provisos.
World War service.
Disability in line of duty, etc.

Offenses under repealed acts.
Post, p. 11.
Incurred penalties, etc., prosecuted.

SEC. 11. All offenses committed and all penalties or forfeiture incurred under the acts repealed by section 17 of this title may be prosecuted and punished in the same manner and with the same effect as if said repeal had not been made and any person who forfeited rights to benefits under any such acts shall not be entitled to any benefits under this title.

Perjury.

Punishment for.

SEC. 12. That whoever in any claim for benefits under this title or by regulations issued pursuant to this title, makes any sworn statement of a material fact knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both.

Fraudulently accepting pension.

Punishment for.

SEC. 13. That if any person entitled to payment of pension under this title, whose right to such payment under this title or under any regulation issued under this title, ceases upon the happening of any contingency, thereafter fraudulently accepts any such payment, he shall be punished by a fine of not more than $2,000 or by imprisonment for not more than one year, or both.

Fraudulently obtaining money, etc.

SEC. 14. That whoever shall obtain or receive any money, check, or pension under this title, or regulations issued under this title, without being entitled to the same, and with intent to defraud the United States or any beneficiary of the United States, shall be punished by a fine of not more than $2,000, or by imprisonment for not more than one year, or both.

False affidavits, etc.

SEC. 15. Any person who shall knowingly make or cause to be made, or conspire, combine, aid, or assist in, agree to, arrange for, or in any wise procure the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, or writing purporting to be such, concerning any claim for benefits under this title, shall forfeit all rights, claims, and benefits under this title, and, in addition to any and all other penalties imposed by law, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or imprisonment for not more than one year, or both.

Punishment for.

Embezzlement by guardian, etc.

SEC. 16. Every guardian, curator, conservator, committee, or person legally vested with the responsibility or care of a claimant or his estate, having charge and custody in a fiduciary capacity of money paid, under the provisions of this title, for the benefit of any minor or incompetent claimant, who shall embezzle the same in violation of his trust, or convert the same to his own use, shall be punished by a fine not exceeding $2,000 or imprisonment at hard labor for a term not exceeding five years, or both.

Veterans of designated wars.

Public laws granting certain allowances, etc., repealed.
U.S.C., p. 1191.
Post, p. 526.

SEC. 17. All public laws granting medical or hospital treatment, domiciliary care, compensation and other allowances, pension, disability allowance, or retirement pay to veterans and the dependents of veterans of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, and the World War, or to former members of the military or naval service for injury or disease incurred or aggravated in the line of duty in the military or naval service (except so far as they relate to persons who served prior to the Spanish-American War and to the dependents of such persons, and the retirement of officers and enlisted men of the Regular Army, Navy, Marine Corps, or Coast Guard) are hereby repealed, and all laws granting or pertaining to yearly renewable term insurance are hereby repealed, but payments in accordance with such laws shall continue to the last day of the third calendar month following the month during which this Act is enacted. The Administrator of Veterans' Affairs under the general direction of the President shall immediately cause to be reviewed all allowed claims under the above referred to laws and where a person is found entitled under this Act, authorize payment or allowance of benefits in accordance with the provisions of this Act commencing with the first day of the fourth calendar month following the month during which this Act is enacted and notwithstanding the provisions of section 9 of this Act, no further claim in such cases shall be required: *Provided*, That nothing contained in this section shall interfere with payments heretofore made or hereafter to be made under contracts of yearly renewable term insurance which have matured prior to the date of enactment of this Act and under which payments have been commenced, or on any judgment heretofore rendered in a court of competent jurisdiction in any suit on a contract of yearly renewable term insurance, or which may hereafter be rendered in any such suit now pending: *Provided further*, That, subject to such regulations as the President may prescribe, allowances may be granted for burial and funeral expenses and transportation of the bodies (including preparation of the bodies) of deceased veterans of any war to the places of burial thereof in a sum not to exceed $107 in any one case.

Term insurance.
U.S.C., p. 1225.

Review of allowed claims.

Ante, p. 10.

Provisos.
Matured insurance.

Funeral, etc., expenses.
Post, p. 310.

Disabled veterans, pensions, etc.

The provisions of this title shall not apply to compensation or pension (except as to rates, time of entry into active service and special statutory allowances), being paid to veterans disabled, or dependents of veterans who died, as the result of disease or injury directly connected with active military or naval service (without benefit of statutory or regulatory presumption of service connection)

Emergency officers' retired pay not included.

pursuant to the provisions of the laws in effect on the date of enactment of this Act. The term "compensation or pension" as used in this paragraph shall not be construed to include emergency officers' retired pay referred to in section 10 of this title.

Ante, p. 10.

Payments for fiscal year 1934 reduced.

Post, p. 521.

SEC. 18. For the fiscal year ending June 30, 1934, any pension, and/or any other monetary gratuity, payable to former members of the military or naval service in wars prior to the Spanish-American War, and their dependents, for service, age, disease, or injury, except retired pay of officers and enlisted men of the Regular Army, Navy, Marine Corps, or Coast Guard, shall be reduced by 10 per centum of the amount payable.

Effect of Executive orders.

SEC. 19. The regulations issued by the President under this title which are in effect at the expiration of two years after the date of enactment of this Act shall continue in effect without further change or modification until the Congress by law shall otherwise provide.

Transmittal to Congress.

SEC. 20. The President shall transmit to the Congress, as soon as practicable after the date of their issue, copies of all regulations issued pursuant to this title.

TITLE II

Officers and employees.

OFFICERS AND EMPLOYEES

Post, p. 521.

SEC. 1. When used in this title—

Terms construed. Persons included.

(a) The terms "officer" and "employee" mean any person rendering services in or under any branch or service of the United States Government or the government of the District of Columbia, but do not include (1) officers whose compensation may not, under the Constitution, be diminished during their continuance in office; (2) the Vice President, the Speaker of the House of Representatives, Senators, Representatives in Congress, Delegates, and Resident Commissioners; (3) officers and employees on the rolls of the Senate and House of Representatives; (4) any person in respect of any office, position, or employment the amount of compensation of which is expressly fixed by international agreement; and (5) any person in respect of any office, position, or employment the compensation of which is paid under the terms of any contract in effect on the date of the enactment of this title, if such compensation may not lawfully be reduced.

Exempted.

"Compensation" defined.

(b) The term "compensation" means any salary, pay, wage, allowance (except allowances for travel), or other emolument paid for services rendered in any civilian or noncivilian office, position, or employment; and includes the retired pay of judges (except judges whose compensation, prior to retirement or resignation, could not, under the Constitution, have been diminished), and the retired pay of all commissioned and other personnel of the Coast and Geodetic Survey, the Lighthouse Service, and the Public Health Service, and the retired pay of all commissioned and other personnel of the Army, Navy, Marine Corps, and Coast Guard; but does not include payments out of any retirement, disability, or relief fund made up wholly or in part of contributions of employees.

Payments excluded.

Determination of salaries, part of fiscal year 1933 and all of 1934.

Post, p. 521.

SEC. 2. For that portion of the fiscal year 1933 beginning with the first day of the calendar month following the month during which this Act is enacted, and for the fiscal year ending June 30, 1934, the compensation of every officer or employee shall be determined as follows:—

Basis for computing.

(a) The compensation which such officer or employee would receive under the provisions of any existing law, schedule, regulation, Executive order, or departmental order shall first be determined as though this title (except section 4) had not been enacted.

(b) The compensation as determined under subparagraph (a) of this section shall be reduced by the percentage, if any, determined in accordance with section 3 of this title. Percentage reduction.

SEC. 3. (a) The President is authorized to investigate through established agencies of the Government the facts relating to the cost of living in the United States during the six months period ending June 30, 1928, to be known as the base period, and upon the basis of such facts and the application thereto of such principles as he may find proper, determine an index figure of the cost of living during such period. The President is further authorized to make a similar investigation and determination of an index figure of the cost of living during the six months period ending December 31, 1932, and each six months period thereafter. Index figure of cost of living. Determination of, for base periods. Other periods.

(b) The President shall announce by Executive order the index figure for the base period and for each subsequent period determined by him under paragraph (a) of this section. The percentage, if any, by which the cost of living index for any six months' period, as provided in paragraph (a) of this section, is lower than such index for the base period, shall be the percentage of reduction applicable under section 2 (b) of this title in determining compensation to be paid during the following six months' period, or such portion thereof during which this title is in effect: *Provided*, That such percentage of reduction (including reductions made under any existing law, regulation, or Executive order, in the case of subsistence and rental allowances for the services mentioned in the Pay Act of June 10, 1922) shall not exceed 15 per centum. Announcement by Executive order. Pay readjustments. Executive Orders, Nos. 6085, March 28, 1933; 6188, July 3, 1933; 6553, January 9, 1934; 6791, July 6, 1934. *Post*, p. 522. *Provisos.* Maximum pay reduction. Vol. 42, p. 628.

SEC. 4. (a) Section 4 of An Act Making Appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes, approved March 3, 1933, is hereby amended to read as follows: Vol. 47, p. 1513, amended.

"SEC. 4. (a) The provisions of the following sections of Part II of the Legislative Appropriation Act, fiscal year 1933, are hereby continued in full force and effect during the fiscal year ending June 30, 1934, namely sections 105 (except subsections (d) and (e) thereof), 107 (except paragraph (5) of subsection (a) thereof and subsection (b) thereof), 201, 203, 206 (except subsection (a) thereof), 214, 216, 304, 315, 317, 318, and 323, and for the purpose of continuing such sections, in the application of such sections with respect to the fiscal year ending June 30, 1934, the figures '1933' shall be read as '1934'; the figures '1934' as '1935'; and the figures '1935' as '1936'; and, in the case of section 203, the figures '1932' shall be read as '1933'; except that in the application of such sections with respect to the fiscal year ending June 30, 1934 (but not with respect to the fiscal year ending June 30, 1933), the following amendments shall apply: Designated provisions of Economy Act continued effective. Vol. 47, p. 401. *Post*, p. 522. Stationery for Members of Congress. *Post*, p. 318. Modifications.

"(1) Section 216 is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: '*Provided further*, That no employee under the classified civil service shall be furloughed under the provisions of this section for a total of more than 90 days during the fiscal year 1934, except after full and complete compliance with all the provisions of the civil-service laws and regulations relating to reductions in personnel.' Furloughs. Maximum period, fiscal year 1934. Vol. 47, p. 1514, amended.

"(2) Section 317 is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: '*Provided further*, That no part of any appropriation for "public works", nor any part of any allotment or portion available for "public works" under any appropriation, shall be transferred pursuant to the authority of this section to any appropriation for expenditure for personnel unless such personnel is required upon or in connection Transfer of appropriations. Limitation "public works" personnel. Vol. 47, p. 1514, amended.

"Public works" construed.

with "public works." "Public works" as used in this section shall comprise all projects falling in the general classes enumerated in Budget Statement No. 9, pages A177 to A182, inclusive, of the Budget for the fiscal year 1934, and shall also include the procurement of new airplanes and the construction of vessels under appropriations for "Increase of the Navy." The interpretation by the Director of the Bureau of the Budget, or by the President in the cases of the War Department and the Navy Department, of "public works" as defined and designated herein shall be conclusive.'

Official interpretation conclusive.

Inconsistent acts, etc., suspended.

"(b) All Acts or parts of Acts inconsistent or in conflict with the provisions of such sections as amended, are hereby suspended during the period in which such sections, as amended, are in effect.

Suits respecting pay, etc., restricted.

Vol. 47, pp. 401, 402.

"(c) No court of the United States shall have jurisdiction of any suit against the United States or (unless brought by the United States) against any officer, agency, or instrumentality of the United States arising out of the application as provided in this section, of such sections 105 or 107, as amended, unless such suit involves the Constitution of the United States.

Unexpended sums impounded.

"(d) The appropriations or portions of appropriations unexpended by reason of the operation of the amendments made in subsection (a) of this section shall not be used for any purpose, but shall be impounded and returned to the Treasury.

Reduction in permanent, etc., appropriations.

Post, p. 15.

"(e) Each permanent specific annual appropriation available during the fiscal year ending June 30, 1934, is hereby reduced for that fiscal year by such estimated amount as the Director of the Bureau of the Budget may determine will be equivalent to the savings that will be effected in such appropriation by reason of the application of this section and section 7."

Vol. 47, p. 1515, repealed.

(b) Sections 5 and 6 of the Treasury and Post Office Appropriation Act, fiscal year 1934, are hereby repealed.

Annual leave limitation.

Vol. 47, p. 407, amended.

(c) Section 215 of the Legislative Appropriation Act, fiscal year 1933 (relating to the limitation on annual leave), is amended by striking out "*Provided further*, That nothing herein shall apply to civilian officers and employees of the Panama Canal located on the Isthmus and who are American citizens, or to officers and employees of the Foreign Services of the United States holding official station outside the continental United States" and inserting in lieu thereof "*Provided further*, That nothing herein shall apply to officers and employees of the Panama Canal and Panama Railroad Company on the Isthmus of Panama, or to officers and employees of the United States (including enlisted personnel) holding official station outside the continental United States or in Alaska."

Civilian employees in Canal Zone; officers holding official station outside United States, Alaska.

Furloughs, overtime pay, etc. Sections repealed.

Vol. 47, pp. 399–403, 406.

(d) The following sections of Part II of the Legislative Appropriation Act, fiscal year 1933, are hereby repealed effective on the first day of the calendar month following the month in which this Act is enacted; namely, sections 101, 102, 103, 104, subsections (d) and (e) of section 105, 106, 107 (except paragraphs (1), (2), (3), and (4) of subsection (a) thereof), 108, 112, and 211.

Vice President and Speaker of the House of Representatives.

Senators, Representatives, etc.

Salaries reduced.

Vol. 47, p. 401, amended.

(e) Subsection (a) of section 105 of the Legislative Appropriation Act, fiscal year 1933, is amended to read as follows, beginning with the first day of the calendar month following the month during which this Act is enacted:

"(a) The salaries of the Vice President and the Speaker of the House of Representatives are reduced by 15 per centum; and the salaries of Senators, Representatives in Congress, Delegates, and Resident Commissioners are reduced by 15 per centum."

(f) Subsection (b) of section 105 of the Legislative Appropriation Act, fiscal year 1933, is amended to read as follows, beginning with the first day of the calendar month following the month during which this Act is enacted:

Congressional clerk hire.
Vol. 47, p. 401.

"(b) The allowance for clerk hire of Representatives in Congress, Delegates, and Resident Commissioners is reduced by the percentage applicable by law to other employees on the roll of the House of Representatives, such reduced allowance to be apportioned by the Representative, Delegate, or Resident Commissioner among his clerks as he may determine, subject to the limitations of existing law, but the compensation of such clerks shall not be subject to reduction under subsection (c) of this section."

Allowance for, reduced.

(g) Subsection (c) of section 105 of the Legislative Appropriation Act, fiscal year 1933, is amended to read as follows, beginning with the first day of the calendar month following the month during which this Act is enacted:

Other congressional officers and employees.

"(c) The rate of compensation of any person on the rolls of the Senate or of the House of Representatives (other than persons included within subsection (a)), is reduced by the percentage applicable by law to employees of the Government generally."

Rate of pay reduced.

SEC. 5. The provisions of this title providing for temporary reductions in compensation and suspension in automatic increases in compensation shall not operate to reduce the rate of compensation upon which the retired pay or retirement benefits of any officer or employee would be based but for the application of such provisions, but the amount of retired pay shall be reduced as provided in this title: *Provided*, That retirement deductions authorized by law to be made from the salary, pay, or compensation of officers or employees and transferred or deposited to the credit of a retirement fund, shall be based on the regular rate of salary, pay, or compensation instead of on the rate as temporarily reduced under the provisions of this title.

Retired pay.

Proviso.
Deductions based on regular salary rate.

SEC. 6. In the case of a corporation the majority of the stock of which is owned by the United States, the holders of the stock on behalf of the United States, or such persons as represent the interest of the United States in such corporation, shall take such action as may be necessary to apply the provisions of this title to offices, positions, and employments under such corporation and to officers and employees thereof, with proper allowance for any reduction in compensation since December 31, 1931.

Government corporations.
Pay provisions.

SEC. 7. In any case in which the application of the provisions of this title to any person would result in a diminution of compensation prohibited by the Constitution, the Secretary of the Treasury is authorized to accept from such person, and cover into the Treasury as miscellaneous receipts, remittance of such part of the compensation of such person as would not be paid to him if such diminution of compensation were not prohibited.

Remittances from Constitutional officers.
Acceptance; sums covered in.

SEC. 8. The appropriations or portions of appropriations unexpended by reason of the operation of this Act shall not be used for any purpose, but shall be impounded and returned to the Treasury.

Unexpended sums impounded.
Post, p. 523.

SEC. 9. No court of the United States shall have jurisdiction of any suit against the United States or (unless brought by the United States) against any officer, agency, or instrumentality of the United States arising out of the application of any provision of this title, unless such suit involves the Constitution of the United States.

Suits arising hereunder.
Court jurisdiction limited.
Constitution excepted.
Post, p. 522.

TITLE III

AMENDMENTS TO LEGISLATIVE APPROPRIATION ACT, FISCAL YEAR, 1933

Legislative Act, fiscal year 1933. Vol. 47, pp. 414, 1519, amended.

SECTION 1. Sections 407 and 409 of Title IV of Part II of the Legislative Appropriation Act, fiscal year 1933, as amended by section 17 of the Treasury and Post Office Appropriation Act, approved March 3, 1933, are amended to read as follows:

Executive orders to be transmitted to Congress.

Effective date.

"SEC. 407. Whenever the President makes an Executive order under the provisions of this title, such Executive order shall be submitted to the Congress while in session and shall not become effective until after the expiration of sixty calendar days after such transmission, unless Congress shall by law provide for an earlier effective date of such Executive order or orders.

Department reorganization, etc.

Orders to be transmitted within two years. Vol. 47, p. 413.

"SEC. 409. No Executive order issued by the President in pursuance of the provisions of section 403 of this title shall become effective unless transmitted to the Congress within two years from the date of the enactment of this Act."

Approved, March 20, 1933.

[CHAPTER 4.]

AN ACT

March 22, 1933. [H.R. 3341.] [Public, No. 3.]

To provide revenue by the taxation of certain nonintoxicating liquor, and for other purposes.

Revenue tax provisions on certain nonintoxicating liquors. *Post*, pp. 315, 467.

Alcoholic content.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there shall be levied and collected on all beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor, and fruit juice, containing one-half of 1 per centum or more of alcohol by volume, and not more than 3.2 per centum of alcohol by weight, brewed or manufactured and, on or after the effective date of this Act, sold, or removed for consumption or sale, within the United States, by whatever name such liquors or fruit juices may be called, a tax of $5 for every barrel containing not more than thirty-one gallons, and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law, to be collected under the provisions of existing law. The tax imposed by this section upon any beverage shall, if any tax is now imposed thereon by law, be in lieu of such tax from the time the tax imposed by this section takes effect. Nothing in this section shall in any manner affect the internal-revenue tax on beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice, containing more than 3.2 per centum of alcohol by weight, or less than one-half of 1 per centum of alcohol by volume. As used in this section the term "United States" includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

Vol. 41, p. 308, amended. U.S.C., p. 853.

Tax rate.

To be in lieu of present tax.

Higher or lower alcoholic strength.

Terms defined.

R.S. sec. 3244, p. 622. U.S.C., p. 740.

(b) Paragraph "First" of section 3244 of the Revised Statutes (U. S. C., title 26, sec. 202) is amended to read as follows:

Brewer's tax on each brewery. *Post*, p. 315.

Brewer defined.

"First. Brewers shall pay $1,000 in respect of each brewery. Every person who manufactures fermented liquors of any name or description for sale, from malt, wholly or in part, or from any substitute therefor, containing one-half of 1 per centum or more of alcohol by volume, shall be deemed a brewer."

Laws not repealed. Vol. 40, p. 1105; Vol. 45, p. 868.

(c) Nothing in this Act shall be construed as repealing any special tax or administrative provision of the internal revenue laws applicable in respect of any of the following containing one-half of 1 per centum or more of alcohol by volume and not more than 3.2

per centum of alcohol by weight: Beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice.

National Prohibition Act.
Certain provisions repealed.
Vol. 41, p. 318.
U.S.C., p. 860.
Acts not affected by.
Post, p. 430.

SEC. 2. The second, third, and fourth paragraphs of section 37 of Title II of the National Prohibition Act, as amended and supplemented (U. S. C., title 27, secs. 58, 59, and 60), are hereby repealed.

SEC. 3. (a) Nothing in the National Prohibition Act, as amended and supplemented, shall apply to any of the following, or to any act or failure to act in respect of any of the following, containing not more than 3.2 per centum of alcohol by weight: Beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice; but the National Prohibition Act, as amended and supplemented, shall apply to any of the foregoing, or to any act or failure to act in respect of any of the foregoing, contained in bottles, casks, barrels, kegs, or other containers, not labeled and sealed as may be prescribed by regulations.

Application to containers, not labeled, etc.

(b) The following Acts and parts of Acts shall be subject to a like limitation as to their application:

Limitation of application further extended.

(1) The Act entitled "An Act to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii during the period of the war, except as hereinafter provided," approved May 23, 1918 (U. S. C., title 48, sec. 520);

Hawaii.
Vol. 40, p. 560.
U.S.C., p. 1601.
Post, p. 467.

(2) Section 2 of the Act entitled "An Act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917;

Puerto Rico.
Vol. 39, p. 951.
U.S.C., p. 1616.

(3) The Act entitled "An Act to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes," approved February 14, 1917 (U. S. C., title 48, secs. 261 to 291, both inclusive).

Alaska.
Vol. 39, p. 903.
U.S.C., p. 1580.
Post, p. 583.

(c) Nothing in section 5 of the Act entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, as amended and supplemented (U. S. C., title 18, sec. 341; Supp. VI, title 18, sec. 341), shall prohibit the deposit in or carriage by the mails of the United States, or the delivery by any postmaster or letter carrier, of any mail matter containing any advertisement of, or any solicitation of an order or orders for, any of the following containing not more than 3.2 per centum of alcohol by weight: Beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice.

Advertisement, etc., by mail.
Vol. 39, p. 1069; Vol. 41, p. 313.
U.S.C., p. 488; Supp. VI, p. 242.
Post, p. 316.

SEC. 4. (a) The manufacturer for sale of beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice, containing one-half of 1 per centum of alcohol by volume and not more than 3.2 per centum of alcohol by weight, shall, before engaging in business, secure a permit authorizing him to engage in such manufacture, which permit shall be obtained in the same manner as a permit under the National Prohibition Act, as amended and supplemented, to manufacture intoxicating liquor, and be subject to all the provisions of law relating to such a permit. Such permit may be issued to a manufacturer for sale of any such fermented malt or vinous liquor or fruit juice, containing less than one-half of 1 per centum of alcohol by volume, if he desires to take advantage of the provisions of paragraph (2) of subsection (b) of this section. No permit shall be issued under this section for the manufacture of fermented malt or vinous liquor or fruit juice in any State, Territory, or the District of Columbia, or political subdivision of any State or Territory, if such manufacture is prohibited by the law thereof.

Permits to manufacture, etc.

If containing less than one half of 1 per cent.

Issue forbidden if local laws prohibit.

(b) (1) Such permit shall specify a maximum alcoholic content permissible for such fermented malt or vinous liquor or fruit juice at the time of withdrawal from the factory or other disposition,

Specifications of permit.

which shall not be greater than 3.2 per centum of alcohol by weight, nor greater than the maximum alcoholic content permissible under the law of the State, Territory, or the District of Columbia, or the political subdivision of a State or Territory, in which such liquor or fruit juice is manufactured.

Reduction of excess alcoholic content.

(2) In such permit may be included permission to develop in the manufacture of such fermented malt or vinous liquor or fruit juice by the usual methods of fermentation and fortification or otherwise a liquid such as beer, ale, porter, wine, or fruit juice, of an alcoholic content in excess of the maximum specified in the permit; but before any such liquid is withdrawn from the factory or otherwise disposed of the alcoholic content shall, if in excess of the maximum specified in the permit, be reduced, under such regulations as may be prescribed, to or below such maximum; but such liquid may be removed and transported, under bond and under such regulations as may be prescribed, from one bonded plant or warehouse to another for the purpose of having the percentage of alcohol reduced to the maximum specified in the permit by dilution or extraction. Such liquids may be developed, under permit under the National Prohibition Act, as amended and supplemented, by persons other than manufacturers of beverages containing not more than 3.2 per centum of alcohol by weight, and sold to such manufacturers for conversion into such beverages. The alcohol removed from such liquid, if evaporated, and not condensed and saved, shall not be subject to tax; if saved, it shall be subject to the same law as other alcoholic liquors. Credit shall be allowed on the tax due on any alcohol so saved to the amount of any tax paid upon distilled spirits or brandy used in the fortification of the liquor from which the same is saved.

Removal for reduction, under bond.

Tax.

Credit allowed.

Fortified wines.

(3) When fortified wines are made and used for the production of nonbeverage alcohol, and dealcoholized wines containing not more than 3.2 per centum of alcohol by weight, no tax shall be assessed or paid on the spirits used in such fortification, and such dealcoholized wines produced under the provisions of this section, whether carbonated or not, shall be subject to the tax imposed by section 1.

Burden of proof.

(4) In any case where the manufacturer is charged with manufacturing or selling for beverage purposes any beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice, containing more than 3.2 per centum of alcohol by weight, the burden of proof shall be on such manufacturer to show that the liquid so manufactured or sold contained no more than 3.2 per centum of alcohol by weight. In any case where a manufacturer, who has been permitted to develop a liquid such as beer, ale, porter, wine, or fruit juice, containing more than the maximum alcoholic content specified in the permit, is charged with failure to reduce the alcoholic content to or below such maximum before such liquid was withdrawn from the factory or otherwise disposed of, then the burden of proof shall be on such manufacturer to show that the alcoholic content of such liquid so manufactured, sold, withdrawn, or otherwise disposed of did not exceed the maximum specified in the permit. In any suit or proceeding involving the alcoholic content of any beverage, the reasonable expense of analysis of such beverage shall be taxed as costs in the case.

Expense of analysis.

Penalty provisions.

(c) Whoever engages in the manufacture for sale of beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice, without such permit if such permit is required, or violates any permit issued to him, shall be subject to the penalties and proceedings provided by law in the case of similar violations of the National Prohibition Act, as amended and supplemented.

(d) This section shall have the same geographical application as the National Prohibition Act, as amended and supplemented. Geographical application.

SEC. 5. Except to the extent provided in section 4 (b) (2), nothing in section 1 or 4 of this Act shall be construed as in any manner authorizing or making lawful the manufacture of any beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice, which at the time of sale or removal for consumption or sale contains more than 3.2 per centum of alcohol by weight. Excessive alcoholic content prohibited.

SEC. 6. In order that beer, ale, porter, wine, similar fermented malt or vinous liquor, and fruit juice, containing 3.2 per centum or less of alcohol by weight, may be divested of their interstate character in certain cases, the shipment or transportation thereof in any manner or by any means whatsoever, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country, into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which fermented malt or vinous liquor or fruit juice, is intended, by any person interested therein, to be received, possessed, sold, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, is hereby prohibited. Nothing in this section shall be construed as making lawful the shipment or transportation of any liquor or fruit juice the shipment or transportation of which is prohibited by the Act of March 1, 1913, entitled "An Act divesting intoxicating liquors of their interstate character in certain cases" (U. S. C., Supp. VI, title 27, sec. 122). Interstate shipment. Transportation into State contrary to its laws. Vol. 37, p. 699. U.S.C. Supp. VI, p. 598.

SEC. 7. Whoever orders, purchases, or causes beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice, containing 3.2 per centum or less of alcohol by weight, to be transported in interstate commerce, except for scientific, sacramental, medicinal, or mechanical purposes, into any State, Territory, or the District of Columbia, the laws of which State, Territory, or District prohibit the manufacture or sale therein of such fermented malt or vinous liquor or fruit juice for beverage purposes, shall be fined not more than $1,000 or imprisoned not more than six months, or both; and for any subsequent offense shall be imprisoned for not more than one year. If any person is convicted under this section any permit issued to him shall be revoked. Nothing in this section shall be construed as making lawful the shipment or transportation of any liquor or fruit juice the shipment or transportation of which is prohibited by section 5 of the Act entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, as amended and supplemented (U. S. C., Supp. VI, title 27, sec. 123). Penalty for violation. Revocation of permit. Advertisements, etc. Vol. 39, p. 1069. U.S.C. Supp. VI, p. 598.

SEC. 8. Any offense committed, or any right accrued, or any penalty or obligation incurred, or any seizure or forfeiture made, prior to the effective date of this Act, under the provisions of the National Prohibition Act, as amended and supplemented, or under any permit or regulation issued thereunder, may be prosecuted or enforced in the same manner and with the same effect as if this Act had not been enacted. Preexisting offenses, rights, etc.

SEC. 9. This Act shall take effect on the expiration of fifteen days after the date of its enactment, except that permits referred to under section 4 may be issued at any time after the date of enactment, and except that liquor taxable under section 1 may be removed prior to the effective date of this Act for bottling and storage on Effective date.

the permit premises until such date and when so removed shall be subject to tax at the rate provided by section 1.

Separability clause.

SEC. 10. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Approved, March 22, 1933.

[CHAPTER 5.]

JOINT RESOLUTION

March 23, 1933.
[S.J.Res. 14.]
[Pub. Res., No. 2.]

To authorize the Reconstruction Finance Corporation to make loans for financing the repair or reconstruction of buildings damaged by earthquake in 1933.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 (a) of the Emergency Relief and Construction Act of 1932 (U. S. C., Supp. VI, title 15, sec. 605b) is amended by adding to such subsection (a) after paragraph (5) the following:

Reconstruction Finance Corporation.
Vol. 47, p. 712, amended.
U.S.C. Supp. VI, p. 175.

"(6) To make loans to nonprofit corporations, with or without capital stock, organized for the purpose of financing the repair or reconstruction of buildings damaged by earthquake in the year 1933 and deemed by the Reconstruction Finance Corporation economically useful. Obligations accepted hereunder shall be collateraled (a) in the case of loans for the repair or reconstruction of private property, by the obligations of the owner of such property secured by a paramount lien except as to taxes and special assessments on the property repaired or reconstructed, and (b) in the case of municipalities or political subdivisions of States or their public agencies, by an obligation of such municipality, political subdivision, or public agency. The corporation shall not deny an otherwise acceptable application for loans for repair or reconstruction of the buildings of municipalities, political subdivisions, or their public agencies because of constitutional or other legal inhibitions affecting the collateral. The collateral obligations may have maturities not exceeding ten years. Loans under this paragraph shall be fully and adequately secured. No loan hereunder shall be made after December 31, 1933. The aggregate of the loans made under this paragraph shall not exceed $5,000,000."

Loans, authorized for repair of earthquake damage in 1933.
Post, pp. 99, 120, 283.

Acceptable collateral.
Private property.

Municipalities, etc.

Application for, not denied by constitutional, etc., inhibitions.

Maturities, security.

Limitations.

Approved, March 23, 1933.

[CHAPTER 8.]

AN ACT

March 24, 1933.
[H.R. 3757.]
[Public, No. 4.]

To provide for direct loans by Federal reserve banks to State banks and trust companies in certain cases, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Title IV of the Act entitled "An Act to provide relief in the existing national emergency in banking, and for other purposes," approved March 9, 1933, is amended by adding at the end thereof the following new section:

National banking system.
Ante, p. 7.

"SEC. 404. During the existing emergency in banking, or until this section shall be declared no longer operative by proclamation of the President, but in no event beyond the period of one year from the date this section takes effect, any State bank or trust company not a member of the Federal reserve system may apply to the Federal reserve bank in the district in which it is located and

Direct loans to State banks and trust companies authorized.

said Federal reserve bank, in its discretion and after inspection and approval of the collateral and a thorough examination of the applying bank or trust company, may make direct loans to such State bank or trust company under the terms provided in section 10 (b) of the Federal Reserve Act, as amended by section 402 of this Act: *Provided*, That loans may be made to any applying nonmember State bank or trust company upon eligible security. All applications for such loans shall be accompanied by the written approval of the State banking department or commission of the State from which the State bank or trust company has received its charter and a statement from the said State banking department or commission that in its judgment said State bank or trust company is in a sound condition. The notes representing such loans shall be eligible as security for circulating notes issued under the provisions of the sixth paragraph of section 18 of the Federal Reserve Act, as amended by section 401 of this Act, to the same extent as notes, drafts, bills of exchange, or bankers' acceptances acquired under the provisions of the Federal Reserve Act. During the time that such bank or trust company is indebted in any way to a Federal Reserve bank it shall be required to comply in all respects to the provisions of the Federal Reserve Act applicable to member State banks and the regulations of the Federal Reserve Board issued thereunder: *Provided*, That in lieu of subscribing to stock in the Federal reserve bank it shall maintain the reserve balance required by section 19 of the Federal Reserve Act during the existence of such indebtedness. As used in this section and in section 304, the term 'State bank or trust company' shall include a bank or trust company organized under the laws of any State, Territory, or possession of the United States, or the Canal Zone."

Terms.
Vol. 47, p. 56.
Ante, p. 7.

Provisos.
Security.

Approval of applications by State.

Notes to have circulating privilege.

Vol. 38, p. 269.
Ante, p. 6.

Applicability of Federal Reserve Act, etc.

Maintenance of requisite reserve in lieu of stock subscription.
Vol. 38, p. 270.
Ante, p. 6.

SEC. 2. (a) Section 304 of such Act of March 9, 1933, is amended by adding after the first sentence thereof the following new sentences: "Nothing in this section shall be construed to authorize the Reconstruction Finance Corporation to subscribe for preferred stock in any State bank or trust company if under the laws of the State in which said State bank or trust company is located the holders of such preferred stock are not exempt from double liability. In any case in which under the laws of the State in which it is located a State bank or trust company is not permitted to issue preferred stock exempt from double liability, or if such laws permit such issue of preferred stock only by unanimous consent of stockholders, the Reconstruction Finance Corporation is authorized, for the purposes of this section, to purchase the legally issued capital notes or debentures of such State bank or trust company."

Reconstruction Finance Corporation.
May not hold preferred stock unless exempt from double liability.
Ante, p. 6.

Capital notes, etc., in lieu of preferred stock.

(b) The second sentence of said section 304 is amended to read as follows: "The Reconstruction Finance Corporation may, with the approval of the Secretary of the Treasury, and under such rules and regulations as he may prescribe, sell in the open market the whole or any part of the preferred stock, capital notes, or debentures of any national banking association, State bank or trust company acquired by the corporation pursuant to this section."

Sale of, permitted.
Ante, p. 6.

Such section 304 is further amended by adding at the end thereof the following new sentence: (c) "As used in this section, the term 'State bank or trust company' shall include other banking corporations engaged in the business of industrial banking and under the supervision of State banking departments or of the Comptroller of the Currency."

"State bank or trust company" defined.
Ante, p. 6.

Approved, March 24, 1933.

[CHAPTER 16.]

JOINT RESOLUTION

March 30, 1933.
[H.J.Res. 121.]
[Pub. Res., No. 3.]

To provide for the acceptance of sums donated for the construction of a swimming exercise tank for the use of the President.

White House swimming tank.
Acceptance of donations for constructing, authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director of Public Buildings and Public Parks of the National Capital is authorized, on behalf of the United States, to accept the fund raised by donations or contributions to cover the cost of constructing, in the West Terrace of the White House, a swimming exercise tank for the use of the President.

Disbursement.

SEC. 2. The amount so received shall be disbursed by the Director for the construction and equipment of such swimming exercise tank and shall be expended in the same manner as appropriations for the maintenance and care of the White House. The amount of the fund in excess of the amount required for the construction and equipment of the swimming exercise tank shall be returned to the donors.

Unexpended balance to be returned to donors.

Technical, etc., services.

SEC. 3. For the purposes of this resolution, the Director is authorized to request the cooperation and assistance of the architectural, engineering, construction, or other forces of any department or agency of the Government.

Approved, March 30, 1933.

[CHAPTER 17.]

AN ACT

March 31, 1933.
[S. 598.]
[Public, No. 5.]

For the relief of unemployment through the performance of useful public work, and for other purposes.

Relief of unemployment through performance of useful public works.
Post, p. 275.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of relieving the acute condition of widespread distress and unemployment now existing in the United States, and in order to provide for the restoration of the country's depleted natural resources and the advancement of an orderly program of useful public works, the President is authorized, under such rules and regulations as he may prescribe and by utilizing such existing departments or agencies as he may designate, to provide for employing citizens of the United States who are unemployed, in the construction, maintenance and carrying on of works of a public nature in connection with the forestation of lands belonging to the United States or to the several States which are suitable for timber production, the prevention of forest fires, floods and soil erosion, plant pest and disease control, the construction, maintenance or repair of paths, trails and fire-lanes in the national parks and national forests, and such other work on the public domain, national and State, and Government reservations incidental to or necessary in connection with any projects of the character enumerated, as the President may determine to be desirable: *Provided*, That the President may in his discretion extend the provisions of this Act to lands owned by counties and municipalities and lands in private ownership, but only for the purpose of doing thereon such kinds of cooperative work as are now provided for by Acts of Congress in preventing and controlling forest fires and the attacks of forest tree pests and diseases and such work as is necessary in the public interest to control floods. The President is further authorized, by regulation, to provide for housing the persons so employed and for furnishing them with such subsistence, clothing, medical attendance and hospitalization, and

Selection of a conservation corps among unemployed.
Executive Order No. 6101, Apr. 5, 1933.

To perform works of public nature.

Post, p. 955.

Proviso.
Discretionary cooperation with municipalities, etc.

Housing, subsistence, etc.

cash allowance, as may be necessary, during the period they are so employed, and, in his discretion, to provide for the transportation of such persons to and from the places of employment. That in employing citizens for the purposes of this Act no discrimination shall be made on account of race, color, or creed; and no person under conviction for crime and serving sentence therefor shall be employed under the provisions of this Act. The President is further authorized to allocate funds available for the purposes of this Act, for forest research, including forest products investigations, by the Forest Products Laboratory.

Cash allowance.
Executive Order No. 6109, Apr. 12, 1933.
Racial, etc., discrimination forbidden.
Penal servitude.
Forest research, etc.
Allocation of funds.

SEC. 2. For the purpose of carrying out the provisions of this Act the President is authorized to enter into such contracts or agreements with States as may be necessary, including provisions for utilization of existing State administrative agencies, and the President, or the head of any department or agency authorized by him to construct any project or to carry on any such public works, shall be authorized to acquire real property by purchase, donation, condemnation, or otherwise, but the provisions of section 355 of the Revised Statutes shall not apply to any property so acquired.

Contracts with State agencies.
Acquiring real property.
R.S. sec. 355, p. 60, waived.
U.S.C., pp. 1302, 1700.

SEC. 3. Insofar as applicable, the benefits of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, shall extend to persons given employment under the provisions of this Act.

Workmen's Compensation Act extended.
Vol. 39, p. 742.
U.S.C., p. 76; Supp. VI, p. 46.

SEC. 4. For the purpose of carrying out the provisions of this Act, there is hereby authorized to be expended, under the direction of the President, out of any unobligated moneys heretofore appropriated for public works (except for projects on which actual construction has been commenced or may be commenced within ninety days, and except maintenance funds for river and harbor improvements already allocated), such sums as may be necessary; and an amount equal to the amount so expended is hereby authorized to be appropriated for the same purposes for which such moneys were originally appropriated.

Sums available.
Appropriation authorized.
Post, pp. 275, 1056.

SEC. 5. That the unexpended and unallotted balance of the sum of $300,000,000 made available under the terms and conditions of the Act approved July 21, 1932, entitled "An Act to relieve destitution", and so forth, may be made available, or any portion thereof, to any State or Territory or States or Territories without regard to the limitation of 15 per centum or other limitations as to per centum.

Emergency Relief Act of 1932.
Balance, made available.
Vol. 47, p. 709.
Economy Act limitation not to apply.
Ante, p. 14.

SEC. 6. The authority of the President under this Act shall continue for the period of two years next after the date of the passage hereof and no longer.

Duration of authority.

Approved, March 31, 1933.

[CHAPTER 18.]

AN ACT

Relating to the prescribing of medicinal liquors.

March 31, 1933.
[S. 562.]
[Public, No. 6.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the third sentence of section 7 of title II of the National Prohibition Act, as amended, is amended to read as follows: "no more liquor shall be prescribed to any person than is necessary to supply his medicinal needs, and no prescription shall be refilled. No person shall by any statement or representation that he knows is false, or could by

National Prohibition Act amendments.
Vol. 41, p. 311, amended.
Physician's prescriptions.
Quantity modified.
False statements to secure, etc.

reasonable diligence ascertain to be false, induce any physician to prescribe liquor for medicinal use (1) when there is no medicinal need for such liquor or (2) in excess of the amount of medicinal liquor needed."

Secrecy concerning ailments. Vol. 41, p. 311. U.S.C., p. 855.

(b) Section 7 of title II of such Act, as amended, is further amended by inserting before the period at the end thereof a semicolon and the following: "but no physician shall be called upon to file any statement of such ailment in the Department of Justice or the Department of the Treasury or in any other office of the Government, or to keep his records in such a way as to lead to the disclosure of any such ailment, except as he may be lawfully required (1) to make such disclosure in any court in the course of a hearing under authority of section 9, title II, of this Act, or (2) to make such disclosure to any duly qualified person engaged in the execution or enforcement of this Act or any Act supplementary hereto."

Exceptions.

Vol. 41, p. 311.

Prescriptions. Vol. 41, p. 311, repealed. U.S.C., p. 856. Stamps to be substituted for official blanks.

SEC. 2. Strike out section 8 of title II of the National Prohibition Act, and insert in lieu thereof the following:

"SEC. 8. The Commissioner shall cause stamps to be printed, the design of which shall be prescribed by regulations in accordance with the provisions of this Act, and he shall furnish the same free of cost to physicians holding permits to prescribe. Each such physician shall affix one of said stamps to each such prescription written by him and shall cancel same under regulations to be prescribed in accordance with the provisions of this Act. No physician shall prescribe and no pharmacist shall fill any prescription for liquor unless such stamp is affixed thereto. Every person who, otherwise than is authorized by this Act, uses or who falsely makes, forges, alters, counterfeits, or re-uses any stamp made or used under any provision of this Act, or with such intent uses, sells, or has in his possesion[1] any such forged, altered, or counterfeited stamp, or any plate or die used or which may be used in the manufacture thereof, or who shall make, use, sell, or have in his possession any paper in imitation of the paper used in the manufacture of any stamp required by this Act, shall, on conviction, be punished by a fine not exceeding $1,000 or by imprisonment at hard labor not exceeding two years. The effective date of this section 2 shall be not earlier than January 1, 1934."

To be affixed, etc., to physician's prescriptions.

Filling, etc., without stamps unlawful.

Unlawful use, re-use, counterfeiting stamps.

Punishment for.

Effective date of section.

Vol. 42, p. 222, repealed. U.S.C., p. 855.

SEC. 3. Strike out the first paragraph of section 2 of the Act entitled "An Act supplemental to the National Prohibition Act", approved November 23, 1921, and insert in lieu thereof the following:

Spirituous and vinous liquor only, to be prescribed.

"SEC. 2. Only spirituous and vinous liquor may be prescribed for medicinal purposes. All prescriptions for any other liquor shall be void. But this provision shall not be construed to limit the sale of any article the manufacture of which is authorized under section 4, title II, of the National Prohibition Act."

Exempted articles. Vol. 41, p. 309.

Vol. 46, p. 429. U.S.C. Supp. VI, p. 597.

SEC. 4. Strike out subdivision (a) of section 5 of the Prohibition Reorganization Act of 1930, and insert in lieu thereof the following:

Regulations as to permits, etc.

"(a) The Attorney General and the Secretary of the Treasury shall jointly prescribe all regulations under this Act and the National Prohibition Act relating to permits and prescriptions for liquor for medicinal purposes, and the quantities of spirituous and vinous liquor that may be prescribed for medicinal purposes, and the form of all applications, bonds, permits, records, and reports under such Acts: *Provided*, That all regulations relating to the Bureau of Prohibition in the Department of Justice shall be made by the Attorney General."

Proviso. Relating to Prohibition Bureau.

Approved, March 31, 1933.

[1] So in original.

[CHAPTER 19.]

AN ACT

To provide revenue for the District of Columbia by the taxation of beverages, and for other purposes.

April 5, 1933.
[H. R. 3342.]
[Public, No. 7.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "beverage" as used in this Act means beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor, and fruit juice, containing one-half of 1 per centum or more of alcohol by volume, and not more than 3.2 per centum of alcohol by weight.

Taxation of beverages in District of Columbia.
Post, p. 336.
Vol. 39, p. 1123, amended.
"Beverage" defined.
Alcoholic content.

SEC. 2. (a) No individual, partnership, association, or corporation shall within the District of Columbia manufacture for sale or sell any beverage without having first obtained a permit under this Act for such manufacture or sale.

Permits to manufacture or sell required.
Post, p. 335.

(b) No individual shall within the District of Columbia offer for sale, or solicit any order for the sale of, within the District of Columbia, any beverage unless—

Offer for sale or soliciting orders, without permit forbidden.

(1) such individual has first obtained a permit of the character described in section 4(a)(5); and

Solicitors' permit.
Post, p. 26.

(2) the vendor is the holder of a permit issued under this Act authorizing such sale.

Vendor.

Nothing in this subsection shall apply to any offer for sale or solicitation made upon the premises designated in the permit of the vendor.

SEC. 3. The Commissioners of the District of Columbia are authorized to issue permits to individuals, partnerships, or corporations, but not to unincorporated associations, on application duly made therefor for the manufacture, sale, offer for sale, or solicitation of orders for sale, of beverages within the District of Columbia, subject, however, to the limitations and restrictions imposed by this Act. The Commissioners shall keep a full record of all applications for permits, of all recommendations for and remonstrances against the granting of permits, and of the action taken thereon.

Persons to whom permits may be issued.

Record to be kept.

SEC. 4. (a) Permits issued under authority of this Act shall be of five kinds:

Kinds of permits.

(1) "On sale" permits, which shall be issued only for bona fide restaurants or hotels, or for bona fide incorporated clubs with annual dues of at least $6. Such permits shall authorize the permittee to sell beverages for consumption on the premises designated in the permit, (A) in the case of restaurants, at public tables, but no beverage shall be sold or served in any room not used primarily for the serving and consumption of food; except that beverages may be sold or served to assemblages of more than six individuals in private rooms or at private tables when expressly authorized by the Commissioners, or (B) in the case of hotels or clubs, at tables or in the rooms of guests or members. No such permit shall be issued for any restaurant which has not been established and doing business for at least two months immediately prior to the application for such permit: *Provided*, That it shall be within the discretion of the Commissioners whether any permit under this Act shall be issued for the sale of any such beverages in any building in the District of Columbia owned or leased by the United States and used for the transaction of public business;

"On sale."
Provisions governing.
Restaurants.
Hotels or clubs.
Establishment for two months necessary.
Proviso.
Sale in public buildings.

(2) "Off sale" permits, which shall authorize the permittee to sell beverages for consumption only off the premises designated in the permit, and not to other permittees for resale, but such sale shall be made only in the immediate container in which the beverage was

"Off sales."
Restrictions, etc.

received by the "off sale" permittee, except that in the case of an "off sale" permit held by the holder of a manufacturer's or wholesaler's permit beverages may be sold only in such barrels, bottles, or other closed containers as the Commissioners may by regulation prescribe; but no "off sale" permit shall be issued or remain in force in respect of any premises for which an "on sale" permit is in force;

When inoperative.

Manufacturers' permits.

(3) Manufacturers' permits, which shall authorize the permittee to manufacture beverages and to sell the same in barrels, bottles, or other closed containers to other permittees for resale only;

Wholesalers' permits.

(4) Wholesalers' permits, which shall authorize the permittee to sell beverages in barrels, bottles, or other closed containers to other permittees for resale only; and

Solicitors' permits.

(5) Solicitors' permits, which shall authorize the permittee within the District of Columbia to offer for sale, or solicit orders for the sale of, within the District of Columbia, any beverage if the vendor of such beverage is the holder of a permit issued under this Act authorizing such sale. Solicitor's permits shall not be issued without the recommendation of the vendor whom the solicitor represents. Nothing in this Act shall be construed as repealing any portion of section 7 of the District of Columbia Appropriation Act for the fiscal year ending June 30, 1903, approved July 1, 1902, as amended.

Vendor's recommendation necessary.

License fees not affected.

Vol. 32, p. 622; Vol. 47, p. 550.

Holders of manufacturer's, etc., permits. Limitation.

(b) The holder of a manufacturer's or wholesaler's permit shall not be entitled to hold an "on sale" permit and may hold only one "off sale" permit, which shall be issued only in respect of the premises designated in his permit as a manufacturer or wholesaler.

Application for and issue of permits.

SEC. 5. (a) Any individual, partnership, or corporation desiring a permit under this Act shall file with the Commissioners an application therefor in such form as the Commissioners may prescribe, and such application shall contain such information as the Commissioners may require, and (except in the case of an application for a solicitor's permit) shall contain a statement setting forth the name and address of the true and actual owner of the premises upon which the business to be permitted is to be conducted. Before a permit is issued the Commissioners shall satisfy themselves (1) that the applicant is financially responsible, and generally fit for the trust to be in him reposed; (2) that the applicant, if an individual, or if a partnership, each of the members of the partnership, or if a corporation, each of its principal officers and directors, is of good moral character; (3) that the applicant, if an individual, or if a partnership, each of the members of the partnership, or if a corporation, each of its principal officers, is a citizen of the United States not less than 21 years of age, and has never been convicted of a felony; (4) except in the case of an application for a solicitor's permit, that the applicant intends to carry on the business authorized by the permit for himself and not as the agent of any individual, partnership, association, or corporation, and that he intends to superintend in person the management of the business permitted, or intends to have some other person to be approved by the Commissioners manage the business for him; (5) that, in the case of an applicant for an "on sale" or an "off sale" permit, no manufacturer or wholesaler of beverages (other than the applicant) has a substantial financial interest, direct or indirect, in the business for which the permit is requested or in the premises in respect of which such permit is to be issued, and that such business will not be conducted with any money, equipment, furniture, fixtures, or property rented from, or loaned or given by, any manufacturer or wholesaler; and (6) except in the case of an application for a solicitor's permit, that the proposed location of the business is an

Conditions.

"On sale", etc., permittee. Relationship of, with manufacturer, etc.

appropriate one, taking into consideration its surroundings and the number of similar permits already issued in the neighborhood where the applicant's business is to be conducted. Not more than five "on sale" permits shall be issued to any one individual, partnership, or corporation, and a separate application shall be filed with respect to each place of business.

Restriction on number of "on sale" permits to any individual, etc.

(b) Any such application shall be verified by the affidavit of the applicant, if an individual, or by all the members of a partnership, or by the proper officer of a corporation. If any false statement is knowingly made in such application or in any accompanying statements under oath which may be required by the Commissioners the person making the same shall be deemed guilty of perjury. The making of a false statement in any such application or in any such accompanying statements, whether made with or without the knowledge or consent of the applicant, shall, in the discretion of the Commissioners, constitute sufficient cause for the revocation of the permit.

Verifying application.

False statements.

Deemed sufficient cause for revocation.

SEC. 6. The fees required for permits issued pursuant to the provisions of this Act shall be as follows: For each "on sale" permit, $100 per annum; for each "off sale" permit, $50 per annum; for each manufacturer's permit, $1,000 per annum; for each wholesaler's permit, $250 per annum; and for each solicitor's permit, $1 per annum. The required permit fee shall accompany the application required by section 5 of this Act. A permit shall be good for one year from the date of its issue, unless sooner revoked for cause by the Commissioners, and may, with the approval of the Commissioners, be renewed upon payment of the required fee. Permits shall not be transferred except with the consent of the Commissioners, and each permit (except a solicitor's permit) shall designate the place of business for which it is issued.

Fees.

Duration of permit.

Restriction on transfer, etc.

SEC. 7. In the event a permittee has designated a person to manage the business for him, and the employment of such manager shall terminate, such permittee shall forthwith notify the Commissioners of such termination, and shall within a reasonable time thereafter designate a new manager, and such new manager shall be subject to the approval of the Commissioners. If no manager acceptable to the Commissioners is designated within a reasonable time after the employment of the former manager has terminated, the permit shall, in the discretion of the Commissioners, be revoked.

Permittee may designate a manager.

SEC. 8. If any manufacturer or wholesaler of beverages shall have any substantial financial interest, either direct or indirect, in the business of any other "on sale" or "off sale" permittee, or in the premises on which said business is conducted, the Commissioners shall, in their discretion, revoke the permit issued in respect to the business in which such manufacturer or wholesaler is so interested. No manufacturer or wholesaler of beverages shall rent, lend, or give to any "on sale" or "off sale" permittee or to the owner of the premises on which the business of any "on sale" or "off sale" permittee is to be conducted any money, equipment, furniture, fixtures, or property with which the business of said permittee is to be conducted.

Manufacturer, etc., having financial interest in "on sale", etc., business.

SEC. 9. Each manufacturer and wholesaler of beverages within the District of Columbia shall, on or before the tenth day of each month, furnish to the assessor of the District of Columbia, on a form to be prescribed by the Commissioners, a statement under oath showing the quantity of beverages sold for resale during the preceding calendar month to each "on sale" and "off sale" permittee within the District of Columbia. Each "on sale" and "off sale" permittee shall, on or before the tenth day of each month, furnish to the

Reports of sales.

assessor of the District of Columbia, on a form to be prescribed by the Commissioners, a statement under oath showing the quantity of all beverages sold by him during the preceding calendar month.

Outside manufacturer. Sales by, without permit.

SEC. 10. No "on sale" or "off sale" permittee shall purchase any beverage from any manufacturer or wholesaler doing business outside of the District of Columbia and not holding a permit issued under the provisions of this Act, and transport or cause the same to be transported into the District of Columbia for resale, unless such manufacturer or wholesaler has obtained from the Commissioners a certificate of approval, which certificate shall not be granted unless and until such manufacturer or wholesaler shall have agreed with the Commissioners to furnish to the assessor of the District of Columbia, on or before the tenth day of each month, a report under oath, on a form to be prescribed by the Commissioners, showing the quantity of beverages sold or delivered to each "on sale" or "off sale" permittee during the preceding calendar month. If any such manufacturer or wholesaler shall, after obtaining such certificate, fail to submit any such report, the Commissioners shall, in their discretion, revoke such certificate.

Sworn statements of.

Revocation of permits.

Tax levied and collected. *Post*, pp. 334, 336.

SEC. 11. There shall be levied and collected by the District of Columbia on all beverages sold by any "on sale" or "off sale" permittee within the District of Columbia a tax of $1 for every barrel of beverages containing not more than thirty-one gallons, and at a like rate for any other quantity, or for the fractional parts thereof. The tax imposed by this section shall be paid by the "on sale" or "off sale" permittee to the collector of taxes of the District of Columbia on or before the 10th day of each month for beverages sold by the permittee during the preceding calendar month.

Date when due.

Former act repealed. Vol. 39, p. 1123. Exceptions. "Alcoholic liquor" construed.

SEC. 12. The Act entitled "An Act to prohibit the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes", approved March 3, 1917, with the exception of sections 11 and 20 thereof, is hereby repealed; except that the term "alcoholic liquor" used in said section 11 of such Act shall not be construed to include beverages authorized to be manufactured and sold by this Act.

Sales to minors.

SEC. 13. No "off sale" permittee shall give or sell, and no "on sale" permittee shall give, sell, or serve, any beverage to any person under eighteen years of age. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $100, or be imprisoned not longer than six months, or be subject to both such fine and imprisonment.

Punishment for.

Regulations to be prescribed.

SEC. 14. The Commissioners are hereby authorized to prescribe such rules and regulations not inconsistent with law, as they may deem necessary, for the issuance of permits, and for the manufacture, sale, offer for sale, or solicitation of orders for sale, of beverages, and the operation of the business of permittees. Such regulations may be altered or amended from time to time as the Commissioners may deem desirable.

Inspections.

SEC. 15. It shall be the duty of the Commissioners to cause frequent inspections to be made of all premises with respect to which any permit shall have been issued under this Act. If any permittee violates any of the provisions of this Act or any of the rules and regulations of the Commissioners promulgated pursuant thereto, or fails to superintend in person or through a manager approved by the Commissioners the business for which the permit was issued, or allows the premises with respect to which the permit of such permittee was issued to be used for any unlawful, disorderly, or immoral purposes, or knowingly employs in the sale or distribution

Revocation of permit for violations, etc.

of beverages any person who has been convicted of a felony, or otherwise fails to carry out in good faith the purposes of this Act, the permit of such permittee may be revoked by the Commissioners after the permittee has been given an opportunity to be heard in his defense.

Penalty provisions.

SEC. 16. Whoever violates any of the provisions of this Act (except section 13 thereof) or any of the rules and regulations promulgated pursuant thereto shall, upon conviction thereof by a court of competent jurisdiction, be punished by a fine of not more than $500 or by imprisonment for not longer than six months, or by both such fine and imprisonment, in the discretion of the court. If any permittee is convicted of a violation of the provisions of this Act or any of the rules and regulations promulgated pursuant thereto, the court shall immediately declare his permit revoked and notify the Commissioners accordingly, and no permit shall thereafter be granted to him within the period of three years thereafter. Any permittee who shall sell or permit the sale on his premises or in connection with his business or otherwise, of any alcoholic beverages not authorized under the terms of this Act, unless otherwise permitted by law, shall, upon conviction thereof, forfeit his permit in addition to any punishment imposed by law for such offense.

Unlawful alcoholic content.

Penalty.

Saving clause.

SEC. 17. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Effective date.

SEC. 18. It shall be unlawful to sell or offer for sale any beverage within the District of Columbia prior to April 7, 1933.

Approved, April 5, 1933.

[CHAPTER 20.]

JOINT RESOLUTION

April 14, 1933.
[H.J.Res. 152.]
[Pub. Res., No. 4.]

To provide for the payment of pages for the Senate and House of Representatives for the first session of the Seventy-third Congress.

Appropriation for payment of pages, 1st session, 73d Congress.
Post, p. 274.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pages from April 1, 1933, until the end of the first session of the Seventy-third Congress, as follows:

Senate.

For twenty-one pages for the Senate Chamber at the rate of pay provided by law, so much as may be necessary.

House of Representatives.

For forty-one pages for the House of Representatives, including ten pages for duty at the entrances to the Hall of the House, at the rate of pay provided by law, so much as may be necessary.

Approved, April 14, 1933.

[CHAPTER 21.]

AN ACT

April 29, 1933.
[H.R. 4225.]
[Public, No. 8.]

Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Parkers Landing in the county of Armstrong, Commonwealth of Pennsylvania.

Allegheny River.
Pennsylvania may bridge, at Parkers Landing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge and approaches thereto across the Allegheny River, at a point suitable to the interests of navigation, at or near Parkers Landing, in the

Construction. Vol. 34, p. 84.

county of Armstrong, Commonwealth of Pennsylvania, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 29, 1933.

[CHAPTER 22.]

AN ACT

April 29, 1933 [H.R. 4332.] [Public, No. 9.]

Graning[1] the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River, at a point near the Forest-Venango County line, in Tionesta Township, and in the county of Forest, and in the Commonwealth of Pennsylvania.

Allegheny River. Pennsylvania may bridge, in Tionesta Township.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania, to construct, maintain, and operate a free highway bridge, and approaches thereto across the Allegheny River, at a point suitable to the interests of navigation, near the Forest-Venango County line, in Tionesta Township, Forest County, in the Commonwealth of Pennsylvania, in accordance with the provisions of the Act entitled "An Act to Regulate the Construction of Bridges over Navigable Waters" approved March 23, 1906.

Construction. Vol. 34, p. 84.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 29, 1933.

[CHAPTER 23.]

JOINT RESOLUTION

May 1, 1933. [H.J.Res. 135.] [Pub. Res., No. 5.]

To amend section 2 of the Act approved February 4, 1933, to provide for loans to farmers for crop production and harvesting during the year 1933, and for other purposes.

Crop production loans. Vol. 47, p. 795, amended. Existing act to include first lien on 1934 crop, as security.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of February 4, 1933 (Public, Numbered 327), be, and the same is hereby, amended by adding at the end of the first sentence thereof, the words: "and in the case of summer fallowing or winter wheat, a first lien, or an agreement to give a first lien on crops to be harvested in 1934, shall, in the discretion of the Secretary of Agriculture, be deemed sufficient security."

Approved, May 1, 1933.

[CHAPTER 24.]

JOINT RESOLUTION

May 3, 1933. [S.J.Res. 13.] [Pub. Res., No. 6.]

Authorizing the Attorney General, with the concurrence of the Secretary of the Navy, to release claims of the United States upon certain assets of the Pan American Petroleum Company and the Richfield Oil Company of California and others in connection with collections upon a certain judgment in favor of the United States against the Pan American Petroleum Company heretofore duly entered.

Pan American Petroleum Company, etc. United States claims upon certain assets, released.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General of the United States, with the concurrence of the Secretary of the Navy, be, and he is hereby, authorized, in connection with collection of amounts due the United States of America under a

[1] So in original.

certain judgment for $9,277,666.17 entered in the office of the clerk of the District Court of the United States for the Southern District of California at Los Angeles on January 14, 1933, against the Pan American Petroleum Company, a corporation, to release from claim or lien under said judgment such part or portions of the property and assets of the said Pan American Petroleum Company and the Richfield Oil Company of California, in such manner and with such reservations as shall seem to him proper and advisable, in consideration of payments to the United States to apply upon said judgment, of not less than the sum of $5,000,000, and in connection therewith to release any claims of the United States against purchasers of oil and petroleum products from the leases commonly known as "E", "I", and "G" leases, or also known as Visalia 010042, 010043, and 010097 leases in naval petroleum reserve numbered 1, Kern County, California, and to consent, in the premises, to the assignment of other oil and gas leases in said naval petroleum reserve numbered 1, now part of the unmortgaged assets of Pan American Petroleum Company, with the concurrence of the Secretary of the Navy and to the assignment of other oil and gas leases, also part of the unmortgaged assets of Pan American Petroleum Company, of the United States outside the said naval petroleum reserve numbered 1, with the consent of the Secretary of the Interior, said assignments to be authorized only to assignees otherwise duly qualified under existing laws: *Provided*, That the authority herein granted is permissive only, and shall not be construed as a declaration of approval by Congress of the compromise herein authorized to be made, and that said authority shall not be exercised by the Attorney General unless in his judgment said compromise shall appear to him to be for the best interests of the United States.

Proviso. Approval not implied.

Exercise of authority optional.

Approved, May 3, 1933.

[CHAPTER 25.]

AN ACT

May 12, 1933. [H. R. 3835.] [Public, No. 10.]

To relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Agricultural Adjustment Act. *Post*, pp. 199, 354.

TITLE I—AGRICULTURAL ADJUSTMENT

AGRICULTURAL ADJUSTMENT.

DECLARATION OF EMERGENCY

Declaration of emergency.

That the present acute economic emergency being in part the consequence of a severe and increasing disparity between the prices of agricultural and other commodities, which disparity has largely destroyed the purchasing power of farmers for industrial products, has broken down the orderly exchange of commodities, and has seriously impaired the agricultural assets supporting the national credit structure, it is hereby declared that these conditions in the basic industry of agriculture have affected transactions in agricultural commodities with a national public interest, have burdened and obstructed the normal currents of commerce in such commodities, and render imperative the immediate enactment of title I of this Act.

Declaration of policy.

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of Congress—

Balance between production and consumption to be established, etc.

(1) To establish and maintain such balance between the production and consumption of agricultural commodities, and such marketing conditions therefor, as will reestablish prices to farmers at a level that will give agricultural commodities a purchasing power with respect to articles that farmers buy, equivalent to the purchasing power of agricultural commodities in the base period. The base period in the case of all agricultural commodities except tobacco shall be the prewar period, August 1909–July 1914. In the case of tobacco, the base period shall be the postwar period, August 1919–July 1929.

Base period, except for tobacco.

For tobacco.

Correcting present inequalities.

(2) To approach such equality of purchasing power by gradual correction of the present inequalities therein at as rapid a rate as is deemed feasible in view of the current consumptive demand in domestic and foreign markets.

Protecting consumers' interest.

(3) To protect the consumers' interest by readjusting farm production at such level as will not increase the percentage of the consumers' retail expenditures for agricultural commodities, or products derived therefrom, which is returned to the farmer, above the percentage which was returned to the farmer in the prewar period, August 1909–July 1914.

COTTON OPTION CONTRACTS.

PART 1—COTTON OPTION CONTRACTS

Duties of designated agencies.

SEC. 3. The Federal Farm Board and all departments and other agencies of the Government, not including the Federal intermediate credit banks, are hereby directed—

Cotton on hand to be sold to Secretary of Agriculture.

(a) To sell to the Secretary of Agriculture at such price as may be agreed upon, not in excess of the market price, all cotton now owned by them.

Acquiring full title on which money has been loaned, etc.

(b) To take such action and to make such settlements as are necessary in order to acquire full legal title to all cotton on which money has been loaned or advanced by any department or agency of the United States, including futures contracts for cotton or which is held as collateral for loans or advances and to make final settlement of such loans and advances as follows:

Method of settlements.

(1) In making such settlements with regard to cotton, including operations to which such cotton is related, such cotton shall be taken over by all such departments or agencies other than the Secretary of Agriculture at a price or sum equal to the amounts directly or indirectly loaned or advanced thereon and outstanding, including loans by the Government department or agency and any loans senior thereto, plus any sums required to adjust advances to growers to 90 per centum of the value of their cotton at the date of its delivery in the first instance as collateral to the department or agency involved, such sums to be computed by subtracting the total amount already advanced to growers on account of pools of which such cotton was a part, from 90 per centum of the value of the cotton to be taken over as of the time of such delivery as collateral, plus unpaid accrued carrying charges and operating costs on such cotton, less, however, any existing assets of the borrower derived from net income, earnings, or profits arising from such cotton, and from operations to which such cotton is related; all as determined by the department or agency making the settlement.

Price to equal amount loaned.

Senior loans.

Collateral.

Computation.

Cotton held as collateral for loans, etc.

(2) The Secretary of Agriculture shall make settlements with respect to cotton held as collateral for loans or advances made by him on such terms as in his judgment may be deemed advisable,

and to carry out the provisions of this section, is authorized to indemnify or furnish bonds to warehousemen for lost warehouse receipts and to pay the premiums on such bonds.

Indemnification of lost receipts.

When full legal title to the cotton referred to in (b) has been acquired, it shall be sold to the Secretary of Agriculture for the purposes of this section, in the same manner as provided in (a).

Sale of, to Secretary of Agriculture.

(c) The Secretary of Agriculture is hereby authorized to purchase the cotton specified in paragraphs (a) and (b).

Purchase authorized.

SEC. 4. The Secretary of Agriculture shall have authority to borrow money upon all cotton in his possession or control and deposit as collateral for such loans the warehouse receipts for such cotton.

Secretary may borrow, using warehouse receipts as collateral.
Post, p. 1058.

SEC. 5. The Reconstruction Finance Corporation is hereby authorized and directed to advance money and to make loans to the Secretary of Agriculture to acquire such cotton and to pay the classing, carrying, and merchandising costs thereon, in such amounts and upon such terms as may be agreed upon by the Secretary and the Reconstruction Finance Corporation, with such warehouse receipts as collateral security: *Provided, however*, That in any instance where it is impossible or impracticable for the Secretary to deliver such warehouse receipts as collateral security for the advances and loans herein provided to be made, the Reconstruction Finance Corporation may accept in lieu of all or any part thereof such other security as it may consider acceptable for the purposes aforesaid, including an assignment or assignments of the equity and interest of the Secretary in warehouse receipts pledged to secure other indebtedness. The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions of this section.

Reconstruction Finance Corporation.
Loans by, authorized.

Proviso.
Security other than warehouse receipts.

Obligations of Corporation increased.
Vol. 47, p. 9.

SEC. 6. (a) The Secretary of Agriculture is hereby authorized to enter into option contracts with the producers of cotton to sell to any such producer an amount of cotton to be agreed upon not in excess of the amount of reduction in production of cotton by such producer below the amount produced by him in the preceding crop year, in all cases where such producer agrees in writing to reduce the amount of cotton produced by him in 1933, below his production in the previous year, by not less than 30 per centum, without increase in commercial fertilization per acre.

Option contracts to sell cotton to producer in lieu of crop production, 1933.

Post, p. 601.
Written agreement to reduce production.

(b) To any such producer so agreeing to reduce production the Secretary of Agriculture shall deliver a nontransferable-option contract agreeing to sell to said producer an amount, equivalent to the amount of his agreed reduction, of the cotton in the possession and control of the Secretary.

Nontransferable option contracts.

(c) The producer is to have the option to buy said cotton at the average price paid by the Secretary for the cotton procured under section 3, and is to have the right at any time up to January 1, 1934, to exercise his option, upon proof that he has complied with his contract and with all the rules and regulations of the Secretary of Agriculture with respect thereto, by taking said cotton upon payment by him of his option price and all actual carrying charges on such cotton; or the Secretary may sell such cotton for the account of such producer, paying him the excess of the market price at the date of sale over the average price above referred to after deducting all actual and necessary carrying charges: *Provided*, That in no event shall the producer be held responsible or liable for financial loss incurred in the holding of such cotton or on account of the carrying charges therein: *Provided further*, That such agreement to curtail

Producer's option to buy, at price paid by Secretary.

Secretary may sell, for producer's account.

Net profits to inure to producer.

Provisos.
Liability for loss.

Use of land restricted.

cotton production shall contain a further provision that such cotton producer shall not use the land taken out of cotton production for the production for sale, directly or indirectly, of any other nationally produced agricultural commodity or product.

Undisposed cotton. Similar contracts and restrictions to be provided.

(d) If any cotton held by the Secretary of Agriculture is not disposed of under subsection (c), the Secretary is authorized to enter into similar option contracts with respect to such cotton, conditioned upon a like reduction of production in 1934, and permitting the producer in each case to exercise his option at any time up to January 1, 1935.

Provisions for selling, by Secretary. *Post*, p. 210. *Provisos.* Total disposition by March 1, 1936. Additional option contracts.

SEC. 7. The Secretary shall sell the cotton held by him at his discretion, but subject to the foregoing provisions: *Provided*, That he shall dispose of all cotton held by him by March 1, 1936: *Provided further*, That the Secretary shall have authority to enter into additional option contracts for so much of such cotton as is not necessary to comply with the provisions of section 6, in combination with benefit payments as provided for in part 2 of this title.

Commodity benefits.

PART 2—COMMODITY BENEFITS

General powers.

GENERAL POWERS

Secretary of Agriculture.

SEC. 8. In order to effecuate [1] the declared policy, the Secretary of Agriculture shall have power—

To reduce production of basic agricultural commodities. *Post*, p. 676.

(1) To provide for reduction in the acreage or reduction in the production for market, or both, of any basic agricultural commodity, through agreements with producers or by other voluntary methods, and to provide for rental or benefit payments in connection therewith or upon that part of the production of any basic agricultural commodity required for domestic consumption, in such amounts as the Secretary deems fair and reasonable, to be paid out of any moneys available for such payments. Under regulations of the Secretary of Agriculture requiring adequate facilities for the storage of any non-perishable agricultural commodity on the farm, inspection and measurement of any such commodity so stored, and the locking and sealing thereof, and such other regulations as may be prescribed by the Secretary of Agriculture for the protection of such commodity and for the marketing thereof, a reasonable percentage of any benefit payment may be advanced on any such commodity so stored. In any such case, such deduction may be made from the amount of the benefit payment as the Secretary of Agriculture determines will reasonably compensate for the cost of inspection and sealing, but no deduction may be made for interest.

Rental or benefit payments.

Storage of nonperishable commodities on the farm, etc.

Protection, marketing, etc.

Advances, deduction for inspection costs, etc.

To enter into marketing agreements with respect to any agricultural commodity, etc.

(2) To enter into marketing agreements with processors, associations of producers, and others engaged in the handling, in the current of interstate or foreign commerce of any agricultural commodity or product thereof, after due notice and opportunity for hearing to interested parties. The making of any such agreement shall not be held to be in violation of any of the antitrust laws of the United States, and any such agreement shall be deemed to be lawful: *Provided*, That no such agreement shall remain in force after the termination of this Act. For the purpose of carrying out any such agreement the parties thereto shall be eligible for loans from the Reconstruction Finance Corporation under section 5 of the Reconstruction Finance Corporation Act. Such loans shall not be in excess of such amounts as may be authorized by the agreements.

Not to be held as violating antitrust laws.

Proviso. Duration of agreement. Loans to parties entering agreement; limitation. Vol. 47, p. 6.

[1] So in original.

(3) To issue licenses permitting processors, associations of producers, and others to engage in the handling, in the current of interstate or foreign commerce, of any agricultural commodity or product thereof, or any competing commodity or product thereof. Such licenses shall be subject to such terms and conditions, not in conflict with existing Acts of Congress or regulations pursuant thereto, as may be necessary to eliminate unfair practices or charges that prevent or tend to prevent the effectuation of the declared policy and the restoration of normal economic conditions in the marketing of such commodities or products and the financing thereof. The Secretary of Agriculture may suspend or revoke any such license, after due notice and opportunity for hearing, for violations of the terms or conditions thereof. Any order of the Secretary suspending or revoking any such license shall be final if in accordance with law. Any such person engaged in such handling without a license as required by the Secretary under this section shall be subject to a fine of not more than $1,000 for each day during which the violation continues.

To issue licenses, permitting handling of any agricultural commodity or competing product thereof.

Terms of issue.

Licenses may be suspended or revoked.

Secretary's order final.

Penalty for violation.

(4) To require any licensee under this section to furnish such reports as to quantities of agricultural commodities or products thereof bought and sold and the prices thereof, and as to trade practices and charges, and to keep such systems of accounts, as may be necessary for the purpose of part 2 of this title.

To require licensee to furnish reports and to keep system of accounts.

(5) No person engaged in the storage in a public warehouse of any basic agricultural commodity in the current of interstate or foreign commerce, shall deliver any such commodity upon which a warehouse receipt has been issued and is outstanding, without prior surrender and cancellation of such warehouse receipt. Any person violating any of the provisions of this subsection shall, upon conviction, be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both. The Secretary of Agriculture may revoke any license issued under subsection (3) of this section, if he finds, after due notice and opportunity for hearing, that the licensee has violated the provisions of this subsection.

Removal, on which warehouse receipt is outstanding, unlawful.

Punishment for.

Revocation of license for violation.

Post, p. 672.

PROCESSING TAX

Processing tax.

SEC. 9. (a) To obtain revenue for extraordinary expenses incurred by reason of the national economic emergency, there shall be levied processing taxes as hereinafter provided. When the Secretary of Agriculture determines that rental or benefit payments are to be made with respect to any basic agricultural commodity, he shall proclaim such determination, and a processing tax shall be in effect with respect to such commodity from the beginning of the marketing year therefor next following the date of such proclamation. The processing tax shall be levied, assessed, and collected upon the first domestic processing of the commodity, whether of domestic production or imported, and shall be paid by the processor. The rate of tax shall conform to the requirements of subsection (b). Such rate shall be determined by the Secretary of Agriculture as of the date the tax first takes effect, and the rate so determined shall, at such intervals as the Secretary finds necessary to effectuate the declared policy, be adjusted by him to conform to such requirements. The processing tax shall terminate at the end of the marketing year current at the time the Secretary proclaims that rental or benefit payments are to be discontinued with respect to such commodity. The marketing year for each commodity shall be ascertained and

Levy of, to meet economic emergencies.

Post, p. 676.

Rental, etc., payments.

Effective date of tax.

Levy, assessment, etc.

Rate.

Termination.

Proviso. Manufacturers' sales tax computed. Vol. 47, p. 259.

prescribed by regulations of the Secretary of Agriculture: *Provided*, That upon any article upon which a manufacturers' sales tax is levied under the authority of the Revenue Act of 1932 and which manufacturers' sales tax is computed on the basis of weight, such manufacturers' sales tax shall be computed on the basis of the weight of said finished article less the weight of the processed cotton contained therein on which a processing tax has been paid.

Rate to equal difference between current farm price and fair exchange value. Factors to be considered. *Post*, p. 671.

(b) The processing tax shall be at such rate as equals the difference between the current average farm price for the commodity and the fair exchange value of the commodity; except that if the Secretary has reason to believe that the tax at such rate will cause such reduction in the quantity of the commodity or products thereof domestically consumed as to result in the accumulation of surplus stocks of the commodity or products thereof or in the depression of the farm price of the commodity, then he shall cause an appropriate investigation to be made and afford due notice and opportunity for hearing to interested parties. If thereupon the Secretary finds that such result will occur, then the processing tax shall be at such rate as will prevent such accumulation of surplus stocks and depression of the farm price of the commodity. In computing the current average farm price in the case of wheat, premiums paid producers for protein content shall not be taken into account.

To prevent accumulation of surplus and depression of farm price.

Protein content of wheat.

Fair exchange value defined.

(c) For the purposes of part 2 of this title, the fair exchange value of a commodity shall be the price therefor that will give the commodity the same purchasing power, with respect to articles farmers buy, as such commodity had during the base period specified in section 2; and the current average farm price and the fair exchange value shall be ascertained by the Secretary of Agriculture from available statistics of the Department of Agriculture.

How ascertained.

"Processing" defined. *Post*, pp., 528, 670.

(d) As used in part 2 of this title—

(1) In case of wheat, rice, and corn, the term "processing" means the milling or other processing (except cleaning and drying) of wheat, rice, or corn for market, including custom milling for toll as well as commercial milling, but shall not include the grinding or cracking thereof not in the form of flour for feed purposes only.

(2) In case of cotton, the term "processing" means the spinning, manufacturing, or other processing (except ginning) of cotton; and the term "cotton" shall not include cotton linters.

(3) In case of tobacco, the term "processing" means the manufacturing or other processing (except drying or converting into insecticides and fertilizers) of tobacco.

Post, p. 1242.

(4) In case of hogs, the term "processing" means the slaughter of hogs for market.

Post, pp. 528, 675, 1242.

(5) In the case of any other commodity, the term "processing" means any manufacturing or other processing involving a change in the form of the commodity or its preparation for market, as defined by regulations of the Secretary of Agriculture; and in prescribing such regulations the Secretary shall give due weight to the customs of the industry.

Pyramiding tax, profiteering, etc. Measures to prevent.

(e) When any processing tax, or increase or decrease therein, takes effect in respect of a commodity the Secretary of Agriculture, in order to prevent pyramiding of the processing tax and profiteering in the sale of the products derived from the commodity, shall make public such information as he deems necessary regarding (1) the relationship between the processing tax and the price paid to producers of the commodity, (2) the effect of the processing tax upon prices to consumers of products of the commodity, (3) the relationship, in previous periods, between prices paid to the producers of the commodity and prices to consumers of the products

Information to be published.

thereof, and (4) the situation in foreign countries relating to prices paid to producers of the commodity and prices to consumers of the products thereof. *Post*, p. 675.

MISCELLANEOUS

Miscellaneous.

Officers and employees.

Appointment, under Classification Act. Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003. U.S.C., p. 65; Supp. VI, p. 31.

Appointments outside civil service.

Proviso. Salary restriction.

SEC. 10. (a) The Secretary of Agriculture may appoint such officers and employees, subject to the provisions of the Classification Act of 1923 and Acts amendatory thereof, and such experts as are necessary to execute the functions vested in him by this title; and the Secretary may make such appointments without regard to the civil service laws or regulations: *Provided*, That no salary in excess of $10,000 per annum shall be paid to any officer, employee, or expert of the Agricultural Adjustment Administration, which the Secretary shall establish in the Department of Agriculture for the administration of the functions vested in him by this title. Title II of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, to the extent that it provides for the impoundment of appropriations on account of reductions in compensation, shall not operate to require such impoundment under appropriations contained in this Act.

"Economy Act" provisions not applicable. *Ante*, p. 15.

(b) The Secretary of Agriculture is authorized to establish, for the more effective administration of the functions vested in him by this title, State and local committees, or associations of producers, and to permit cooperative associations of producers, when in his judgment they are qualified to do so, to act as agents of their members and patrons in connection with the distribution of rental or benefit payments.

Cooperative producers associations may act as distributing agents of benefit payments.

(c) The Secretary of Agriculture is authorized, with the approval of the President, to make such regulations with the force and effect of law as may be necessary to carry out the powers vested in him by this title, including regulations establishing conversion factors for any commodity and article processed therefrom to determine the amount of tax imposed or refunds to be made with respect thereto. Any violation of any regulation shall be subject to such penalty, not in excess of $100, as may be provided therein.

Conversion factors for any commodity, etc., may be established.

Determination of tax, etc.

Penalty for violation.

(d) The Secretary of the Treasury is authorized to make such regulations as may be necessary to carry out the powers vested in him by this title.

Regulations authorized.

(e) The action of any officer, employee, or agent in determining the amount of and in making any rental or benefit payment shall not be subject to review by any officer of the Government other than the Secretary of Agriculture or Secretary of the Treasury.

Determination of amount of rental, etc., payment; review restrictions.

(f) The provisions of this title shall be applicable to the United States and its possessions, except the Philippine Islands, the Virgin Islands, American Samoa, the Canal Zone, and the island of Guam.

Provisions not applicable to designated possessions of U.S. *Post*, p. 675.

(g) No person shall, while acting in any official capacity in the administration of this title, speculate, directly or indirectly, in any agricultural commodity or product thereof, to which this title applies, or in contracts relating thereto, or in the stock or membership interests of any association or corporation engaged in handling, processing, or disposing of any such commodity or product. Any person violating this subsection shall upon conviction thereof be fined not more than $10,000 or imprisoned not more than two years, or both.

Speculation in agricultural commodities.

Persons administering title forbidden.

Penalty for.

(h) For the efficient administration of the provisions of part 2 of this title, the provisions, including penalties, of sections 8, 9, and 10 of the Federal Trade Commission Act, approved September 26, 1914, are made applicable to the jurisdiction, powers, and duties of the Secretary in administering the provisions of this title and to

Power to secure information, etc. Vol. 38, pp. 722, 723. U.S.C., p. 358.

Hearings.

Enforcement, etc., of agreement.

any person subject to the provisions of this title, whether or not a corporation. Hearings authorized or required under this title shall be conducted by the Secretary of Agriculture or such officer or employee of the Department as he may designate for the purpose. The Secretary may report any violation of any agreement entered into under part 2 of this title to the Attorney General of the United States, who shall cause appropriate proceedings to enforce such agreement to be commenced and prosecuted in the proper courts of the United States without delay.

COMMODITIES

"Basic agricultural commodity." Products included. *Post*, pp. 528, 670, 1184.

Authority to exclude any commodity.

SEC. 11. As used in this title, the term "basic agricultural commodity" means wheat, cotton, field corn, hogs, rice, tobacco, and milk and its products, and any regional or market classification, type, or grade thereof; but the Secretary of Agriculture shall exclude from the operation of the provisions of this title, during any period, any such commodity or classification, type, or grade thereof if he finds, upon investigation at any time and after due notice and opportunity for hearing to interested parties, that the conditions of production, marketing, and consumption are such that during such period this title can not be effectively administered to the end of effectuating the declared policy with respect to such commodity or classification, type, or grade thereof.

APPROPRIATION

Appropriation for administrative expenses, etc. *Post*, pp. 528, 605, 678.

Available until expended.

SEC. 12. (a) There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000,000 to be available to the Secretary of Agriculture for administrative expenses under this title and for rental and benefit payments made with respect to reduction in acreage or reduction in production for market under part 2 of this title. Such sum shall remain available until expended.

Supplemental funds for expansion of markets, etc.

Administrative expenses.

Estimate of needs.

Advances.

(b) In addition to the foregoing, the proceeds derived from all taxes imposed under this title are hereby appropriated to be available to the Secretary of Agriculture for expansion of markets and removal of surplus agricultural products and the following purposes under part 2 of this title: Administrative expenses, rental and benefit payments, and refunds on taxes. The Secretary of Agriculture and the Secretary of the Treasury shall jointly estimate from time to time the amounts, in addition to any money available under subsection (a), currently required for such purposes; and the Secretary of the Treasury shall, out of any money in the Treasury not otherwise appropriated, advance to the Secretary of Agriculture the amounts so estimated. The amount of any such advance shall be deducted from such tax proceeds as shall subsequently become available under this subsection.

Services, etc., in the District of Columbia.

Transfer of funds authorized.

(c) The administrative expenses provided for under this section shall include, among others, expenditures for personal services and rent in the District of Columbia and elsewhere, for law books and books of reference, for contract stenographic reporting services, and for printing and paper in addition to allotments under the existing law. The Secretary of Agriculture shall transfer to the Treasury Department, and is authorized to transfer to other agencies, out of funds available for administrative expenses under this title, such sums as are required to pay administrative expenses incurred and refunds made by such department or agencies in the administration of this title.

TERMINATION OF ACT

Termination of Act. *Post*, p. 677.

SEC. 13. This title shall cease to be in effect whenever the President finds and proclaims that the national economic emergency in relation to agriculture has been ended; and pending such time the President shall by proclamation terminate with respect to any basic agricultural commodity such provisions of this title as he finds are not requisite to carrying out the declared policy with respect to such commodity. The Secretary of Agriculture shall make such investigations and reports thereon to the President as may be necessary to aid him in executing this section.

Investigations, etc., by Secretary of Agriculture.

SEPARABILITY OF PROVISIONS

Separability clause.

SEC. 14. If any provision of this title is declared unconstitutional, or the applicability thereof to any person, circumstance, or commodity is held invalid the validity of the remainder of this title and the applicability thereof to other persons, circumstances, or commodities shall not be affected thereby.

SUPPLEMENTARY REVENUE PROVISIONS

Supplementary revenue provisions.

EXEMPTIONS AND COMPENSATING TAXES

Exempting commodities of low value from processing tax. *Post*, pp. 675, 1241.

SEC. 15. (a) If the Secretary of Agriculture finds, upon investigation at any time and after due notice and opportunity for hearing to interested parties, that any class of products of any commodity is of such low value compared with the quantity of the commodity used for their manufacture that the imposition of the processing tax would prevent in whole or in large part the use of the commodity in the manufacture of such products and thereby substantially reduce consumption and increase the surplus of the commodity, then the Secretary of Agriculture shall so certify to the Secretary of the Treasury, and the Secretary of the Treasury shall abate or refund any processing tax assessed or paid after the date of such certification with respect to such amount of the commodity as is used in the manufacture of such products.

No tax on processing by producers for home consumption.

(b) No tax shall be required to be paid on the processing of any commodity by or for the producer thereof for consumption by his own family, employees, or household; and the Secretary of Agriculture is authorized, by regulations, to exempt from the payment of the processing tax the processing of commodities by or for the producer thereof for sale by him where, in the judgment of the Secretary, the imposition of a processing tax with respect thereto is unnecessary to effectuate the declared policy.

Tax refund on products for charitable distribution. *Post*, p. 973.

(c) Any person delivering any product to any organization for charitable distribution or use shall, if such product or the commodity from which processed, is under this title subject to tax, be entitled to a refund of the amount of any tax paid under this title with respect to such product so delivered.

Secretary to ascertain and proclaim where tax causes disadvantages in competition.

(d) The Secretary of Agriculture shall ascertain from time to time whether the payment of the processing tax upon any basic agricultural commodity is causing or will cause to the processors thereof disadvantages in competition from competing commodities by reason of excessive shifts in consumption between such commodities or products thereof. If the Secretary of Agriculture finds, after investigation and due notice and opportunity for hearing to interested parties, that such disadvantages in competition exist, or will exist, he shall proclaim such finding. The Secretary shall specify in this proclamation the competing commodity and the compensating rate of tax on the processing thereof necessary to prevent such

Competing commodity and compensating tax rate to be specified.

Rate to be altered accordingly.

disadvantages in competition. Thereafter there shall be levied, assessed, and collected upon the first domestic processing of such competing commodity a tax, to be paid by the processor, at the rate specified, until such rate is altered pursuant to a further finding under this section, or the tax or rate thereof on the basic agricultural commodity is altered or terminated. In no case shall the tax imposed upon such competing commodity exceed that imposed per equivalent unit, as determined by the Secretary, upon the basic agricultural commodity.

Limitation.

Equalizing tax imposed on imports.
Post, p. 676.

(e) During any period for which a processing tax is in effect with respect to any commodity there shall be levied, assessed, collected, and paid upon any article processed or manufactured wholly or in chief value from such commodity and imported into the United States or any possession thereof to which this title applies, from any foreign country or from any possession of the United States to which this title does not apply, a compensating tax equal to the amount of the processing tax in effect with respect to domestic processing at the time of importation: *Provided*, That all taxes collected under this subsection upon articles coming from the possessions of the United States to which this title does not apply shall not be covered into the general fund of the Treasury of the United States but shall be held as a separate fund and paid into the Treasury of the said possessions, respectively, to be used and expended by the governments thereof for the benefit of agriculture. Such tax shall be paid prior to the release of the article from customs custody or control.

Proviso.
Taxes on articles from U.S. possessions not included herein.

To be expended for benefit of agriculture.

Post, p. 676.

FLOOR STOCKS

Floor stocks.
Tax adjustments.

SEC. 16. (a) Upon the sale or other disposition of any article processed wholly or in chief value from any commodity with respect to which a processing tax is to be levied, that on the date the tax first takes effect or wholly terminates with respect to the commodity, is held for sale or other disposition (including articles in transit) by any person, there shall be made a tax adjustment as follows:

Levy, etc., of tax on date processing tax takes effect.
Post, p. 676.

(1) Whenever the processing tax first takes effect, there shall be levied, assessed, and collected a tax to be paid by such person equivalent to the amount of the processing tax which would be payable with respect to the commodity from which processed if the processing had occurred on such date.

Corresponding refund, etc., on termination of tax.

(2) Whenever the processing tax is wholly terminated, there shall be refunded to such person a sum (or if it has not been paid, the tax shall be abated) in an amount equivalent to the processing tax with respect to the commodity from which processed.

Stocks in retail trade not affected.

(b) The tax imposed by subsection (a) shall not apply to the retail stocks of persons engaged in retail trade, held at the date the processing tax first takes effect; but such retail stocks shall not be deemed to include stocks held in a warehouse on such date, or such portion of other stocks held on such date as are not sold or otherwise disposed of within thirty days thereafter. The tax refund or abatement provided in subsection (a) shall not apply to the retail stocks of persons engaged in retail trade, held on the date the processing tax is wholly terminated.

Exceptions.

Refund, etc., not applicable.
Post, pp. 678, 1241.

EXPORTATIONS

Export refund.
Post, p. 676.

SEC. 17. (a) Upon the exportation to any foreign country (including the Philippine Islands, the Virgin Islands, American Samoa, and the island of Guam) of any product with respect to which a tax has been paid under this title, or of any product processed wholly or in chief value from a commodity with respect to which a tax

has been paid under this title the exporter thereof shall be entitled at the time of exportation to a refund of the amount of such tax.

Processing for exportation.
Tax free, under bond.

(b) Upon the giving of bond satisfactory to the Secretary of the Treasury for the faithful observance of the provisions of this title requiring the payment of taxes, any person shall be entitled, without payment of the tax, to process for such exportation any commodity with respect to which a tax is imposed by this title, or to hold for such exportation any article processed wholly or in chief value therefrom.

Post, pp. 676, 678.

EXISTING CONTRACTS

Existing contracts.

Prior contracts for delivery after effective date.

SEC. 18. (a) If (1) any processor, jobber, or wholesaler has, prior to the date a tax with respect to any commodity is first imposed under this title, made a bona fide contract of sale for delivery on or after such date, of any article processed wholly or in chief value from such commodity, and if (2) such contract does not permit the addition to the amount to be paid thereunder of the whole of such tax, then (unless the contract prohibits such addition) the vendee shall pay so much of the tax as is not permitted to be added to the contract price.

Payment by vendee.

Collection and payment by vendor.

(b) Taxes payable by the vendee shall be paid to the vendor at the time the sale is consummated and shall be collected and paid to the United States by the vendor in the same manner as other taxes under this title. In case of failure or refusal by the vendee to pay such taxes to the vendor, the vendor shall report the facts to the Commissioner of Internal Revenue who shall cause collections of such taxes to be made from the vendee.

Report of failure.

COLLECTION OF TAXES

Collection of taxes.

SEC. 19. (a) The taxes provided in this title shall be collected by the Bureau of Internal Revenue under the direction of the Secretary of the Treasury. Such taxes shall be paid into the Treasury of the United States.

Provisions governing collections.
Vol. 44, p. 93; Vol. 47, p. 269.

(b) All provisions of law, including penalties, applicable with respect to the taxes imposed by section 600 of the Revenue Act of 1926, and the provisions of section 626 of the Revenue Act of 1932, shall, in so far as applicable and not inconsistent with the provisions of this title, be applicable in respect of taxes imposed by this title: *Provided*, That the Secretary of the Treasury is authorized to permit postponement, for a period not exceeding ninety days, of the payment of taxes covered by any return under this title.

Proviso.
Postponements.
Post, p. 1242.

Loans to processors.

(c) In order that the payment of taxes under this title may not impose any immediate undue financial burden upon processors or distributors, any processor or distributor subject to such taxes shall be eligible for loans from the Reconstruction Finance Corporation under section 5 of the Reconstruction Finance Corporation Act.

Post, p. 677.
Vol. 47, p. 6.

AGRICULTURAL CREDITS.

TITLE II—AGRICULTURAL CREDITS

PART 1—AMENDMENTS TO FEDERAL FARM LOAN ACT

Emergency Farm Mortgage Act of 1933.

ISSUANCE OF BONDS BY LAND BANKS

Federal Farm Loan Act amendments.
Vol. 39, p. 384; Vol. 42, p. 105.
U.S.C., p. 314.

SECTION 21. Section 32 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 991), is amended by adding at the end thereof the following new paragraph:

Federal land banks may issue farm loan bonds.
Post, p. 346.

"Until such time as the Farm Loan Commissioner determines that Federal farm-loan bonds (other than those issued under this paragraph) are readily salable in the open market at a yield not in excess of 4 per centum per annum, but in no case more than two years after

For making new loans.
Purchasing outstanding farm mortgages.
Vol. 39, p. 372; U.S.C. p. 306.
Maximum issue; denominations, etc.
Interest guaranteed.
Payment by Secretary if issuing bank unable.
Appropriation authorized.
To become obligation against such bank.
Use, for refinancing outstanding loans.
Final issue.
Borrower may tender interest-guaranteed bonds in payment.
Acceptance at par authorized.

this paragraph takes effect, Federal land banks may issue farm-loan bonds as authorized under this Act, for the purpose of making new loans, or for purchasing mortgages or exchanging bonds for mortgages as provided in paragraph 'Second' of section 13 of this Act. The aggregate amount of the bonds issued under this paragraph shall not exceed $2,000,000,000, and such bonds shall be issued in such denominations as the Farm Loan Commissioner shall prescribe, shall bear interest at a rate not in excess of 4 per centum per annum, and shall be fully and unconditionally guaranteed as to interest by the United States, and such guaranty shall be expressed on the face thereof. In the event that it shall appear to the Farm Loan Commissioner that the issuing bank or banks will be unable to pay upon demand, when due, the interest on any such bonds, the Secretary of the Treasury shall, upon the request of the Commissioner, pay the amount thereof, which is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated. Upon the payment of such interest by the Secretary of the Treasury the amount so paid shall become an obligation to the United States of the issuing bank or banks and shall bear interest at the same rate as that borne by the bonds upon which the interest has been so paid. After the expiration of one year from the date this paragraph takes effect, if in the opinion of the Farm Loan Commissioner any part of the proceeds of the bonds authorized to be issued under this paragraph is not required for the purpose of making new loans or for purchasing mortgages or exchanging bonds for mortgages as herein provided, such bonds may be issued within the maximum limit herein specified for the purpose of refinancing any outstanding issues of Federal farm-loan bonds; but no such bonds shall be issued after two years from the date this paragraph takes effect for the purpose of such refinancing. Any borrower who obtains a loan from a Federal land bank after the date this paragraph takes effect may, at any time after the expiration of five years from the date such loan was made, tender to such bank on any regular installment date, bonds issued under this paragraph in an amount not to exceed the unpaid principal of his loan, and the bonds so tendered shall be accepted by the bank at par in payment of any part of such unpaid principal."

Farm mortgages.

PURCHASE, REDUCTION, AND REFINANCING OF FARM MORTGAGES

Vol. 39, p. 372, amended.
U.S.C., p. 306.
Post, p. 347.
Purchase, reduction, refinancing, etc.
Limitation on price.
Proviso.
Mortgagor's rights.
Vol. 39, pp. 365, 367; U.S.C., pp. 302-304.

SEC. 22. Paragraph "Second" of section 13 of the Federal Farm Loan Act, as amended, is amended by adding at the end thereof the following new sentence:

"In order to reduce and/or refinance farm mortgages, to invest such funds as may be in its possession in the purchase of first mortgages on farm lands situated within the Federal land-bank district within which it is organized or for which it is acting, or to exchange farm-loan bonds for any duly recorded first mortgages on farm lands executed prior to the date this paragraph, as amended, takes effect, at a price which shall not exceed in each individual case the amount of the unpaid principal of the mortgage on the date of such purchase or exchange, or 50 per centum of the normal value of the land mortgaged and 20 per centum of the value of the permanent insured improvements thereon as determined upon an appraisal made pursuant to this Act, whichever is the smaller: *Provided*, That any mortgagor whose mortgage is acquired by a Federal land bank under this paragraph shall be entitled to have his farm-mortgage indebtedness refinanced in accordance with the provisions of sections 7 and 8 of this Act on the basis of the amount paid by the bank for his mortgage."

EXTENSION OF LOANS

Extension of loans. Vol. 47, p. 14. U.S.C., Supp. VI, p. 142, amended.

SEC. 23. Paragraph "Tenth" of section 13 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 781), is amended by adding at the end thereof the following: "The terms of any such extension shall be such as will not defer the collection of any obligation due by any borrower which, after investigation by the bank of the situation of such borrower, is shown to be within his capacity to meet. In the case of any such extension made prior to the expiration of five years from the date this paragraph as amended takes effect, or in the case of any deferment of principal as provided in paragraph 'Twelfth' of section 12 of this Act, it shall be the duty of the Secretary of the Treasury, on behalf of the United States, upon the request of the Federal land bank making the extension, and with the approval of the Farm Loan Commissioner, to subscribe at such periods as the Commissioner shall determine, to the paid-in surplus of such bank an amount equal to the amount of all such extensions and deferments made by the bank during the preceding period. Such subscriptions shall be subject to call, in whole or in part, by the bank with the approval of the Commissioner upon thirty days' notice. To enable the Secretary of the Treasury to make such subscriptions to the paid-in surplus of the Federal land banks, there is hereby authorized to be appropriated the sum of $50,000,000, to be immediately available and remain available until expended. Upon payment to any Federal land bank of the amount of any such subscription, such bank shall execute and deliver a receipt therefor to the Secretary of the Treasury in form to be prescribed by the Farm Loan Commissioner. The amount of any subscriptions to the paid-in surplus of any such bank may be repaid in whole or in part at any time in the discretion of the bank and with the approval of the Farm Loan Commissioner, and the Commissioner may at any time require such subscriptions to be repaid in whole or in part if in his opinion the bank has resources available therefor."

Term not to exceed borrower's capacity to meet.

Post, p. 1060.

Treasury subscription to paid-in surplus to cover extension, etc.

Subscriptions subject to call.

Sum authorized for.

Repayment.

REDUCTION OF INTEREST ON LOANS AND DEFERMENT OF PRINCIPAL

Loans and deferment of principal.

Vol. 39, p. 372, amended. U.S.C. p. 306.

SEC. 24. Section 12 of the Federal Farm Loan Act, as amended (U.S.C., title 12, secs. 771–772), is amended by adding at the end thereof the following new paragraph:

Interest rate on loans by national farm-loan associations reduced. U.S.C., p. 307.

"Twelfth. Notwithstanding the provisions of paragraph 'Second,' the rate of interest on any loans on mortgage made through national farm-loan associations or through agents as provided in section 15, or purchased from joint-stock land banks, by any Federal land bank, outstanding on the date this paragraph takes effect or made through national farm-loan associations within two years after such date, shall not exceed 4½ per centum per annum for all interest payable on installment dates occurring within a period of five years commencing sixty days after the date this paragraph takes effect; and no payment of the principal portion of any installment of any such loan shall be required during such five-year period if the borrower shall not be in default with respect to any other condition or covenant of his mortgage. The foregoing provisions shall apply to loans made by Federal land banks through branches, except that the rate of interest on such loans for such five-year period shall be 5 per centum in lieu of 4½ per centum. The Secretary of the Treasury shall pay each Federal land bank, as soon as practicable after October 1, 1933, and after the end of each quarter thereafter, such amount as the Farm Loan Commissioner certifies to the Secre-

Payment of principal suspended if borrower not in default.

Applicable to land bank loans; interest rate reduced.

Compensation for loss.

Appropriation for.

Post, p. 279.

tary of the Treasury is equal to the amount by which interest payments on mortgages held by such bank have been reduced, during the preceding quarter, by reason of this paragraph; but in any case in which the Farm Loan Commissioner finds that the amount of interest payable by such bank during any quarter has been reduced by reason of the refinancing of bonds under section 32 of this Act, the amount of the reduction so found shall be deducted from the amount payable to such bank under this paragraph. No payments shall be made to a bank with respect to any period after June 30, 1938. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000,000 for the purpose of enabling the Secretary of the Treasury to make payments to Federal land banks which accrue during the fiscal year ending June 30, 1934, and such additional amounts as may be necessary to make payments accruing during subsequent fiscal years.

Less any savings effected.

Post, p. 48.

Final payments.

Appropriation authorized.

Post, p. 279.

INCREASE OF AMOUNT OF LOANS TO BORROWERS

Federal land bank mortgage loans. Maximum limit increased. Vol. 42, p. 1476. U.S.C., p. 306. Restriction.

SEC. 25. Paragraph "Seventh" of section 12 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 771) (relating to the limitations as to amount of loans), is amended by striking out "$25,000" and inserting "$50,000, but loans to any one borrower shall not exceed $25,000 unless approved by the Farm Loan Commissioner."

DIRECT LOANS

Federal Farm Loan Act, amended. Vol. 39, p. 367. U.S.C., p. 303.

SEC. 26. Section 7 of the Federal Farm Loan Act, as amended, is amended by striking out the last paragraph and inserting in lieu thereof the following new paragraphs:

Direct loans on first mortgages to farmers unable to apply to Federal land bank, etc.

"Whenever it shall appear to the Farm Loan Commissioner that national farm-loan associations have not been formed in any locality in the continental United States, or that the farmers residing in the territory covered by the charter of a national farm-loan association are unable to apply to the Federal land bank of the district for loans on account of the inability of the bank to accept applications from such association, the Farm Loan Commissioner shall authorize said bank to make direct loans to borrowers secured by first mortgages on farm lands situated within any such locality or territory. Except as herein otherwise specifically provided, all provisions of this Act applicable with respect to loans made through national farm-loan associations shall, insofar as practicable, apply with respect to such direct loans, and the Farm Loan Commissioner is authorized to make such rules and regulations as he may deem necessary with respect to such direct loans.

Provisions governing.

Interest rate.

"The rate of interest on such direct loans made at any time by any Federal land bank shall be one-half of 1 per centum per annum in excess of the rate of interest charged to borrowers on mortgage loans made at such time by the bank through national farm-loan associations.

Borrower required to covenant for proportionate stock in such bank.

Use as collateral security, etc.

Cancellation, upon loan repayment.

"Each borrower who obtains a direct loan from a Federal land bank shall subscribe and pay for stock in such bank in the sum of $5 for each $100 or fraction thereof borrowed. Such stock shall be held by such Federal land bank as collateral security for the loan of the borrower and shall participate in all dividends. Upon full payment of the loan such stock shall, if still outstanding, be canceled at par, or, in the event that such stock shall have become impaired, at the estimated value thereof as approved by the Farm Loan Commissioner, and the proceeds thereof shall be paid to the borrower.

"Each such borrower may covenant in his mortgage that, whenever there are ten or more borrowers who have obtained from a Federal land bank direct loans under the provisions of this section aggregating not less than $20,000, and who reside in a locality which may, in the opinion of the Farm Loan Commissioner, be conveniently covered by the charter of and served by a national farm-loan association, he will unite with such other borrowers to form a national farm-loan association. Such borrowers shall organize the association subject to the requirements and the conditions specified in this section, so far as the same may be applicable, and in accordance with rules and regulations of the Farm Loan Commissioner. As soon as the organization of the association has been approved by the Farm Loan Commissioner, the stock in the Federal land bank held by each of the members of such association shall be canceled at par, and in lieu thereof the bank shall issue in the name of the association an equal amount of stock in said bank, which stock shall be held by said bank as collateral security as provided in this section with respect to other loans through national farm-loan associations. Thereupon there shall be issued to each such member an amount of capital stock in the association equal to the amount which he previously held in said bank, which stock shall be held by said association as collateral security as provided in section 8 of this Act. The board of directors of said association shall adopt a resolution authorizing and directing its secretary-treasurer on behalf of said association to endorse, and thereby become liable for the payment of, the mortgages taken from its charter members by the Federal land bank. When it shall appear to the satisfaction of the Farm Loan Commissioner that all the foregoing conditions have been complied with, and upon the granting of the charter by the Farm Loan Commissioner, the interest rate paid by each charter member of such association whose loan is in good standing shall, beginning with his next regular installment date, be reduced to the rate of interest paid by borrowers on new loans made through national farm-loan associations in the same Federal land-bank district at the time the said loan was made to such charter member.

Borrower to covenant joining a farm-loan association when locally formed.

Organization, etc.

Exchange of stock.

Held as collateral security.

Issue of capital stock; use as collateral.

Liability for payment of mortgages.

Interest reduced when conditions complied with.

"Charges to be paid by applicants for direct loans from a Federal land bank shall not exceed amounts to be fixed by the Farm Loan Commissioner and shall in no case exceed the charges which may be made to applicants for loans and borrowers through national farm-loan associations under the provisions of sections 11 and 13 of this Act."

Charges for direct loans.

Vol. 39, pp. 369, 372.

LOANS TO RECEIVERS

SEC. 27. Any receiver appointed by the Federal Farm Loan Board pursuant to section 29 of the Federal Farm Loan Act, as amended, or any receiver appointed by a district court of the United States, is authorized, for the purpose of paying taxes on farm real estate owned by the bank or securing the mortgages held by it, with the approval of the Farm Loan Commissioner, to borrow from the Reconstruction Finance Corporation and to issue receiver's certificates against the assets of such bank as security for any loan received from the Corporation under this section, and such certificates shall constitute a prior lien on such assets. The Reconstruction Finance Corporation is authorized to make loans to such receivers for the purposes of this section.

Receivers to borrow on security of receiver's certificates for paying taxes, etc.
Vol. 39, p. 381.

Prior lien constituted.

Reconstruction Finance Corporation to make such loans.

FEDERAL FARM-LOAN BONDS AS SECURITY FOR ADVANCES BY FEDERAL RESERVE BANKS

Farm loan bonds as security for advances by Federal Reserve Banks.
Vol. 38, p. 263.
Vol. 39, p. 384; Vol. 44, p. 1231.
Ante, p. 41.

SEC. 28. The eighth paragraph of section 13 of the Federal Reserve Act, as amended, is amended by inserting before the period at the end thereof a comma and the following: "or by the deposit or pledge of bonds issued pursuant to the paragraph added to section 32 of the Federal Farm Loan Act, as amended by section 21 of the Emergency Farm Mortgage Act of 1933."

Joint-stock land banks.

PART 2—JOINT-STOCK LAND BANKS

LIMITATIONS ON ISSUE OF BONDS AND LENDING

Limitations on issue of bonds and lending.

SEC. 29. After the date of enactment of this Act, no joint-stock land bank shall issue any tax-exempt bonds or make any farm loans except such as are necessary and incidental to the refinancing of existing loans or bond issues or to the sale of any real estate now owned or hereafter acquired by such bank.

LOANS TO JOINT-STOCK LAND BANKS TO PROVIDE FOR ORDERLY LIQUIDATION

Reconstruction Finance Corporation.
Loans to joint-stock land banks, to provide orderly liquidation.

SEC. 30. (a) The Reconstruction Finance Corporation is authorized and directed to make available to the Farm Loan Commissioner, out of the funds of the Corporation, the sum of $100,000,000, to be used, for a period not exceeding two years from the date of enactment of this Act, for the purpose of making loans to the joint-stock land banks organized and doing business under the Federal Farm Loan Act, as amended, at a rate of interest not to exceed 4 per centum per annum, payable annually. Such loans shall be made upon application therefor by such banks and upon compliance with the requirements of this section. The amount which may be loaned hereunder to any such bank shall not exceed an amount having the same proportion to the said $100,000,000 as the unpaid principal of the mortgages held by such bank on the date of enactment of this Act bears to the total amount of the unpaid principal of the mortgages held by all the joint-stock land banks on such date.

Interest rate.

Maximum amount.

Collateral security.

(b) Any joint-stock land bank applying for a loan under this section shall deliver to the Farm Loan Commissioner as collateral security therefor first mortgages or purchase-money mortgages on farm lands, first mortgages on farm real estate owned by the bank in fee simple, or such other collateral as may be available to said bank, including sales contracts and sheriff's certificates on farm lands. The real estate upon which such collateral is based shall be appraised by appraisers appointed under the Federal Farm Loan Act, as amended, and the borrowing bank shall be entitled to borrow not to exceed 60 per centum of the normal value of such real estate as determined by such appraisal. Fees for such appraisals shall be paid by the applicant banks in such amounts as may be fixed by the Farm Loan Commissioner. No such loan shall be made until the applicant bank, under regulations to be prescribed by the Farm Loan Commissioner, (1) shall have agreed to grant to each borrower then indebted to the bank under the terms of a first mortgage a reduction to 5 per centum per annum in the rate of interest specified in such mortgage, beginning at his next regular installment date occurring more than sixty days after the date of enactment of this Act, and (2) shall have agreed to the satisfaction of the Commissioner that during a period of two years from the date of enactment of this Act the bank will not proceed against the mortgagor on account of default in the payment of interest or principal due under

Appraisal of.
U.S.C., p. 304.

Loans not to exceed 60 percent of collateral value.

Fees.

Agreement by bank to reduce interest upon all first mortgages to 5 percent.

Not to proceed against mortgagor in default.

the terms of its mortgage and will not foreclose its mortgage unless the property covered by such mortgage is abandoned by the mortgagor or unless, in the opinion of the Commissioner, such foreclosure is necessary for other reasons. Such loans shall be made to aid the orderly liquidation of any such bank in accordance with such plan as may be approved by the Farm Loan Commissioner. Before any such plan is approved by the Commissioner he shall be satisfied that the plan carries out the purposes of this section and that such part of the proceeds of the loan as is devoted to settlements with bondholders will be used only to effect an equitable settlement with all bondholders. After the plan has been approved by the Commissioner he shall require the bank to mail a copy thereof to all its known bondholders and to publish a notice setting forth its provisions in at least three newspapers having general circulation.

Not to foreclose, except when abandonment, etc.

Approval necessary.

Notice to bondholders, etc.

LOANS BY THE FARM LOAN COMMISSIONER TO JOINT-STOCK LAND BANKS FOR EMERGENCY PURPOSES

Farm Loan Commissioner.

Loans by, to joint-stock land banks, for certain emergencies.

SEC. 31. (a) Out of the funds made available to him under section 30, the Farm Loan Commissioner is authorized to make loans, in an aggregate amount not exceeding $25,000,000, at a rate of interest not to exceed 4 per centum per annum, to any joint-stock land bank for the purpose of securing the postponement for two years from the date of the enactment of this Act of the foreclosure of first mortgages held by such banks on account of (1) default in the payment of interest and principal due under the terms of the mortgage, and (2) unpaid delinquent taxes, excluding interest and penalties, which may be secured by the lien of said mortgage: *Provided*, That during the period of postponement of foreclosure such bank shall charge the mortgagor interest at a rate not exceeding 4 per centum per annum on the aggregate amount of such delinquent taxes and defaulted interest and principal with respect to which loans are made pursuant to this section. The amount loaned to any joint-stock land bank under this section shall be made without reappraisal: *Provided*, That the amount loaned with respect to any mortgage on account of unpaid principal shall not exceed 5 per centum of the total unpaid principal of such mortgage, and the total amount loaned to any such land bank with respect to any mortgage shall not exceed 25 per centum of the total unpaid principal of such mortgage.

On account of default in interest or principal.

Delinquent taxes, etc.

Provisos.

Interest rate during period.

Reappraisal unnecessary.

Maximum loan on account of unpaid principal.

(b) No such loan shall be made with respect to any mortgage unless the Farm Loan Commissioner is satisfied that the mortgagor, after exercising ordinary diligence to pay his accrued delinquent taxes, and meet accrued interest and principal payments, has defaulted thereon; and unless the bank shall have agreed to the satisfaction of the Farm Loan Commissioner that during such two-year period the bank will not foreclose such mortgage unless the property covered thereby is abandoned by the mortgagor or unless in the opinion of the Farm Loan Commissioner such foreclosure is necessary for other reasons.

Conditions for making loan.

Default of mortgagor.

Bank will not foreclose.

Exceptions.

(c) Each such loan shall be secured by an assignment to the Farm Loan Commissioner of the lien of the taxes and/or of the bank's mortgage with respect to which the loan is made: *Provided*, That the part of each such lien so assigned representing the interest and principal due and unpaid in any such mortgage which has been assigned to the farm loan registrar shall be subordinate to the existing lien of the bank for the balance of the indebtedness then or thereafter to become due under the terms of such mortgage; but the Farm Loan Commissioner may require the bank to furnish additional collateral as security for such loan, if such collateral is available to the bank.

Loan to be secured by assignment of tax lien, mortgage, etc.

Proviso.

Status of assigned lien.

Additional collateral may be required.

Rules, etc., authorized.

(d) The Farm Loan Commissioner is authorized to make such rules and regulations as may be necessary to carry out the purposes of this section and to make the relief contemplated immediately available.

Loans to farmers by Farm Loan Commissioner.

PART 3—LOANS TO FARMERS BY FARM LOAN COMMISSIONER

REDUCTION OF DEBTS AND REDEMPTION OF FORECLOSED FARMS

Sums available for direct loans.

Post, pp. 345, 346, 347, 1060.

SEC. 32. The Reconstruction Finance Corporation is authorized and directed to allocate and make available to the Farm Loan Commissioner the sum of $200,000,000, or so much thereof as may be necessary, to be used for the purpose of making loans as hereinafter provided to any farmer, secured by a first or second mortgage upon the whole or any part of the farm property, real or personal, including crops, of the farmer. The amount of the mortgage given by any farmer, together with all prior mortgages or other evidences of indebtedness secured by such farm property of the farmer, shall not exceed 75 per centum of the normal value thereof, as determined upon an appraisal made pursuant to the Federal Farm Loan Act, as amended; nor shall a loan in excess of $5,000, be made to any one farmer. Every mortgage made under this section shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a fixed number of annual or semiannual installments, sufficient to cover (1) interest on unpaid principal at a rate not to exceed 5 per centum per annum and (2) such payments equal in amount to be applied on principal as will extinguish the debt within an agreed period of not more than ten years or, in the case of a first or second mortgage secured wholly by real property and made for the purpose of reducing and refinancing an existing mortgage within an agreed period no greater than that for which loans may be made under the Federal Farm Loan Act, as amended, from the date the first payment on principal is due: *Provided*, That during the first three years the loan is in effect payments of interest only may be required if the borrower shall not be in default with respect to any other condition or covenant of his mortgage. No loan shall be made under this section unless the holder of any prior mortgage or instrument of indebtedness secured by such farm property arranges to the satisfaction of the Farm Loan Commissioner to limit his right to proceed against the farmer and such farm property for default in payment of principal. Loans under this section shall be made for the following purposes only: (1) Refinancing, either in connection with proceedings under chapter VIII of the Bankruptcy Act of July 1, 1898, as amended (relating to agricultural compositions and extensions), or otherwise, any indebtedness, secured or unsecured, of the farmer, (2) providing working capital for his farm operations, and (3) enabling any farmer to redeem and/or repurchase farm property owned by him prior to foreclosure which has been foreclosed at any time between July 1, 1931, and the date of the enactment of this Act, or which is foreclosed after the enactment of this Act. The provisions of paragraph "Ninth" of section 13 of the Federal Farm Loan Act, as amended (relating to charges to applicants for loans and borrowers from the Federal land banks), shall, so far as practicable, apply to loans made under this section. As used in this section, the term "farmer" means any individual who is bona fide engaged in farming operations, either personally or through an agent or tenant, or the principal part of whose income is derived from farming operations, and includes a personal representative of a deceased farmer.

Security.

Maximum amount, including existing indebtedness.

U.S.C., p. 304.

Post, p. 347.

Amortization plan of repayment.

Proviso.
Payments on principal may be suspended first 3 years, if not in default.

Agreement with holder of prior mortgage.

Purposes set forth.

Refinancing indebtedness.

Vol. 47, p. 1467.

Providing working capital.

Redemption or repurchase of farm property.

Post, p. 929.

Charges to borrowers.
Vol. 39, p. 372.

"Farmer" defined.

REGULATIONS

Regulations.

SEC. 33. The Farm Loan Commissioner is authorized to make such rules and regulations, and to appoint, employ, and fix the compensation of such officers, employees, attorneys, and agents as may be necessary to carry out the purposes of this title and to make the relief contemplated by this title immediately available, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States: *Provided*, That no salary or compensation in excess of $10,000 shall be paid to any person employed under the terms of the foregoing section.

Authority of Farm Loan Commissioner to make; to fix compensation rates, etc.

Proviso.
Salary restriction.

FACILITIES OF FEDERAL LAND BANKS AND NATIONAL FARM LOAN ASSOCIATIONS MADE AVAILABLE

SEC. 34. The Federal land banks and the national farm loan associations are authorized, upon request of the Farm Loan Commissioner, to make available to him their services and facilities to aid in administering the provisions of this title.

Facilities made available.

PENALTIES

SEC. 35. Any person who shall knowingly make any material false representation for the purpose of obtaining any loan under part 3 of this title, or in assisting in obtaining any such loan, shall, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than six months, or both.

Penalties.

PART 4—REFINANCING OF AGRICULTURAL IMPROVEMENT DISTRICT INDEBTEDNESS FOR THE BENEFIT OF FARMERS

Refinancing of agricultural improvement district indebtedness.

LOANS BY RECONSTRUCTION FINANCE CORPORATION

Loans by Reconstruction Finance Corporation.

SEC. 36. The Reconstruction Finance Corporation is authorized and empowered to make loans as hereinafter provided, in an aggregate amount not exceeding $50,000,000; to drainage districts, levee districts, levee and drainage districts, irrigation districts, and similar districts, duly organized under the laws of any State, and to political subdivisions of States, which prior to the date of enactment of this Act, have completed projects devoted chiefly to the improvement of lands for agricultural purposes. Such loans shall be made for the purpose of enabling any such district or political subdivision (hereafter referred to as the "borrower") to reduce and refinance its outstanding indebtedness incurred in connection with any such project, and shall be subject to the same terms and conditions as loans made under section 5 of the Reconstruction Finance Corporation Act, as amended; except that (1) the term of any such loan shall not exceed forty years; (2) each such loan shall be secured by refunding bonds issued to the Corporation by the borrower which are a lien on the real property within the project or on the amount of the assessments levied on such property by the borrower pursuant to State law, or by such other collateral as may be acceptable to the Corporation; (3) the borrower shall agree not to issue during the term of the loan any bonds so secured except with the consent of the Corporation; (4) the borrower shall pay to the Corporation, until all bonds of the borrower held by the Corporation are retired, an amount equal to the amount by which the assessments against the real property within the project collected by the borrower exceed the costs of operation

Amount authorized, to reduce and refinance indebtedness of drainage, etc., districts.
Post, pp. 308, 1110, 1269.

State subdivision agricultural projects.

Terms and conditions.

Vol. 47, pp. 6, 714.
U.S.C., Supp. VII, p. 267.

Exception.
Term limitation.
Security.

Bonds not to issue without Corporation's consent.

Payment of excess over operation, interest, etc., until outstanding bonds are retired.
Post, p. 1110.

Corresponding reduction of indebtedness to borrower.
Post, p. 1269.

Pro rata basis.

Cancellation to equal reduction so distributed.

Corporation to participate.

Requirements to be met before loan made.

Post, p. 1269.

and maintenance of the project and interest on its outstanding obligations; and (5) the borrower shall agree, to the satisfaction of the Corporation, to reduce the outstanding indebtedness to the borrower of the landowners within such project by an amount corresponding to that by which the indebtedness of the borrower is reduced by reason of the operation of this section, to distribute the amount of such reduction among such landowners on a pro rata basis, to cancel and retire its outstanding bonds in an aggregate amount equal to the amount of the reduction so distributed, and to permit the Corporation, in the case of the payment of the bonds of the borrower or the liquidation of such project, to participate in such payment or in the proceeds of such liquidation on the basis of the face amount of the bonds so retired plus the face amount of the bonds held by the Corporation as security for the loan. No loan shall be made under this section until the Reconstruction Finance Corporation (A) has caused an appraisal to be made of the property securing and/or underlying the outstanding bonds of the applicant, (B) has determined that the project of the applicant is economically sound, and (C) has been satisfied that an agreement has been entered into between the applicant and the holders of its outstanding bonds under which the applicant will be able to purchase or refund such bonds at a price determined by the Corporation to be reasonable after taking into consideration the average market price of such bonds over the six months' period ending March 1, 1933, and under which a substantial reduction will be brought about in the amount of the outstanding indebtedness of the applicant.

Advances to reclamation fund authorized.
Vol. 47, p. 5; Vol. 32, p. 388.

Maximum amount.

Repayment.

Manner of expenditure.

Interest rate.

SEC. 37. The Reconstruction Finance Corporation, upon request of the Secretary of the Interior, is authorized and empowered to advance from funds made available by section 2 of the Act of January 22, 1932 (47 Stat.L. 5), to the reclamation fund created by the Act of June 17, 1902 (32 Stat.L. 388), such sum or sums as the Secretary of the Interior may deem necessary, not exceeding $5,000,000, for the completion of projects or divisions of projects now under construction, or projects approved and authorized. Funds so advanced shall be repaid out of any receipts and accretions accruing to the reclamation fund within such time as may be fixed by the Reconstruction Finance Corporation, not exceeding five years from the date of advance, with interest at the rate of 4 per centum per annum. Sums so advanced may be expended in the same way as other moneys in the reclamation fund.

Increase of lending power of Corporation.

Vol. 47, p. 9.
Post, p. 319.

PART 5—INCREASE OF LENDING POWER OF RECONSTRUCTION FINANCE CORPORATION

SEC. 38. In order to provide funds to carry out the purposes of this title, the amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered under section 9 of the Reconstruction Finance Corporation Act, as amended, to have outstanding at any one time, is hereby increased by $300,000,000.

Farm Loan Commissioner.

PART 6—FUNCTIONS OF FARM LOAN COMMISSIONER UNDER EXECUTIVE ORDERS

Functions of, under Executive orders.

Vol. 47, p. 413.

SEC. 39. If and when any executive order heretofore transmitted to the Congress pursuant to title IV of part II of the Legislative Appropriation Act of 1933, as amended, shall become effective, all functions, powers, authority, and duties conferred upon or vested in the Farm Loan Commissioner by this title shall be held and exer-

cised by him subject to all the terms and conditions in any such Executive order the same as if such functions, powers, authority, and duties were specifically named in such Executive order or orders.

Miscellaneous.

PART 7—MISCELLANEOUS

Farm Credit Administration.

PERFECTING ORGANIZATION FARM CREDIT ADMINISTRATION

Authority of Governor of, to perfect organization, etc.

SEC. 40. The Governor of the Farm Credit Administration is authorized, in carrying out the powers and duties now or hereafter vested in him or the Farm Credit Administration by law or under any Executive order made under title IV of part II of the Legislative Appropriation Act of 1933, as amended, to establish, and to fix the powers and duties of, such divisions, agencies, corporations, and instrumentalities as he may deem necessary to the efficient functioning of the Farm Credit Administration and the successful execution of the powers and duties so vested in the Governor and the Farm Credit Administration. This section shall not be construed to restrict the authority of the President under title IV of such Act, as amended: *Provided*, That no salary or compensation shall be paid to any officer, agent, or other person employed under this section in excess of $10,000 per annum.

Vol. 47, p. 413.

No restriction on authority of President.

Proviso.
Salary limitation.

Loans to fruit growers.

LOANS TO FRUIT GROWERS

Appraising security at fair value.

SEC. 41. That in making loans to owners of groves and orchards, including citrus-fruit groves and other fruit groves and orchards, the Federal land banks, the farm land banks, and all Government agencies making loans upon such character of property may, in appraising the property offered as security, give a reasonable and fair valuation to the fruit trees located and growing upon said property and constituting a substantial part of its value.

PART 8—SHORT TITLE

Short title.

SEC. 42. This title may be cited as the "Emergency Farm Mortgage Act of 1933."

Financing: Coining money, etc.

TITLE III—FINANCING—AND EXERCISING POWER CONFERRED BY SECTION 8 OF ARTICLE I OF THE CONSTITUTION: TO COIN MONEY AND TO REGULATE THE VALUE THEREOF

Discretionary authority of the President.
Post, p. 343.
When U.S. commerce adversely affected by foreign currency depreciation.
Fixing parity of currency issues.
Economic emergency requires credit expansion.
Stabilization by international agreement.

SEC. 43. Whenever the President finds, upon investigation, that (1) the foreign commerce of the United States is adversely affected by reason of the depreciation in the value of the currency of any other government or governments in relation to the present standard value of gold, or (2) action under this section is necessary in order to regulate and maintain the parity of currency issues of the United States, or (3) an economic emergency requires an expansion of credit, or (4) an expansion of credit is necessary to secure by international agreement a stabilization at proper levels of the currencies of various governments, the President is authorized, in his discretion—

Conduct, through Federal Reserve Board, open market operations in U.S. obligations, etc.
Post, p. 168.

(a) To direct the Secretary of the Treasury to enter into agreements with the several Federal Reserve banks and with the Federal Reserve Board whereby the Federal Reserve Board will, and it is hereby authorized to, notwithstanding any provisions of law or rules and regulations to the contrary, permit such reserve banks to agree that they will, (1) conduct, pursuant to existing law, throughout specified periods, open market operations in obligations of the United States Government or corporations in which the

Purchase directly and hold Treasury bills, etc., additional to present holdings.

United States is the majority stockholder, and (2) purchase directly and hold in portfolio for an agreed period or periods of time Treasury bills or other obligations of the United States Government in an aggregate sum of $3,000,000,000 in addition to those they may then hold, unless prior to the termination of such period or periods the Secretary shall consent to their sale. No suspension of reserve requirements of the Federal Reserve banks, under the terms of section 11(c) of the Federal Reserve Act, necessitated by reason of operations under this section, shall require the imposition of the graduated tax upon any deficiency in reserves as provided in said section 11(c). Nor shall it require any automatic increase in the rates of interest or discount charged by any Federal Reserve bank, as otherwise specified in that section. The Federal Reserve Board, with the approval of the Secretary of the Treasury, may require the Federal Reserve banks to take such action as may be necessary, in the judgment of the Board and of the Secretary of the Treasury, to prevent undue credit expansion.

Suspension of reserve requirements not to impose graduated tax on any deficiency in reserves.
Vol. 38, p. 262.
U.S.C., p. 276.

Interest or discount rates.

Measures to prevent undue credit expansion.

If unable to secure assent of Federal Reserve banks to authorized agreements, etc.

(b) If the Secretary, when directed by the President, is unable to secure the assent of the several Federal Reserve banks and the Federal Reserve Board to the agreements authorized in this section, or if operations under the above provisions prove to be inadequate to meet the purposes of this section, or if for any other reason additional measures are required in the judgment of the President to meet such purposes, then the President is authorized—

Authority of President.

United States notes may be issued.

Vol. 12, p. 345.

(1) To direct the Secretary of the Treasury to cause to be issued in such amount or amounts as he may from time to time order, United States notes, as provided in the Act entitled "An Act to authorize the issue of United States notes and for the redemption of funding thereof and for funding the floating debt of the United States", approved February 25, 1862, and Acts supplementary thereto and amendatory thereof, in the same size and of similar color to the Federal Reserve notes heretofore issued and in denominations of $1, $5, $10, $20, $50, $100, $500, $1,000, and $10,000; but notes issued under this subsection shall be issued only for the purpose of meeting maturing Federal obligations to repay sums borrowed by the United States and for purchasing United States bonds and other interest-bearing obligations of the United States: *Provided*, That when any such notes are used for such purpose the bond or other obligation so acquired or taken up shall be retired and canceled. Such notes shall be issued at such times and in such amounts as the President may approve but the aggregate amount of such notes outstanding at any time shall not exceed $3,000,000,000. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, an amount sufficient to enable the Secretary of the Treasury to retire and cancel 4 per centum annually of such outstanding notes, and the Secretary of the Treasury is hereby directed to retire and cancel annually 4 per centum of such outstanding notes. Such notes and all other coins and currencies heretofore or hereafter coined or issued by or under the authority of the United States shall be legal tender for all debts public and private.

Size, color, denominations, etc.

Purposes of issue defined.

Proviso.
Retirement of bonds so purchased.

Issues, amounts, etc.

Appropriation for annual cancellation.

Notes, etc., to be legal tender.
Post, p. 113.

(2) By proclamation to fix the weight of the gold dollar in grains nine tenths fine and also to fix the weight of the silver dollar in grains nine tenths fine at a definite fixed ratio in relation to the gold dollar at such amounts as he finds necessary from his investigation to stabilize domestic prices or to protect the foreign commerce against the adverse effect of depreciated foreign currencies, and to provide for the unlimited coinage of such gold and silver at the ratio so fixed, or in case the Government of the United States

President, by proclamation, may fix weight of gold dollar.
Silver dollar.
Post, p. 344.

Unlimited coinage of gold and silver dollar at fixed ratio.

enters into an agreement with any government or governments under the terms of which the ratio between the value of gold and other currency issued by the United States and by any such government or governments is established, the President may fix the weight of the gold dollar in accordance with the ratio so agreed upon, and such gold dollar, the weight of which is so fixed, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity with this standard and it shall be the duty of the Secretary of the Treasury to maintain such parity, but in no event shall the weight of the gold dollar be fixed so as to reduce its present weight by more than 50 per centum.

Weight of gold dollar fixed by international agreement.

To be standard unit of value.

Parity maintenance. Minimum weight of gold dollar. *Post*, p. 342.

SEC. 44. The Secretary of the Treasury, with the approval of the President, is hereby authorized to make and promulgate rules and regulations covering any action taken or to be taken by the President under subsection (a) or (b) of section 43.

Rules, etc., to be promulgated. *Ante*, p. 51.

SEC. 45. (a) The President is authorized, for a period of six months from the date of the passage of this Act, to accept silver in payment of the whole or any part of the principal or interest now due, or to become due within six months after such date, from any foreign government or governments on account of any indebtedness to the United States, such silver to be accepted at not to exceed the price of 50 cents an ounce in United States currency. The aggregate value of the silver accepted under this section shall not exceed $200,000,000.

Acceptance of silver for ensuing six months, indebtedness of foreign governments.

Limitation on aggregate amount.

(b) The silver bullion accepted and received under the provisions of this section shall be subject to the requirements of existing law and the regulations of the mint service governing the methods of determining the amount of pure silver contained, and the amount of the charges or deductions, if any, to be made; but such silver bullion shall not be counted as part of the silver bullion authorized or required to be purchased and coined under the provisions of existing law.

Silver bullion to be subject to law requirements.

(c) The silver accepted and received under the provisions of this section shall be deposited in the Treasury of the United States, to be held, used, and disposed of as in this section provided.

Deposit in Treasury for uses designated.

(d) The Secretary of the Treasury shall cause silver certificates to be issued in such denominations as he deems advisable to the total number of dollars for which such silver was accepted in payment of debts. Such silver certificates shall be used by the Treasurer of the United States in payment of any obligations of the United States.

Silver certificates, issue of. *Post*, p. 342.

Coinage.

(e) The silver so accepted and received under this section shall be coined into standard silver dollars and subsidiary coins sufficient, in the opinion of the Secretary of the Treasury, to meet any demands for redemption of such silver certificates issued under the provisions of this section, and such coins shall be retained in the Treasury for the payment of such certificates on demand. The silver so accepted and received under this section, except so much thereof as is coined under the provisions of this section, shall be held in the Treasury for the sole purpose of aiding in maintaining the parity of such certificates as provided in existing law. Any such certificates or reissued certificates, when presented at the Treasury, shall be redeemed in standard silver dollars, or in subsidiary silver coin, at the option of the holder of the certificates: *Provided*, That, in the redemption of such silver certificates issued under this section, not to exceed one third of the coin required for such redemption may in the judgment of the Secretary of the Treasury be made in subsidiary coins, the balance to be made in standard silver dollars.

Redemption.

Purpose of aiding in maintaining parity of certificates.

Certificates redeemable in silver dollars, etc.

Proviso. Subsidiary coins.

Silver certificates may reissue.

(f) When any silver certificates issued under the provisions of this section are redeemed or received into the Treasury from any source whatsoever, and belong to the United States, they shall not be retired, canceled, or destroyed, but shall be reissued and paid out again and kept in circulation; but nothing herein shall prevent the cancelation and destruction of mutilated certificates and the issue of other certificates of like denomination in their stead, as provided by law.

Cancellation, etc., of mutilated certificates.

Rules to be prescribed.

(g) The Secretary of the Treasury is authorized to make rules and regulations for carrying out the provisions of this section.

Federal Reserve Act, amendment. Vol. 38, p. 271. U.S.C., p. 287.

SEC. 46. Section 19 of the Federal Reserve Act, as amended, is amended by inserting immediately after paragraph (c) thereof the following new paragraph:

Emergency due to credit expansion. Federal Reserve Board may so declare, and modify reserve balances, etc.

"Notwithstanding the foregoing provisions of this section, the Federal Reserve Board, upon the affirmative vote of not less than five of its members and with the approval of the President, may declare that an emergency exists by reason of credit expansion, and may by regulation during such emergency increase or decrease from time to time, in its discretion, the reserve balances required to be maintained against either demand or time deposits."

Approved, May 12, 1933.

[CHAPTER 26.]

AN ACT

May 12, 1933. [H.R. 48.] [Public, No. 11.]

To extend the time for completing the construction of a bridge across the Missouri River at or near Kansas City, Kansas.

Missouri River. Time extended for bridging, at Kansas City, Kans. Vol. 45, pp. 704, 1530; Vol. 46, p. 835, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for completing the construction of a bridge across the Missouri River at or near Kansas City, Kansas, authorized to be built by the Interstate Bridge Company, its successors and assigns, by an Act of Congress approved May 22, 1928, heretofore extended by Acts of Congress approved March 2, 1929, and June 30, 1930, is hereby further extended two years from May 22, 1933.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 12, 1933.

[CHAPTER 27.]

AN ACT

May 12, 1933. [H.R. 1596.] [Public, No. 12.]

To extend the times for commencing and completing the construction of a bridge across the Pee Dee River and a bridge across the Waccamaw River, both at or near Georgetown, South Carolina.

Pee Dee and Waccamaw Rivers. Time extended for bridging, at Georgetown, S.C. Vol. 46, p. 479, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Pee Dee River and a bridge across the Waccamaw River, both at or near Georgetown, South Carolina, authorized to be built by the county of Georgetown, South Carolina, by an Act of Congress approved May 29, 1930, are hereby extended one and three years, respectively, from May 29, 1933.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 12, 1933.

[CHAPTER 28.]

AN ACT

To extend the time for commencing and completing the construction of a bridge across the Waccamaw River near Conway, South Carolina.

May 12, 1933.
[H.R. 4127.]
[Public, No. 13.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge authorized by Act of Congress approved February 10, 1932, to be built by the State Highway Commission of South Carolina across the Waccamaw River near Conway are hereby extended one and three years, respectively, from the date of approval hereof.

Waccamaw River.
Time extended for bridging, at Conway, S.C.
Vol. 47, p. 42, amended.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, May 12, 1933.

[CHAPTER 29.]

AN ACT

Granting the consent of Congress to the Board of County Commissioners of Mahoning County, Ohio, to construct a free overhead viaduct across the Mahoning River, at Struthers, Mahoning County, Ohio.

May 12, 1933.
[H.R. 4491.]
[Public, No. 14.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of an overhead viaduct authorized by Act of Congress approved February 10, 1932, to be built by the Board of County Commissioners of Mahoning County, Ohio, across the Mahoning River, at Struthers, Mahoning County, Ohio, are hereby extended one and three years, respectively, from the date of approval hereof.

Mahoning River.
Time extended for bridging, at Struthers, Ohio.
Vol. 47, p. 43, amended.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, May 12, 1933.

[CHAPTER 30.]

AN ACT

To provide for cooperation by the Federal Government with the several States and Territories and the District of Columbia in relieving the hardship and suffering caused by unemployment, and for other purposes.

May 12, 1933.
[H.R. 4606.]
[Public, No. 15.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that the present economic depression has created a serious emergency, due to widespread unemployment and increasing inadequacy of State and local relief funds, resulting in the existing or threatened deprivation of a considerable number of families and individuals of the necessities of life, and making it imperative that the Federal Government cooperate more effectively with the several States and Territories and the District of Columbia in furnishing relief to their needy and distressed people.

Federal Emergency Relief Act of 1933.
Post, pp. 351, 1055.

Cooperation with States, etc., in relieving distress, etc.

SEC. 2. (a) The Reconstruction Finance Corporation is authorized and directed to make available out of the funds of the Corporation not to exceed $500,000,000, in addition to the funds authorized under title I of the Emergency Relief and Construction Act of 1932, for expenditure under the provisions of this Act upon certification by the Federal Emergency Relief Administrator provided for in section 3.

Reconstruction Finance Corporation.
Amount from funds of, made available.
To be additional to previous authorization.
Vol. 47, p. 709.

Increase of Corporation obligations, authorized.
Vol. 47, p. 9, amended.

(b) The amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered under section 9 of the Reconstruction Finance Corporation Act, as amended, to have outstanding at any one time is increased by $500,000,000: *Provided*, That no such additional notes, debentures, bonds, or other such obligations authorized by this subsection shall be issued except at such times and in such amounts as the President shall approve.

Proviso.
Issue discretionary.

Approval of relief applications by Corporation to cease.
Vol. 47, p. 709.

(c) After the expiration of ten days after the date upon which the Federal Emergency Relief Administrator has qualified and has taken office, no application shall be approved by the Reconstruction Finance Corporation under the provisions of title I of the Emergency Relief and Construction Act of 1932, and the Federal Emergency Relief Administrator shall have access to all files and records of the Reconstruction Finance Corporation relating to the administration of funds under title I of such Act. At the expiration of such ten-day period, the unexpended and unobligated balance of the funds authorized under title I of such Act shall be available for the purposes of this Act.

Administrator to have access to Corporation files.

Federal Emergency Relief Administration created.

SEC. 3. (a) There is hereby created a Federal Emergency Relief Administration, all the powers of which shall be exercised by a Federal Emergency Relief Administrator (referred to in this Act as the "Administrator") to be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall receive a salary to be fixed by the President at not to exceed $10,000, and necessary traveling and subsistence expenses within the limitations prescribed by law for civilian employees in the executive branch of the Government. The Federal Emergency Relief Administration and the office of Federal Emergency Relief Administrator shall cease to exist upon the expiration of two years after the date of enactment of this Act, and the unexpended balance on such date of any funds made available under the provisions of this Act shall be disposed of as the Congress may by law provide.

Administrator; powers, salary, etc.

Travel and subsistence.

Duration of office.

Unexpended balance.

Experts and other employees.

(b) The Administrator may appoint and fix the compensation of such experts and their appointment may be made and compensation fixed without regard to the civil service laws, or the Classification Act of 1923, as amended, and the Administrator may, in the same manner, appoint and fix the compensation of such other officers and employees as are necessary to carry out the provisions of this Act, but such compensation shall not exceed in any case the sum of $8,000; and may make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere and for printing and binding), not to exceed $350,000, as are necessary to carry out the provisions of this Act, to be paid by the Reconstruction Finance Corporation out of funds made available by this Act upon presentation of vouchers approved by the Administrator or by an officer of the Administration designated by him for that purpose. The Administrator may, under rules and regulations prescribed by the President, assume control of the administration in any State or States where, in his judgment, more effective and efficient cooperation between the State and Federal authorities may thereby be secured in carrying out the purposes of this Act.

Civil service and Classification Acts not to apply.
U.S.C., p. 65; Supp. VI, p. 31.

Salary restriction.

Expenses.

Control of State administrations.

Investigations, etc.

(c) In executing any of the provisions of this Act, the Administrator, and any person duly authorized or designated by him, may conduct any investigation pertinent or material to the furtherance of the purposes of this Act and, at the request of the President, shall make such further investigations and studies as the President may deem necessary in dealing with problems of unemployment relief.

(d) The Administrator shall print monthly, and shall submit to the President and to the Senate and the House of Representatives (or to the Secretary of the Senate and the Clerk of the House of Representatives, if those bodies are not in session), a report of his activities and expenditures under this Act. Such reports shall, when submitted, be printed as public documents.

Monthly reports to be submitted.

Printing, as public documents.

SEC. 4. (a) Out of the funds of the Reconstruction Finance Corporation made available by this Act, the Administrator is authorized to make grants to the several States to aid in meeting the costs of furnishing relief and work relief and in relieving the hardship and suffering caused by unemployment in the form of money, service, materials, and/or commodities to provide the necessities of life to persons in need as a result of the present emergency, and/or to their dependents, whether resident, transient, or homeless.

Administrator may make grants, to aid relief work of States.

(b) Of the amounts made available by this Act not to exceed $250,000,000 shall be granted to the several States applying therefor, in the following manner: Each State shall be entitled to receive grants equal to one third of the amount expended by such State, including the civil subdivisions thereof, out of public moneys from all sources for the purposes set forth in subsection (a) of this section; and such grants shall be made quarterly, beginning with the second quarter in the calendar year 1933, and shall be made during any quarter upon the basis of such expenditures certified by the States to have been made during the preceding quarter.

Amount available.
Proportion of grant to expenditure by State.

To be made quarterly.

(c) The balance of the amounts made available by this Act, except the amount required for administrative expenditures under section 3, shall be used for grants to be made whenever, from an application presented by a State, the Administrator finds that the combined moneys which can be made available within the State from all sources, supplemented by any moneys, available under subsection (b) of this section, will fall below the estimated needs within the State for the purposes specified in subsection (a) of this section: *Provided*, That the Administrator may certify out of the funds made available by this subsection additional grants to States applying therefor to aid needy persons who have no legal settlement in any one State or community, and to aid in assisting cooperative and self-help associations for the barter of goods and services.

Fund for discretionary use when combined amounts inadequate.

Proviso.
Relief of persons having no legal settlement in a State, etc.

(d) After October 1, 1933, notwithstanding the provisions of subsection (b), the unexpended balance of the amounts available for the purposes of subsection (b) may, in the discretion of the Administrator and with the approval of the President, be available for grants under subsection (c).

Use of balances from State grants.

(e) The decision of the Administrator as to the purpose of any expenditure shall be final.

Decision of Administrator final.

(f) The amount available to any one State under subsections (b) and (c) of this section shall not exceed 15 per centum of the total amount made available by such subsections.

Limitation.

SEC. 5. Any State desiring to obtain funds under this Act shall through its Governor make application therefor from time to time to the Administrator. Each application so made shall present in the manner requested by the Administrator information showing (1) the amounts necessary to meet relief needs in the State during the period covered by such application and the amounts available from public or private sources within the State, its political subdivisions, and private agencies, to meet the relief needs of the State, (2) the provision made to assure adequate administrative supervision, (3) the provision made for suitable standards of relief, and (4) the purposes for which the funds requested will be used.

Governor of State to make application for funds.

Necessity to be shown.

Administrative provision.
Standards of relief, use, etc.

Disbursements.

SEC. 6. The Administrator upon approving a grant to any State shall so certify to the Reconstruction Finance Corporation which shall, except upon revocation of a certificate by the Administrator, make payments without delay to the State in such amounts and at such times as may be prescribed in the certificate. The Governor of each State receiving grants under this Act shall file monthly with the Administrator, and in the form required by him, a report of the disbursements made under such grants.

Monthly report required.

Terms defined.

SEC. 7. As used in the foregoing provisions of this Act, the term "State" shall include the District of Columbia, Alaska, Hawaii, the Virgin Islands, and Puerto Rico; and the term "Governor" shall include the Commissioners of the District of Columbia.

Title.

SEC. 8. This Act may be cited as the "Federal Emergency Relief Act of 1933."

Approved, May 12, 1933

[CHAPTER 31.]

AN ACT

May 18, 1933.
[S. 1582.]
[Public, No. 16.]

To amend section 1025 of the Revised Statutes of the United States.

Grand juries.
R.S., sec. 1025, p. 190, amended.
U.S.C., p. 505.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1025 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

Indictments, immaterial defects of form.

"SEC. 1025. No indictment found and presented by a grand jury in any district or other court of the United States shall be deemed insufficient, nor shall the trial, judgment, or other proceeding thereon be affected by reason of any defect or imperfection in matter of form only, which shall not tend to the prejudice of the defendant, or by reason of the attendance before the grand jury during the taking of testimony of one or more clerks or stenographers employed in a clerical capacity to assist the district attorney or other counsel for the Government who shall, in that connection, be deemed to be persons acting for and on behalf of the United States in an official capacity and function."

Presence of clerical assistants of district attorney, etc.

Approved, May 18, 1933.

[CHAPTER 32.]

AN ACT

May 18, 1933.
[H.R. 5081.]
[Public, No. 17.]

To improve the navigability and to provide for the flood control of the Tennessee River; to provide for reforestation and the proper use of marginal lands in the Tennessee Valley; to provide for the agricultural and industrial development of said valley; to provide for the national defense by the creation of a corporation for the operation of Government properties at and near Muscle Shoals in the State of Alabama, and for other purposes.

Tennessee Valley Authority Act of 1933.
Purposes declared.
Post, pp. 275, 1055.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of maintaining and operating the properties now owned by the United States in the vicinity of Muscle Shoals, Alabama, in the interest of the national defense and for agricultural and industrial development, and to improve navigation in the Tennessee River and to control the destructive flood waters in the Tennessee River and Mississippi River Basins, there is hereby created a body corporate by the name of the "Tennessee Valley Authority" (hereinafter referred to as the "Corporation"). The board of directors first appointed shall be deemed the incorporators, and the incorporation shall be held to have been effected from the date of the first meeting

"Tennessee Valley Authority" body corporate created.
Incorporators, etc.

of the board. This Act may be cited as the "Tennessee Valley Authority Act of 1933." Citation of Act.

SEC. 2. (a) The board of directors of the Corporation (hereinafter referred to as the "board") shall be composed of three members, to be appointed by the President, by and with the advice and consent of the Senate. In appointing the members of the board, the President shall designate the chairman. All other officials, agents, and employees shall be designated and selected by the board. Board of directors. Composition, chairman, etc.

(b) The terms of office of the members first taking office after the approval of this Act shall expire as designated by the President at the time of nomination, one at the end of the third year, one at the end of the sixth year, and one at the end of the ninth year, after the date of approval of this Act. A successor to a member of the board shall be appointed in the same manner as the original members and shall have a term of office expiring nine years from the date of the expiration of the term for which his predecessor was appointed. Terms of office. Successors.

(c) Any member appointed to fill a vacancy in the board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Filling vacancies.

(d) Vacancies in the board so long as there shall be two members in office shall not impair the powers of the board to execute the functions of the Corporation, and two of the members in office shall constitute a quorum for the transaction of the business of the board. Vacancies not to impair powers, if quorum manifest.

(e) Each of the members of the board shall be a citizen of the United States, and shall receive a salary at the rate of $10,000 a year, to be paid by the Corporation as current expenses. Each member of the board, in addition to his salary, shall be permitted to occupy as his residence one of the dwelling houses owned by the Government in the vicinity of Muscle Shoals, Alabama, the same to be designated by the President of the United States. Members of the board shall be reimbursed by the Corporation for actual expenses (including traveling and subsistence expenses) incurred by them in the performance of the duties vested in the board by this Act. No member of said board shall, during his continuance in office, be engaged in any other business, but each member shall devote himself to the work of the Corporation. Citizenship, salary, residence, etc. Reimbursement for actual expenses. Not to engage in any other business.

(f) No director shall have financial interest in any public-utility corporation engaged in the business of distributing and selling power to the public nor in any corporation engaged in the manufacture, selling, or distribution of fixed nitrogen or fertilizer, or any ingredients thereof, nor shall any member have any interest in any business that may be adversely affected by the success of the Corporation as a producer of concentrated fertilizers or as a producer of electric power. Director to have no financial interest in certain public utility corporations.

(g) The board shall direct the exercise of all the powers of the Corporation. Board to exercise all Corporation powers.

(h) All members of the board shall be persons who profess a belief in the feasibility and wisdom of this Act. Confidence, etc., in project.

SEC. 3. The board shall without regard to the provisions of Civil Service laws applicable to officers and employees of the United States, appoint such managers, assistant managers, officers, employees, attorneys, and agents, as are necessary for the transaction of its business, fix their compensation, define their duties, require bonds of such of them as the board may designate, and provide a system of organization to fix responsibility and promote efficiency. Any appointee of the board may be removed in the discretion of the board. No regular officer or employee of the Corporation Appointment of managers, officers, etc., without regard to civil service laws. To provide organization system. Removals, salary restrictions, etc.

shall receive a salary in excess of that received by the members of the board.

Construction contracts to stipulate payments at prevailing rate of wages.

All contracts to which the Corporation is a party and which require the employment of laborers and mechanics in the construction, alteration, maintenance, or repair of buildings, dams, locks, or other projects shall contain a provision that not less than the prevailing rate of wages for work of a similar nature prevailing in the vicinity shall be paid to such laborers or mechanics.

Wage disputes to be referred to the Secretary of Labor; decision final.

In the event any dispute arises as to what are the prevailing rates of wages, the question shall be referred to the Secretary of Labor for determination, and his decision shall be final. In the determination of such prevailing rate or rates, due regard shall be given to those rates which have been secured through collective agreement by representatives of employers and employees.

Due regard for collective agreements.

Work done directly by Corporation.

Where such work as is described in the two preceding paragraphs is done directly by the Corporation the prevailing rate of wages shall be paid in the same manner as though such work had been let by contract.

Injuries to Government employees.
Benefits of act respecting, extended.
Vol. 39, p. 742.
U.S.C., p. 76.

Insofar as applicable, the benefits of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, shall extend to persons given employment under the provisions of this Act.

Corporate powers.

SEC. 4. Except as otherwise specifically provided in this Act, the Corporation—

(a) Shall have succession in its corporate name.

(b) May sue and be sued in its corporate name.

(c) May adopt and use a corporate seal, which shall be judicially noticed.

(d) May make contracts, as herein authorized.

(e) May adopt, amend, and repeal bylaws.

(f) May purchase or lease and hold such real and personal property as it deems necessary or convenient in the transaction of its business, and may dispose of any such personal property held by it.

Treasurer and assistants to be selected; surety bonds.

The board shall select a treasurer and as many assistant treasurers as it deems proper, which treasurer and assistant treasurers shall give such bonds for the safe-keeping of the securities and moneys of the said Corporation as the board may require: *Provided*, That any member of said board may be removed from office at any time by a concurrent resolution of the Senate and the House of Representatives.

Proviso.
Removal of board members.

(g) Shall have such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the Corporation.

Right of eminent domain.

(h) Shall have power in the name of the United States of America to exercise the right of eminent domain, and in the purchase of any real estate or the acquisition of real estate by condemnation proceedings, the title to such real estate shall be taken in the name of the United States of America, and thereupon all such real estate shall be entrusted to the Corporation as the agent of the United States to accomplish the purposes of this Act.

Holding as agent of United States.

Sites for dams, power houses, etc.

(i) Shall have power to acquire real estate for the construction of dams, reservoirs, transmission lines, power houses, and other structures, and navigation projects at any point along the Tennessee River, or any of its tributaries, and in the event that the owner or owners of such property shall fail and refuse to sell to the Corporation at a price deemed fair and reasonable by the board, then the Corporation may proceed to exercise the right of eminent domain,

Condemnation proceedings.

and to condemn all property that it deems necessary for carrying out the purposes of this Act, and all such condemnation proceedings shall be had pursuant to the provisions and requirements hereinafter specified, with reference to any and all condemnation proceedings.

Power to construct and unite power installations.

(j) Shall have power to construct dams, reservoirs, power houses, power structures, transmission lines, navigation projects, and incidental works in the Tennessee River and its tributaries, and to unite the various power installations into one or more systems by transmission lines.

Board authority.

SEC. 5. The board is hereby authorized—

To contract with commercial producers for producing fertilizer, etc.

(a) To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants. Such contracts may provide either for outright purchase of materials by the board or only for the payment of carrying charges on special materials manufactured at the board's request for its program.

To arrange for practical use of new forms of fertilizers.

(b) To arrange with farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce.

Cooperative demonstrations.

(c) To cooperate with National, State, district, or county experimental stations or demonstration farms, for the use of new forms of fertilizer or fertilizer practices during the initial or experimental period of their introduction.

To make and sell fixed nitrogen, fertilizer, etc., at Muscle Shoals.

(d) The board in order to improve and cheapen the production of fertilizer is authorized to manufacture and sell fixed nitrogen, fertilizer, and fertilizer ingredients at Muscle Shoals by the employment of existing facilities, by modernizing existing plants, or by any other process or processes that in its judgment shall appear wise and profitable for the fixation of atmospheric nitrogen or the cheapening of the production of fertilizer.

Equitable distribution through agricultural agencies.

(e) Under the authority of this Act the board may make donations or sales of the product of the plant or plants operated by it to be fairly and equitably distributed through the agency of county demonstration agents, agricultural colleges, or otherwise as the board may direct, for experimentation, education, and introduction of the use of such products in cooperation with practical farmers so as to obtain information as to the value, effect, and best methods of their use.

Plant improvements, etc.

(f) The board is authorized to make alterations, modifications, or improvements in existing plants and facilities, and to construct new plants.

Nitrate plant no. 2. Explosives production at, if not used for nitrogen fixation.

(g) In the event it is not used for the fixation of nitrogen for agricultural purposes or leased, then the board shall maintain in stand-by condition nitrate plant numbered 2, or its equivalent, for the fixation of atmospheric nitrogen, for the production of explosives in the event of war or a national emergency, until the Congress shall by joint resolution release the board from this obligation, and if any part thereof be used by the board for the manufacture of phosphoric acid or potash, the balance of nitrate plant numbered 2 shall be kept in stand-by condition.

Phosphoric acid or potash manufacture.

Laboratories, etc., to be established, etc.

(h) To establish, maintain, and operate laboratories and experimental plants, and to undertake experiments for the purpose of enabling the Corporation to furnish nitrogen products for military purposes, and nitrogen and other fertilizer products for agricultural purposes in the most economical manner and at the highest standard of efficiency.

Experiments for military purposes.

Aid of other Government services.

(i) To request the assistance and advice of any officer, agent, or employee of any executive department or of any independent office of the United States, to enable the Corporation the better to carry

out its powers successfully, and as far as practicable shall utilize the services of such officers, agents, and employees, and the President shall, if in his opinion, the public interest, service, or economy so require, direct that such assistance, advice, and service be rendered to the Corporation, and any individual that may be by the President directed to render such assistance, advice, and service shall be thereafter subject to the orders, rules, and regulations of the board:

Provisos.
Use of any invention or discovery.

Provided, That any invention or discovery made by virtue of and incidental to such service by an employee of the Government of the United States serving under this section, or by any employee of the Corporation, together with any patents which may be granted thereon, shall be the sole and exclusive property of the Corporation, which is hereby authorized to grant such licenses thereunder as shall be authorized by the board: *Provided further*, That the board may pay to such inventor such sum from the income from sale of licenses as it may deem proper.

Pay to inventor, etc.

Sale of explosives to Government; cost.

(j) Upon the requisition of the Secretary of War or the Secretary of the Navy to manufacture for and sell at cost to the United States explosives or their nitrogenous content.

Allotment of power for operating locks, etc.

(k) Upon the requisition of the Secretary of War the Corporation shall allot and deliver without charge to the War Department so much power as shall be necessary in the judgment of said Department for use in operation of all locks, lifts, or other facilities in aid of navigation.

Produce, sell, etc., power.

(l) To produce, distribute, and sell electric power, as herein particularly specified.

Foreign sales of products.

(m) No products of the Corporation shall be sold for use outside of the United States, its Territories and possessions, except to the United States Government for the use of its Army and Navy, or to its allies in case of war.

President may lease nitrate plant no. 2 and Waco Quarry.

(n) The President is authorized, within twelve months after the passage of this Act, to lease to any responsible farm organization or to any corporation organized by it nitrate plant numbered 2 and Waco Quarry, together with the railroad connecting said quarry with nitrate plant numbered 2, for a term not exceeding fifty years at a rental of not less than $1 per year, but such authority shall be subject to the express condition that the lessee shall use said property during the term of said lease exclusively for the manufacture of fertilizer and fertilizer ingredients to be used only in the manufacture of fertilizer by said lessee and sold for use as fertilizer.

Term not to exceed 50 years.

Condition.

Lessee to keep property in first-class condition; may modernize, etc.

The said lessee shall covenant to keep said property in first-class condition, but the lessee shall be authorized to modernize said plant numbered 2 by the installation of such machinery as may be necessary, and is authorized to amortize the cost of said machinery and improvements over the term of said lease or any part thereof. Said lease shall also provide that the board shall sell to the lessee power for the operation of said plant at the same schedule of prices that it charges all other customers for power of the same class and quantity. Said lease shall also provide that, if the said lessee does not desire to buy power of the publicly owned plant, it shall have the right to purchase its power for the operation of said plant of the Alabama Power Company or any other publicly or privately owned corporation engaged in the generation and sale of electric power, and in such case the lease shall provide further that the said lessee shall have a free right of way to build a transmission line over Government property to said plant paying the actual expenses and damages, if any, incurred by the Corporation on account of such line. Said lease shall also provide that the said lessee shall covenant that during the term of said lease the said lessee shall not enter into any

Power for operating plant.

Discretionary purchase of, from Alabama Power Company, etc.

Provision for transmission lines.

No illegal monopoly, etc., guaranty.

illegal monopoly, combination, or trust with any privately owned corporation engaged in the manufacture, production, and sale of fertilizer with the object or effect of increasing the price of fertilizer to the farmer.

No political test in appointments, promotions.

SEC. 6. In the appointment of officials and the selection of employees for said Corporation, and in the promotion of any such employees or officials, no political test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency. Any member of said board who is found by the President of the United States to be guilty of a violation of this section shall be removed from office by the President of the United States, and any appointee of said board who is found by the board to be guilty of a violation of this section shall be removed from office by said board.

Penalty for violation.

Powers and duties vested in Corporation.

SEC. 7. In order to enable the Corporation to exercise the powers and duties vested in it by this Act—

Designated property, etc., intrusted.

(a) The exclusive use, possession, and control of the United States nitrate plants numbered 1 and 2, including steam plants, located, respectively, at Sheffield, Alabama, and Muscle Shoals, Alabama, together with all real estate and buildings connected therewith, all tools and machinery, equipment, accessories, and materials belonging thereto, and all laboratories and plants used as auxiliaries thereto; the fixed-nitrogen research laboratory, the Waco limestone quarry, in Alabama, and Dam Numbered 2, located at Muscle Shoals, its power house, and all hydroelectric and operating appurtenances (except the locks), and all machinery, lands, and buildings in connection therewith, and all appurtenances thereof, and all other property to be acquired by the Corporation in its own name or in the name of the United States of America, are hereby intrusted to the Corporation for the purposes of this Act.

Transfer of other property.

(b) The President of the United States is authorized to provide for the transfer to the Corporation of the use, possession, and control of such other real or personal property of the United States as he may from time to time deem necessary and proper for the purposes of the Corporation as herein stated.

Principal office of Corporation.

SEC. 8. (a) The Corporation shall maintain its principal office in the immediate vicinity of Muscle Shoals, Alabama. The Corporation shall be held to be an inhabitant and resident of the northern judicial district of Alabama within the meaning of the laws of the United States relating to the venue of civil suits.

Complete accounts to be maintained.

(b) The Corporation shall at all times maintain complete and accurate books of accounts.

Oath of office.

(c) Each member of the board, before entering upon the duties of his office, shall subscribe to an oath (or affirmation) to support the Constitution of the United States and to faithfully and impartially perform the duties imposed upon him by this Act.

Financial statement and report to be filed annually.

SEC. 9. (a) The board shall file with the President and with the Congress, in December of each year, a financial statement and a complete report as to the business of the Corporation covering the preceding governmental fiscal year. This report shall include an itemized statement of the cost of power at each power station, the total number of employees and the names, salaries, and duties of those receiving compensation at the rate of more than $1,500 a year.

Items to be included.

Auditing transactions.

(b) The Comptroller General of the United States shall audit the transactions of the Corporation at such times as he shall determine, but not less frequently than once each governmental fiscal year, with personnel of his selection. In such connection he and his representatives shall have free and open access to all papers,

Full access to books, etc.

books, records, files, accounts, plants, warehouses, offices, and all other things, property and places belonging to or under the control of or used or employed by the Corporation, and shall be afforded full facilities for counting all cash and verifying transactions with and balances in depositaries. He shall make report of each such audit in quadruplicate, one copy for the President of the United States, one for the chairman of the board, one for public inspection at the principal office of the corporation, and the other to be retained by him for the uses of the Congress. The expenses for each such audit may be paid from moneys advanced therefor by the Corporation, or from any appropriation or appropriations for the General Accounting Office, and appropriations so used shall be reimbursed promptly by the Corporation as billed by the Comptroller General. All such audit expenses shall be charged to operating expenses of the Corporation. The Comptroller General shall make special report to the President of the United States and to the Congress of any transaction or condition found by him to be in conflict with the powers or duties intrusted to the Corporation by law.

Report in quadruplicate.

Advances to be made by Corporation.

Audits to be charged to operation.

Transactions conflicting with law.

Sale of surplus power to States, etc.

SEC. 10. The board is hereby empowered and authorized to sell the surplus power not used in its operations, and for operation of locks and other works generated by it, to States, counties, municipalities, corporations, partnerships, or individuals, according to the policies hereinafter set forth; and to carry out said authority, the board is authorized to enter into contracts for such sale for a term not exceeding twenty years, and in the sale of such current by the board it shall give preference to States, counties, municipalities, and cooperative organizations of citizens or farmers, not organized or doing business for profit, but primarily for the purpose of supplying electricity to its own citizens or members: *Provided*, That all contracts made with private companies or individuals for the sale of power, which power is to be resold for a profit, shall contain a provision authorizing the board to cancel said contract upon five years' notice in writing, if the board needs said power to supply the demands of States, counties, or municipalities. In order to promote and encourage the fullest possible use of electric light and power on farms within reasonable distance of any of its transmission lines the board in its discretion shall have power to construct transmission lines to farms and small villages that are not otherwise supplied with electricity at reasonable rates, and to make such rules and regulations governing such sale and distribution of such electric power as in its judgment may be just and equitable: *Provided further*, That the board is hereby authorized and directed to make studies, experiments, and determinations to promote the wider and better use of electric power for agricultural and domestic use, or for small or local industries, and it may cooperate with State governments, or their subdivisions or agencies, with educational or research institutions, and with cooperatives or other organizations, in the application of electric power to the fuller and better balanced development of the resources of the region.

Contracts of sale.

Preferences.

Provisos.
Cancellation clause, when power sold for resale at profit.

Electricity on farms.

Extending transmission lines.

Experiments to promote use of power.

Cooperation with States, etc.

Policy of equitable distribution declared.

SEC. 11. It is hereby declared to be the policy of the Government so far as practical to distribute and sell the surplus power generated at Muscle Shoals equitably among the States, counties, and municipalities within transmission distance. This policy is further declared to be that the projects herein provided for shall be considered primarily as for the benefit of the people of the section as a whole and particularly the domestic and rural consumers to whom the power can economically be made available, and accordingly that sale to and use by industry shall be a secondary purpose, to be utilized principally to secure a sufficiently high load factor and revenue

Primary benefits for domestic use, etc.

Industry, a secondary purpose.

returns which will permit domestic and rural use at the lowest possible rates and in such manner as to encourage increased domestic and rural use of electricity. It is further hereby declared to be the policy of the Government to utilize the Muscle Shoals properties so far as may be necessary to improve, increase, and cheapen the production of fertilizer and fertilizer ingredients by carrying out the provisions of this Act.

Utilizing properties to improve, etc., fertilizer production.

SEC. 12. In order to place the board upon a fair basis for making such contracts and for receiving bids for the sale of such power, it is hereby expressly authorized, either from appropriations made by Congress or from funds secured from the sale of such power, or from funds secured by the sale of bonds hereafter provided for, to construct, lease, purchase, or authorize the construction of transmission lines within transmission distance from the place where generated, and to interconnect with other systems. The board is also authorized to lease to any person, persons, or corporation the use of any transmission line owned by the Government and operated by the board, but no such lease shall be made that in any way interferes with the use of such transmission line by the board: *Provided*, That if any State, county, municipality, or other public or cooperative organization of citizens or farmers, not organized or doing business for profit, but primarily for the purpose of supplying electricity to its own citizens or members, or any two or more of such municipalities or organizations, shall construct or agree to construct and maintain a properly designed and built transmission line to the Government reservation upon which is located a Government generating plant, or to a main transmission line owned by the Government or leased by the board and under the control of the board, the board is hereby authorized and directed to contract with such State, county, municipality, or other organization, or two or more of them, for the sale of electricity for a term not exceeding thirty years; and in any such case the board shall give to such State, county, municipality, or other organization ample time to fully comply with any local law now in existence or hereafter enacted providing for the necessary legal authority for such State, county, municipality, or other organization to contract with the board for such power: *Provided further*, That all contracts entered into between the Corporation and any municipality or other political subdivision or cooperative organization shall provide that the electric power shall be sold and distributed to the ultimate consumer without discrimination as between consumers of the same class, and such contract shall be voidable at the election of the board if a discriminatory rate, rebate, or other special concession is made or given to any consumer or user by the municipality or other political subdivision or cooperative organization: *And provided further*, That as to any surplus power not so sold as above provided to States, counties, municipalities, or other said organizations, before the board shall sell the same to any person or corporation engaged in the distribution and resale of electricity for profit, it shall require said person or corporation to agree that any resale of such electric power by said person or corporation shall be made to the ultimate consumer of such electric power at prices that shall not exceed a schedule fixed by the board from time to time as reasonable, just, and fair; and in case of any such sale, if an amount is charged the ultimate consumer which is in excess of the price so deemed to be just, reasonable, and fair by the board, the contract for such sale between the board and such distributor of electricity shall be voidable at the election of the board: *And provided further*, That the board is hereby authorized to enter into contracts with other power systems for

Transmission lines construction, etc., authorized.

Funds available.

Leases; restriction.

Provisos.
Sale contracts to State, etc., lines when power for resale without profit.

Term of grace.

Contract provision for power distribution to consumers of same class.

Voidable if discriminatory, rebate, etc., given.

Resale agreement, surplus power.

Consumer rate to be fixed by schedule.

Voidable, if charge excessive.

Mutual exchange with other systems of excess power, for water conservation, etc.

the mutual exchange of unused excess power upon suitable terms, for the conservation of stored water, and as an emergency or break-down relief.

Payments to Alabama and Tennessee.

SEC. 13. Five per centum of the gross proceeds received by the board for the sale of power generated at Dam Numbered 2, or from any other hydropower plant hereafter constructed in the State of Alabama, shall be paid to the State of Alabama; and 5 per centum of the gross proceeds from the sale of power generated at Cove Creek Dam, hereinafter provided for, or any other dam located in the State of Tennessee, shall be paid to the State of Tennessee. Upon the completion of said Cove Creek Dam the board shall ascertain how much additional power is thereby generated at Dam Numbered 2 and at any other dam hereafter constructed by the Government of the United States on the Tennessee River, in the State of Alabama, or in the State of Tennessee, and from the gross proceeds of the sale of such additional power 2½ per centum shall be paid to the State of Alabama and 2½ per centum to the State of Tennessee. These percentages shall apply to any other dam that may hereafter be constructed and controlled and operated by the board on the Tennessee River or any of its tributaries, the main purpose of which is to control flood waters and where the development of electric power is incidental to the operation of such flood-control dam. In ascertaining the gross proceeds from the sale of such power upon which a percentage is paid to the States of Alabama and Tennessee, the board shall not take into consideration the proceeds of any power sold or delivered to the Government of the United States, or any department or agency of the Government of the United States, used in the operation of any locks on the Tennessee River or for any experimental purpose, or for the manufacture of fertilizer or any of the ingredients thereof, or for any other governmental purpose: *Provided*, That the percentages to be paid to the States of Alabama and Tennessee, as provided in this section, shall be subject to revision and change by the board, and any new percentages established by the board, when approved by the President, shall remain in effect until and unless again changed by the board with the approval of the President. No change of said percentages shall be made more often than once in five years, and no change shall be made without giving to the States of Alabama and Tennessee an opportunity to be heard.

Additional power generated to be ascertained.

Percentage of proceeds to Alabama and Tennessee.

Other dams to be included.

Computing gross proceeds.

Proviso.
Percentages subject to revision.

Limitations.

Dam Numbered 2, nitrate plants, etc.

Present value to be made for allocation, etc., purposes.

SEC. 14. The board shall make a thorough investigation as to the present value of Dam Numbered 2, and the steam plants at nitrate plant numbered 1, and nitrate plant numbered 2, and as to the cost of Cove Creek Dam, for the purpose of ascertaining how much of the value or the cost of said properties shall be allocated and charged up to (1) flood control, (2) navigation, (3) fertilizer, (4) national defense, and (5) the development of power. The findings thus made by the board, when approved by the President of the United States, shall be final, and such findings shall thereafter be used in all allocation of value for the purpose of keeping the book value of said properties. In like manner, the cost and book value of any dams, steam plants, or other similar improvements hereafter constructed and turned over to said board for the purpose of control and management shall be ascertained and allocated.

Findings final; use, in keeping book values.

Future structures.

Bond issue for construction expenses, authorized.

SEC. 15. In the construction of any future dam, steam plant, or other facility, to be used in whole or in part for the generation or transmission of electric power the board is hereby authorized and empowered to issue on the credit of the United States and to sell serial bonds not exceeding $50,000,000 in amount, having a maturity not more than fifty years from the date of issue thereof, and bearing

interest not exceeding 3½ per centum per annum. Said bonds shall be issued and sold in amounts and prices approved by the Secretary of the Treasury, but all such bonds as may be so issued and sold shall have equal rank. None of said bonds shall be sold below par, and no fee, commission, or compensation whatever shall be paid to any person, firm, or corporation for handling, negotiating the sale, or selling the said bonds. All of such bonds so issued and sold shall have all the rights and privileges accorded by law to Panama Canal bonds, authorized by section 8 of the Act of June 28, 1902, chapter 1302, as amended by the Act of December 21, 1905 (ch. 3, sec. 1, 34 Stat. 5), as now compiled in section 743 of title 31 of the United States Code. All funds derived from the sale of such bonds shall be paid over to the Corporation.

Bonds to have equal rank, sold at par, etc.

No commission, fee, etc.

Rights, etc., of bonds. Vol. 32, p. 484; Vol. 34, p. 5. U.S.C., p. 1024.

Proceeds of sale to be paid to Corporation.

SEC. 16. The board, whenever the President deems it advisable, is hereby empowered and directed to complete Dam Numbered 2 at Muscle Shoals, Alabama, and the steam plant at nitrate plant numbered 2, in the vicinity of Muscle Shoals, by installing in Dam Numbered 2 the additional power units according to the plans and specifications of said dam, and the additional power unit in the steam plant at nitrate plant numbered 2.

Dam Numbered 2 and steam plant at nitrate plant numbered 2. Authority to complete.

SEC. 17. The Secretary of War, or the Secretary of the Interior, is hereby authorized to construct, either directly or by contract to the lowest responsible bidder, after due advertisement, a dam in and across Clinch River in the State of Tennessee, which has by long custom become known and designated as the Cove Creek Dam, together with a transmission line from Muscle Shoals, according to the latest and most approved designs, including power house and hydroelectric installations and equipment for the generation of power, in order that the waters of the said Clinch River may be impounded and stored above said dam for the purpose of increasing and regulating the flow of the Clinch River and the Tennessee River below, so that the maximum amount of primary power may be developed at Dam Numbered 2 and at any and all other dams below the said Cove Creek Dam: *Provided, however*, That the President is hereby authorized by appropriate order to direct the employment by the Secretary of War, or by the Secretary of the Interior, of such engineer or engineers as he may designate, to perform such duties and obligations as he may deem proper, either in the drawing of plans and specifications for said dam, or to perform any other work in the building or construction of the same. The President may, by such order, place the control of the construction of said dam in the hands of such engineer or engineers taken from private life as he may desire: *And provided further*, That the President is hereby expressly authorized, without regard to the restriction or limitation of any other statute, to select attorneys and assistants for the purpose of making any investigation he may deem proper to ascertain whether, in the control and management of Dam Numbered 2, or any other dam or property owned by the Government in the Tennessee River Basin, or in the authorization of any improvement therein, there has been any undue or unfair advantage given to private persons, partnerships, or corporations, by any officials or employees of the Government, or whether in any such matters the Government has been injured or unjustly deprived of any of its rights.

Clinch River. Construction, Cove Creek Dam.

Transmission lines from Muscle Shoals. Installations for developing maximum primary power.

Provisos. Employment of engineers.

Supervision of construction.

Attorneys for investigating undue advantages given private persons, etc.

SEC. 18. In order to enable and empower the Secretary of War, the Secretary of the Interior, or the board to carry out the authority hereby conferred, in the most economical and efficient manner, he or it is hereby authorized and empowered in the exercise of the powers of national defense in aid of navigation, and in the control

Cove Creek Dam. Authority of Board, etc., to exercise right of eminent domain to obtain site for.

Condemnation proceedings.

of the flood waters of the Tennessee and Mississippi Rivers, constituting channels of interstate commerce, to exercise the right of eminent domain for all purposes of this Act, and to condemn all lands, easements, rights of way, and other area necessary in order to obtain a site for said Cove Creek Dam, and the flowage rights for the reservoir of water above said dam, and to negotiate and conclude contracts with States, counties, municipalities, and all State agencies and with railroads, railroad corporations, common carriers, and all public utility commissions and any other person, firm, or corporation, for the relocation of railroad tracks, highways, highway bridges, mills, ferries, electric-light plants, and any and all other properties, enterprises, and projects whose removal may be necessary in order to carry out the provisions of this Act. When said Cove Creek Dam, transmission line, and power house shall have been completed, the possession, use, and control thereof shall be intrusted to the Corporation for use and operation in connection with the general Tennessee Valley project, and to promote flood control and navigation in the Tennessee River.

Contracts with States, etc., for relocation of property.

Control of completed project.

Access to Patent Office for study of fixed nitrogen production formulae.

SEC. 19. The Corporation, as an instrumentality and agency of the Government of the United States for the purpose of executing its constitutional powers, shall have access to the Patent Office of the United States for the purpose of studying, ascertaining, and copying all methods, formulæ, and scientific information (not including access to pending applications for patents) necessary to enable the Corporation to use and employ the most efficacious and economical process for the production of fixed nitrogen, or any essential ingredient of fertilizer, or any method of improving and cheapening the production of hydroelectric power, and any owner of a patent whose patent rights may have been thus in any way copied, used, infringed, or employed by the exercise of this authority by the Corporation shall have as the exclusive remedy a cause of action against the Corporation to be instituted and prosecuted on the equity side of the appropriate district court of the United States, for the recovery of reasonable compensation for such infringement. The Commissioner of Patents shall furnish to the Corporation, at its request and without payment of fees, copies of documents on file in his office: *Provided*, That the benefits of this section shall not apply to any art, machine, method of manufacture, or composition of matter, discovered or invented by such employee during the time of his employment or service with the Corporation or with the Government of the United States.

Remedy of patent owner for infringement.

Proviso. Limitation.

Emergency possession of property, etc., reserved.

SEC. 20. The Government of the United States hereby reserves the right, in case of war or national emergency declared by Congress, to take possession of all or any part of the property described or referred to in this Act for the purpose of manufacturing explosives or for other war purposes; but, if this right is exercised by the Government, it shall pay the reasonable and fair damages that may be suffered by any party whose contract for the purchase of electric power or fixed nitrogen or fertilizer ingredients is hereby violated, after the amount of the damages has been fixed by the United States Court of Claims in proceedings instituted and conducted for that purpose under rules prescribed by the court.

Damage payments.

Penal statutes relating to larceny, etc., applicable to property of Corporation.

SEC. 21. (a) All general penal statutes relating to the larceny, embezzlement, conversion, or to the improper handling, retention, use, or disposal of public moneys or property of the United States, shall apply to the moneys and property of the Corporation and to moneys and properties of the United States intrusted to the Corporation.

False entries.
False report or statement.
Punishment for.

(b) Any person who, with intent to defraud the Corporation, or to deceive any director, officer, or employee of the Corporation or any officer or employee of the United States (1) makes any false entry in any book of the Corporation, or (2) makes any false report or statement for the Corporation, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

Fraud, etc.
Punishment for.

(c) Any person who shall receive any compensation, rebate, or reward, or shall enter into any conspiracy, collusion, or agreement, express or implied, with intent to defraud the Corporation or wrongfully and unlawfully to defeat its purposes, shall, on conviction thereof, be fined not more than $5,000 or imprisoned not more than five years, or both.

Tennessee River drainage basin development.
Surveys authorized.

SEC. 22. To aid further the proper use, conservation, and development of the natural resources of the Tennessee River drainage basin and of such adjoining territory as may be related to or materially affected by the development consequent to this Act, and to provide for the general welfare of the citizens of said areas, the President is hereby authorized, by such means or methods as he may deem proper within the limits of appropriations made therefor by Congress, to make such surveys of and general plans for said Tennessee basin and adjoining territory as may be useful to the Congress and to the several States in guiding and controlling the extent, sequence, and nature of development that may be equitably and economically advanced through the expenditure of public funds, or through the guidance or control of public authority, all for the general purpose of fostering an orderly and proper physical, economic, and social development of said areas; and the President is further authorized in making said surveys and plans to cooperate with the States affected thereby, or subdivisions or agencies of such States, or with cooperative or other organizations, and to make such studies, experiments, or demonstrations as may be necessary and suitable to that end.

Purpose.
Cooperation with States affected.

Recommendations to Congress for carrying out purposes.
Flood control.
Navigation.
Electric power.
Use of marginal lands.
Reforestation.
Economic progress.

SEC. 23. The President shall, from time to time, as the work provided for in the preceding section progresses, recommend to Congress such legislation as he deems proper to carry out the general purposes stated in said section, and for the especial purpose of bringing about in said Tennessee drainage basin and adjoining territory in conformity with said general purposes (1) the maximum amount of flood control; (2) the maximum development of said Tennessee River for navigation purposes; (3) the maximum generation of electric power consistent with flood control and navigation; (4) the proper use of marginal lands; (5) the proper method of reforestation of all lands in said drainage basin suitable for reforestation; and (6) the economic and social well-being of the people living in said river basin.

Acquiring title to secure flowage rights.
Payment provided.

SEC. 24. For the purpose of securing any rights of flowage, or obtaining title to or possession of any property, real or personal, that may be necessary or may become necessary, in the carrying out of any of the provisions of this Act, the President of the United States for a period of three years from the date of the enactment of this Act, is hereby authorized to acquire title in the name of the United States to such rights or such property, and to provide for the payment for same by directing the board to contract to deliver power generated at any of the plants now owned or hereafter owned or constructed by the Government or by said Corporation, such future delivery of power to continue for a period not exceeding thirty years. Likewise, for one year after the enactment

Sale, etc., of vacant real estate. Conditions of sale.

of this Act, the President is further authorized to sell or lease any parcel or part of any vacant real estate now owned by the Government in said Tennessee River Basin, to persons, firms, or corporations who shall contract to erect thereon factories or manufacturing establishments, and who shall contract to purchase of said Corporation electric power for the operation of any such factory or manufacturing establishment. No contract shall be made by the President for the sale of any of such real estate as may be necessary for present or future use on the part of the Government for any of the purposes of this Act. Any such contract made by the President of the United States shall be carried out by the board: *Provided*, That no such contract shall be made that will in any way abridge or take away the preference right to purchase power given in this Act to States, counties, municipalities, or farm organizations: *Provided further*, That no lease shall be for a term to exceed fifty years: *Provided further*, That any sale shall be on condition that said land shall be used for industrial purposes only.

Land for Government use excluded.

Provisos. Preference right of States, etc., not abridged.

Maximum term of lease. Sale conditional on use.

Condemnation proceedings for acquisition of necessary lands, etc.

Jurisdiction of court.

SEC. 25. The Corporation may cause proceedings to be instituted for the acquisition by condemnation of any lands, easements, or rights of way which, in the opinion of the Corporation, are necessary to carry out the provisions of this Act. The proceedings shall be instituted in the United States district court for the district in which the land, easement, right of way, or other interest, or any part thereof, is located, and such court shall have full jurisdiction to divest the complete title to the property sought to be acquired out of all persons or claimants and vest the same in the United States in fee simple, and to enter a decree quieting the title thereto in the United States of America.

Commissioners to be appointed.

Upon the filing of a petition for condemnation and for the purpose of ascertaining the value of the property to be acquired, and assessing the compensation to be paid, the court shall appoint three commissioners who shall be disinterested persons and who shall take and subscribe an oath that they do not own any lands, or interest or easement in any lands, which it may be desirable for the United States to acquire in the furtherance of said project, and such commissioners shall not be selected from the locality wherein the land sought to be condemned lies. Such commissioners shall receive a per diem of not to exceed $15 for their services, together with an additional amount of $5 per day for subsistence for time actually spent in performing their duties as commissioners.

Qualifications.

Per diem, subsistence, etc.

Proceedings, in appraisement.

It shall be the duty of such commissioners to examine into the value of the lands sought to be condemned, to conduct hearings and receive evidence, and generally to take such appropriate steps as may be proper for the determination of the value of the said lands sought to be condemned, and for such purpose the commissioners are authorized to administer oaths and subpœna witnesses, which said witnesses shall receive the same fees as are provided for witnesses in the Federal courts. The said commissioners shall thereupon file a report setting forth their conclusions as to the value of the said property sought to be condemned, making a separate award and valuation in the premises with respect to each separate parcel involved. Upon the filing of such award in court the clerk of said court shall give notice of the filing of such award to the parties to said proceeding, in manner and form as directed by the judge of said court.

Report, making separate award of each parcel, to be filed.

Notice of, to parties to proceeding.

Exceptions to award.

Either or both parties may file exceptions to the award of said commissioners within twenty days from the date of the filing of said award in court. Exceptions filed to such award shall be heard before three Federal district judges unless the parties, in writing,

in person, or by their attorneys, stipulate that the exceptions may be heard before a lesser number of judges. On such hearing such judges shall pass de novo upon the proceedings had before the commissioners, may view the property, and may take additional evidence. Upon such hearings the said judges shall file their own award, fixing therein the value of the property sought to be condemned, regardless of the award previously made by the said commissioners.

Hearing.

Separate award required.

At any time within thirty days from the filing of the decision of the district judges upon the hearing on exceptions to the award made by the commissioners, either party may appeal from such decision of the said judges to the circuit court of appeals, and the said circuit court of appeals shall upon the hearing on said appeal dispose of the same upon the record, without regard to the awards or findings theretofore made by the commissioners or the district judges, and such circuit court of appeals shall thereupon fix the value of the said property sought to be condemned.

Appeals.

Verdict.

Upon acceptance of an award by the owner of any property herein provided to be appropriated, and the payment of the money awarded or upon the failure of either party to file exceptions to the award of the commissioners within the time specified, or upon the award of the commissioners, and the payment of the money by the United States pursuant thereto, or the payment of the money awarded into the registry of the court by the Corporation, the title to said property and the right to the possession thereof shall pass to the United States, and the United States shall be entitled to a writ in the same proceeding to dispossess the former owner of said property, and all lessees, agents, and attorneys of such former owner, and to put the United States, by its corporate creature and agent, the Corporation, into possession of said property.

Acceptance of payment, title to pass to United States.

Writ of assistance may issue.

In the event of any property owned in whole or in part by minors, or insane persons, or incompetent persons, or estates of deceased persons, then the legal representatives of such minors, insane persons, incompetent persons, or estates shall have power, by and with the consent and approval of the trial judge in whose court said matter is for determination, to consent to or reject the awards of the commissioners herein provided for, and in the event that there be no legal representatives, or that the legal representatives for such minors, insane persons, or incompetent persons shall fail or decline to act, then such trial judge may, upon motion, appoint a guardian ad litem to act for such minors, insane persons, or incompetent persons, and such guardian ad litem shall act to the full extent and to the same purpose and effect as his ward could act, if competent, and such guardian ad litem shall be deemed to have full power and authority to respond, to conduct, or to maintain any proceeding herein provided for affecting his said ward.

Property of persons legally incompetent.

SEC. 26. The net proceeds derived by the board from the sale of power and any of the products manufactured by the Corporation, after deducting the cost of operation, maintenance, depreciation, amortization, and an amount deemed by the board as necessary to withhold as operating capital, or devoted by the board to new construction, shall be paid into the Treasury of the United States at the end of each calendar year.

Net proceeds from sale of power, etc., covered in.

SEC. 27. All appropriations necessary to carry out the provisions of this Act are hereby authorized.

Appropriations authorized.
Post, p. 275.

SEC. 28. That all Acts or parts of Acts in conflict herewith are hereby repealed, so far as they affect the operations contemplated by this Act.

Conflicting laws, etc., repealed.

Right to amend, etc., reserved.
Not to impair contracts.

SEC. 29. The right to alter, amend, or repeal this Act is hereby expressly declared and reserved, but no such amendment or repeal shall operate to impair the obligation of any contract made by said Corporation under any power conferred by this Act.

Separability provisions.

SEC. 30. The sections of this Act are hereby declared to be separable, and in the event any one or more sections of this Act be held to be unconstitutional, the same shall not affect the validity of other sections of this Act.

Approved, May 18, 1933.

[CHAPTER 33.]

May 18, 1933.
[S. 7.]
[Public, No. 18.]

AN ACT

Providing for the suspension of annual assessment work on mining claims held by location in the United States and Alaska.

Public lands.
Mining claims assessments suspended for fiscal year 1933.
R.S., sec. 2324, p. 426.
U.S.C., p. 955.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States, including Alaska, during the year beginning at 12 o'clock meridian July 1, 1932, and ending at 12 o'clock meridian July 1, 1933: *Provided*, That the provisions of this Act shall not apply in the case of any claimant not entitled to exemption from the payment of a Federal income tax for the taxable year 1932: *Provided further*, That every claimant of any such mining claim, in order to obtain the benefits of this Act, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, on or before 12 o'clock meridian, July 1, 1933, a notice of his desire to hold said mining claim under this Act, which notice shall state that the claimant, or claimants, were entitled to exemption from the payment of a Federal income tax for the taxable year 1932.

Alaska included.

Provisos.
Claimant paying income tax excluded.
Notice of retaining claim to be filed.

Income tax exemption to be stated.

Approved, May 18, 1933.

[CHAPTER 34.]

May 20, 1933.
[S. 1410.]
[Public, No. 19.]

AN ACT

To amend section 207 of the Bank Conservation Act with respect to bank reorganizations.

Bank Conservation Act amendment.
Ante, p. 3.
Substitution, in section 207, of term "bank" for "national banking association."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 207 of the Bank Conservation Act is amended by striking out "national banking association" wherever it appears therein and inserting in lieu thereof the word "bank."

Approved, May 20, 1933.

[CHAPTER 35.]

May 20, 1933.
[S. 1415.]
[Public, No. 20.]

AN ACT

To amend sections 5200 and 5202 of the Revised Statutes, as amended, to remove the limitations on national banks in certain cases.

National banks.
R.S., sec. 5200, p. 1005; U.S.C., p. 264.
Vol. 41, p. 297; Vol. 44, p. 1231.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5200 of the Revised Statutes, as amended, is amended by adding at the end thereof the following new paragraph:

"(9) Obligations representing loans to any national banking association or to any banking institution organized under the laws of any State, or to any receiver, conservator, or superintendent of banks, or to any other agent, in charge of the business and property of any such association or banking institution, when such loans are approved by the Comptroller of the Currency, shall not be subject under this section to any limitation based upon such capital and surplus."

Removal of limitations on loans in certain cases.

SEC. 2. Section 5202 of the Revised Statutes, as amended, is amended by adding at the end thereof the following new paragraph:

Limit upon indebtedness of national banks.
Vol. 41, p. 297.
R.S., sec. 5202, p. 1006; U.S.C., p. 264.

"Ninth. Liabilities incurred on account of loans made with the express approval of the Comptroller of the Currency under paragraph (9) of section 5200 of the Revised Statutes, as amended."

Additional exception.
Liabilities from loans approved by Comptroller.

Approved, May 20, 1933.

[CHAPTER 36.]

JOINT RESOLUTION

Designating May 22 as National Maritime Day.

May 20, 1933.
[S.J.Res. 50.]
[Pub. Res., No. 7.]

National Maritime Day.

Whereas on May 22, 1819, the steamship The Savannah set sail from Savannah, Georgia, on the first successful transoceanic voyage under steam propulsion, thus making a material contribution to the advancement of ocean transportation: Therefore be it

Preamble.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 22 of each year shall hereafter be designated and known as National Maritime Day, and the President is authorized and requested annually to issue a proclamation calling upon the people of the United States to observe such National Maritime Day by displaying the flag at their homes or other suitable places and Government officials to display the flag on all Government buildings on May 22 of each year.

May 22 of each year to be known as.

Annual proclamation to issue.
Post, pp. 1696, 1742.

Display of flag.

Approved, May 20, 1933.

[CHAPTER 37.]

AN ACT

To confer the degree of bachelor of science upon graduates of the Naval, the Military, and the Coast Guard Academies.

May 25, 1933.
[S. 753.]
[Public, No. 21.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the superintendents of the United States Naval Academy, the United States Military Academy, and the United States Coast Guard Academy may, under such rules and regulations as the Secretary of the Navy, the Secretary of War, and the Secretary of the Treasury may prescribe, confer the degree of bachelor of science upon all graduates of their respective academies, from and after the date of the accrediting of said academies by the Association of American Universities.

Naval, Military and Coast Guard Academies.

Degree conferred upon graduates of.

Approved, May 25, 1933.

[CHAPTER 38.]

AN ACT

May 27, 1933.
[H.R. 5480.]
[Public, No. 22.]

To provide full and fair disclosure of the character of securities sold in interstate and foreign commerce and through the mails, and to prevent frauds in the sale thereof, and for other purposes.

Securities Act of 1933. *Post*, p. 1026.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SHORT TITLE

Title cited.

SECTION 1. This title may be cited as the "Securities Act of 1933".

DEFINITIONS

Definitions.

SEC. 2. When used in this title, unless the context otherwise requires—

"Security." *Post*, p. 905.

(1) The term "security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of interest in property, tangible or intangible, or, in general, any instrument commonly known as a security, or any certificate of interest or participation in, temporary or interim certificate for, receipt for, or warrant or right to subscribe to or purchase, any of the foregoing.

"Person."

(2) The term "person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust, any unincorporated organization, or a government or political subdivision thereof.

"Trust."

As used in this paragraph the term "trust" shall include only a trust where the interest or interests of the beneficiary or beneficiaries are evidenced by a security.

"Sale," etc.

(3) The term "sale", "sell", "offer to sell", or "offer for sale" shall include every contract of sale or disposition of, attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security, for value; except that such terms shall not include preliminary negotiations or agreements between an issuer and any underwriter. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. The issue or transfer of a right or privilege, when originally issued or transferred with a security, giving the holder of such security the right to convert such security into another security of the same issuer or of another person, or giving a right to subscribe to another security of the same issuer or of another person, which right cannot be exercised until some future date, shall not be deemed to be a sale of such other security; but the issue or transfer of such other security upon the exercise of such right of conversion or subscription shall be deemed a sale of such other security.

Preliminaries not included.

Security given with purchase considered part of subject.

Issue of security with right to convert.

When conversion right exercised.

"Issuer."

(4) The term "issuer" means every person who issues or proposes to issue any security or who guarantees a security either as to principal or income; except that with respect to certificates of deposit, voting-trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type, the

term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which such securities are issued; and except that with respect to equipment-trust certificates or like securities, the term "issuer" means the person by whom the equipment or property is or is to be used. Equipment-trust securities.

(5) The term "Commission" means the Federal Trade Commission. "Commission."

(6) The term "Territory" means Alaska, Hawaii, Puerto Rico, the Philippine Islands, Canal Zone, the Virgin Islands, and the insular possessions of the United States. "Territory."

(7) The term "interstate commerce" means trade or commerce in securities or any transportation or communication relating thereto among the several States or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia. "Interstate commerce."

(8) The term "registration statement" means the statement provided for in section 6, and includes any amendment thereto and any report, document, or memorandum accompanying such statement or incorporated therein by reference. "Registration statement." *Post*, p. 78.

(9) The term "write" or "written" shall include printed, lithographed, or any means of graphic communication. "Write" or "written."

(10) The term "prospectus" means any prospectus, notice, circular, advertisement, letter, or communication, written or by radio, which offers any security for sale; except that (a) a communication shall not be deemed a prospectus if it is proved that prior to such communication a written prospectus meeting the requirements of section 10 was received, by the person to whom the communication was made, from the person making such communication or his principal, and (b) a notice, circular, advertisement, letter, or communication in respect of a security shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of section 10 may be obtained and, in addition, does no more than identify the security, state the price thereof, and state by whom orders will be executed. "Prospectus." Exceptions. *Post*, pp. 81, 905.

(11) The term "underwriter" means any person who has purchased from an issuer with a view to, or sells for an issuer in connection with, the distribution of any security, or participates or has a direct or indirect participation in any such undertaking, or participates or has a participation in the direct or indirect underwriting of any such undertaking; but such term shall not include a person whose interest is limited to a commission from an underwriter or dealer not in excess of the usual and customary distributors' or sellers' commission. As used in this paragraph the term "issuer" shall include, in addition to an issuer, any person directly or indirectly controlling or controlled by the issuer, or any person under direct or indirect common control with the issuer. "Underwriter." Persons not included. "Issuer."

(12) The term "dealer" means any person who engages either for all or part of his time, directly or indirectly, as agent, broker, or principal, in the business of offering, buying, selling, or otherwise dealing or trading in securities issued by another person. "Dealer."

EXEMPTED SECURITIES

SEC. 3. (a) Except as hereinafter expressly provided, the provisions of this title shall not apply to any of the following classes of securities: Exempted securities.

Prior sale.

(1) Any security which, prior to or within sixty days after the enactment of this title, has been sold or disposed of by the issuer or bona fide offered to the public, but this exemption shall not apply to any new offering of any such security by an issuer or underwriter subsequent to such sixty days;

New offering excluded.

Securities guaranteed by United States, State, or political subdivision, etc.
Post, p. 906.

(2) Any security issued or guaranteed by the United States or any Territory thereof, or by the District of Columbia, or by any State of the United States, or by any political subdivision of a State or Territory, or by any public instrumentality of one or more States or Territories exercising an essential governmental function, or by any corporation created and controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States, or by any national bank, or by any banking institution organized under the laws of any State or Territory, the business of which is substantially confined to banking and is supervised by the State or territorial banking commission or similar official; or any security issued by or representing an interest in or a direct obligation of a Federal reserve bank;

Government corporations.

National, etc., banks.

Federal reserve bank obligations.

Current transactions.

(3) Any note, draft, bill of exchange, or banker's acceptance which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which has a maturity at the time of issuance of not exceeding nine months, exclusive of days of grace, or any renewal thereof the maturity of which is likewise limited;

Short-term paper.

Religious, etc., organizations.
Post, p. 906.

(4) Any security issued by a corporation organized and operated exclusively for religious, educational, benevolent, fraternal, charitable, or reformatory purposes and not for pecuniary profit, and no part of the net earnings of which inures to the benefit of any person, private stockholder, or individual;

Building and loan associations, etc., where business substantially confined to members.

Exception.

(5) Any security issued by a building and loan association, homestead association, savings and loan association, or similar institution, substantially all the business of which is confined to the making of loans to members (but the foregoing exemption shall not apply with respect to any such security where the issuer takes from the total amount paid or deposited by the purchaser, by way of any fee, cash value or other device whatsoever, either upon termination of the investment at maturity or before maturity, an aggregate amount in excess of 3 per centum of the face value of such security), or any security issued by a farmers' cooperative association as defined in paragraphs (12), (13), and (14) of section 103 of the Revenue Act of 1932;

Farmers' cooperatives.
Vol. 47, pp. 193, 194.

Common carriers.
Vol. 41, p. 494.
U.S.C., p. 1670.

(6) Any security issued by a common carrier which is subject to the provisions of section 20a of the Interstate Commerce Act, as amended;

Certificates in bankruptcy proceedings.

(7) Certificates issued by a receiver or by a trustee in bankruptcy, with the approval of the court;

Annuity contracts, etc.
Post, p. 906.

(8) Any insurance or endowment policy or annuity contract or optional annuity contract, issued by a corporation subject to the supervision of the insurance commissioner, bank commissioner, or any agency or officer performing like functions, of any State or Territory of the United States or the District of Columbia.

Additional classes permitted.

(b) The Commission may from time to time by its rules and regulations, and subject to such terms and conditions as may be prescribed therein, add any class of securities to the securities exempted as provided in this section, if it finds that the enforcement of this title with respect to such securities is not necessary in the public interest and for the protection of investors by reason of the small amount

involved or the limited character of the public offering; but no issue of securities shall be exempted under this subsection where the aggregate amount at which such issue is offered to the public exceeds $100,000. Restriction.

EXEMPTED TRANSACTIONS

SEC. 4. The provisions of section 5 shall not apply to any of the following transactions: Exempted transactions.

(1) Transactions by any person other than an issuer, underwriter, or dealer; transactions by an issuer not with or through an underwriter and not involving any public offering; or transactions by a dealer (including an underwriter no longer acting as an underwriter in respect of the security involved in such transaction), except transactions within one year after the last date upon which the security was bona fide offered to the public by the issuer or by or through an underwriter (excluding in the computation of such year any time during which a stop order issued under section 8 is in effect as to the security), and except transactions as to securities constituting the whole or a part of an unsold allotment to or subscription by such dealer as a participant in the distribution of such securities by the issuer or by or through an underwriter. By individuals. *Post*, p. 906. *Post*, p. 79.

(2) Brokers' transactions, executed upon customers' orders on any exchange or in the open or counter market, but not the solicitation of such orders. Brokers' transactions.

(3) The issuance of a security of a person exchanged by it with its existing security holders exclusively, where no commission or other remuneration is paid or given directly or indirectly in connection with such exchange; or the issuance of securities to the existing security holders or other existing creditors of a corporation in the process of a bona fide reorganization of such corporation under the supervision of any court, either in exchange for the securities of such security holders or claims of such creditors or partly for cash and partly in exchange for the securities or claims of such security holders or creditors. Issuance of securities to existing security holders, creditors, etc.

PROHIBITIONS RELATING TO INTERSTATE COMMERCE AND THE MAILS

SEC. 5. (a) Unless a registration statement is in effect as to a security, it shall be unlawful for any person, directly or indirectly— Prohibitions relating to interstate commerce and the mails.

(1) to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell or offer to buy such security through the use or medium of any prospectus or otherwise; or Transmission of broker's prospectus, etc.

(2) to carry or cause to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any such security for the purpose of sale or for delivery after sale. Transporting such security for sale or delivery after sale.

(b) It shall be unlawful for any person, directly or indirectly— Unlawful to transmit.

(1) to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to carry or transmit any prospectus relating to any security registered under this title, unless such prospectus meets the requirements of section 10; or Prospectus relating to registered security. *Post*, p. 81.

(2) to carry or to cause to be carried through the mails or in interstate commerce any such security for the purpose of sale or for delivery after sale, unless accompanied or preceded by a prospectus that meets the requirements of section 10. Security.

(c) The provisions of this section relating to the use of the mails shall not apply to the sale of any security where the issue of which Intrastate sales excluded. *Post*, p. 906.

it is a part is sold only to persons resident within a single State or Territory, where the issuer of such securities is a person resident and doing business within, or, if a corporation, incorporated by and doing business within, such State or Territory.

REGISTRATION OF SECURITIES AND SIGNING OF REGISTRATION STATEMENT

Registration of securities and signing of registration statement.

SEC. 6. (a) Any security may be registered with the Commission under the terms and conditions hereinafter provided, by filing a registration statement in triplicate, at least one of which shall be signed by each issuer, its principal executive officer or officers, its principal financial officer, its comptroller or principal accounting officer, and the majority of its board of directors or persons performing similar functions (or, if there is no board of directors or persons performing similar functions, by the majority of the persons or board having the power of management of the issuer), and in case the issuer is a foreign or Territorial person by its duly authorized representative in the United States; except that when such registration statement relates to a security issued by a foreign government, or political subdivision thereof, it need be signed only by the underwriter of such security. Signatures of all such persons when written on the said registration statements shall be presumed to have been so written by authority of the person whose signature is so affixed and the burden of proof, in the event such authority shall be denied, shall be upon the party denying the same. The affixing of any signature without the authority of the purported signer shall constitute a violation of this title. A registration statement shall be deemed effective only as to the securities specified therein as proposed to be offered.

Foreign or Territorial person.

Security of foreign governments.

Signatures.

Unauthorized signing.

Filing fee.

(b) At the time of filing a registration statement the applicant shall pay to the Commission a fee of one one-hundredth of 1 per centum of the maximum aggregate price at which such securities are proposed to be offered, but in no case shall such fee be less than $25.

Registration statement effective on filing, etc.

(c) The filing with the Commission of a registration statement, or of an amendment to a registration statement, shall be deemed to have taken place upon the receipt thereof, but the filing of a registration statement shall not be deemed to have taken place unless it is accompanied by a United States postal money order or a certified bank check or cash for the amount of the fee required under subsection (b).

Availability of registration information.

(d) The information contained in or filed with any registration statement shall be made available to the public under such regulations as the Commission may prescribe, and copies thereof, photostatic or otherwise, shall be furnished to every applicant at such reasonable charge as the Commission may prescribe.

Not operative first 40 days.

(e) No registration statement may be filed within the first forty days following the enactment of this Act.

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Information required: Schedules.

Post, p. 88.

Foreign government securities.

Post, p. 91.

Optional, in certain classes.

SEC. 7. The registration statement, when relating to a security other than a security issued by a foreign government, or political subdivision thereof, shall contain the information, and be accompanied by the documents, specified in Schedule A, and when relating to a security issued by a foreign government, or political subdivision thereof, shall contain the information, and be accompanied by the documents, specified in Schedule B; except that the Commission may by rules or regulations provide that any such information or document need not be included in respect of any class of issuers or securities if it finds that the requirement of such information or document is inapplicable to such class and that disclosure fully adequate for the protection of investors is otherwise required to be

included within the registration statement. If any accountant, engineer, or appraiser, or any person whose profession gives authority to a statement made by him, is named as having prepared or certified any part of the registration statement, or is named as having prepared or certified a report or valuation for use in connection with the registration statement, the written consent of such person shall be filed with the registration statement. If any such person is named as having prepared or certified a report or valuation (other than a public official document or statement) which is used in connection with the registration statement, but is not named as having prepared or certified such report or valuation for use in connection with the registration statement, the written consent of such person shall be filed with the registration statement unless the Commission dispenses with such filing as impracticable or as involving undue hardship on the person filing the registration statement. Any such registration statement shall contain such other information, and be accompanied by such other documents, as the Commission may by rules or regulations require as being necessary or appropriate in the public interest or for the protection of investors.

Professional statements.

Written consent to use, required.

Additional information, etc.

TAKING EFFECT OF REGISTRATION STATEMENTS AND AMENDMENTS THERETO

Registration statements and amendments thereto.

SEC. 8. (a) The effective date of a registration statement shall be the twentieth day after the filing thereof, except as hereinafter provided, and except that in case of securities of any foreign public authority, which has continued the full service of its obligations in the United States, the proceeds of which are to be devoted to the refunding of obligations payable in the United States, the registration statement shall become effective seven days after the filing thereof. If any amendment to any such statement is filed prior to the effective date of such statement, the registration statement shall be deemed to have been filed when such amendment was filed; except that an amendment filed with the consent of the Commission, prior to the effective date of the registration statement, or filed pursuant to an order of the Commission, shall be treated as a part of the registration statement.

Effective date.

Foreign securities.

(b) If it appears to the Commission that a registration statement is on its face incomplete or inaccurate in any material respect, the Commission may, after notice by personal service or the sending of confirmed telegraphic notice not later than ten days after the filing of the registration statement, and opportunity for hearing (at a time fixed by the Commission) within ten days after such notice by personal service or the sending of such telegraphic notice, issue an order prior to the effective date of registration refusing to permit such statement to become effective until it has been amended in accordance with such order. When such statement has been amended in accordance with such order the Commission shall so declare and the registration shall become effective at the time provided in subsection (a) or upon the date of such declaration, whichever date is the later.

Incomplete or inaccurate statements.

Opportunity to amend.

Effective date of amended statement.

(c) An amendment filed after the effective date of the registration statement, if such amendment, upon its face, appears to the Commission not to be incomplete or inaccurate in any material respect, shall become effective on such date as the Commission may determine, having due regard to the public interest and the protection of investors.

Amendment filed after effective date.

Determination of date, if not defective.

(d) If it appears to the Commission at any time that the registration statement includes any untrue statement of a material fact or

Stop order provisions.

omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, the Commission may, after notice by personal service or the sending of confirmed telegraphic notice, and after opportunity for hearing (at a time fixed by the Commission) within fifteen days after such notice by personal service or the sending of such telegraphic notice, issue a stop order suspending the effectiveness of the registration statement. When such statement has been amended in accordance with such stop order the Commission shall so declare and thereupon the stop order shall cease to be effective.

Notice.

Investigations authorized.

Powers of Commission.

(e) The Commission is hereby empowered to make an examination in any case in order to determine whether a stop order should issue under subsection (d). In making such examination the Commission or any officer or officers designated by it shall have access to and may demand the production of any books and papers of, and may administer oaths and affirmations to and examine, the issuer, underwriter, or any other person, in respect of any matter relevant to the examination, and may, in its discretion, require the production of a balance sheet exhibiting the assets and liabilities of the issuer, or its income statement, or both, to be certified to by a public or certified accountant approved by the Commission. If the issuer or underwriter shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of a stop order.

Grounds for issuance of stop order.

Service of notice.

(f) Any notice required under this section shall be sent to or served on the issuer, or, in case of a foreign government or political subdivision thereof, to or on the underwriter, or, in the case of a foreign or Territorial person, to or on its duly authorized representative in the United States named in the registration statement, properly directed in each case of telegraphic notice to the address given in such statement.

Court review of Commission's orders.

COURT REVIEW OF ORDERS

Petition allowed to appropriate circuit court of appeals, etc.

SEC. 9. (a) Any person aggrieved by an order of the Commission may obtain a review of such order in the Circuit Court of Appeals of the United States, within any circuit wherein such person resides or has his principal place of business, or in the Court of Appeals of the District of Columbia, by filing in such court, within sixty days after the entry of such order, a written petition praying that the order of the Commission be modified or be set aside in whole or in part. A copy of such petition shall be forthwith served upon the Commission, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the order complained of was entered. No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged before the Commission. The finding of the Commission as to the facts, if supported by evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by evidence, shall be conclu-

Copy thereof to Commission.

Proceedings and evidence.

sive, and its recommendation, if any, for the modification or setting aside of the original order. The jurisdiction of the court shall be exclusive and its judgment and decree, affirming, modifying, or setting aside, in whole or in part, any order of the Commission, shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 346 and 347).

Jurisdiction of court.

Certiorari to Supreme Court.

U.S.C., p. 906.

(b) The commencement of proceedings under subsection (a) shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

Commission's order not stayed.

INFORMATION REQUIRED IN PROSPECTUS

Information required in prospectus.

SEC. 10. (a) A prospectus—

Domestic securities.

(1) when relating to a security other than a security issued by a foreign government or political subdivision thereof, shall contain the same statements made in the registration statement, but it need not include the documents referred to in paragraphs (28) to (32), inclusive, of Schedule A;

Post, p. 91.

Foreign government, etc., securities.

(2) when relating to a security issued by a foreign government or political subdivision thereof shall contain the same statements made in the registration statement, but it need not include the documents referred to in paragraphs (13) and (14) of Schedule B.

Post, p. 92.

(b) Notwithstanding the provisions of subsection (a)—

Statement in prospectus used more than 13 months.

(1) when a prospectus is used more than thirteen months after the effective date of the registration statement, the information in the statements contained therein shall be as of a date not more than twelve months prior to such use.

Post, p. 906.

Statements that may be omitted.

(2) there may be omitted from any prospectus any of the statements required under such subsection (a) which the Commission may by rules or regulations designate as not being necessary or appropriate in the public interest or for the protection of investors.

Additional information required.

(3) any prospectus shall contain such other information as the Commission may by rules or regulations require as being necessary or appropriate in the public interest or for the protection of investors.

Classification of prospectuses.

(4) in the exercise of its powers under paragraphs (2) and (3) of this subsection, the Commission shall have authority to classify prospectuses according to the nature and circumstances of their use, and, by rules and regulations and subject to such terms and conditions as it shall specify therein, to prescribe as to each class the form and contents which it may find appropriate to such use and consistent with the public interest and the protection of investors.

Regulations governing form, etc., of classes.

(c) The statements or information required to be included in a prospectus by or under authority of subsection (a) or (b), when written, shall be placed in a conspicuous part of the prospectus in type as large as that used generally in the body of the prospectus.

Printing requirement.

(d) In any case where a prospectus consists of a radio broadcast, copies thereof shall be filed with the Commission under such rules and regulations as it shall prescribe. The Commission may by rules and regulations require the filing with it of forms of prospectuses used in connection with the sale of securities registered under this title.

Radio broadcasts. Copies to be filed.

CIVIL LIABILITIES ON ACCOUNT OF FALSE REGISTRATION STATEMENT

Civil liabilities for false registration statement.

Post, p. 907.

SEC. 11. (a) In case any part of the registration statement, when such part became effective, contained an untrue statement of a material fact or omitted to state a material fact required to be stated therein or necessary to make the statements therein not misleading, any person acquiring such security (unless it is proved that at the time of such acquisition he knew of such untruth or omission) may, either at law or in equity, in any court of competent jurisdiction, sue—

Responsibility of signator.

(1) every person who signed the registration statement;

Director, partner, etc.

(2) every person who was a director of (or person performing similar functions) or partner in, the issuer at the time of the filing of the part of the registration statement with respect to which his liability is asserted;

Prospective director, partner, etc.

(3) every person who, with his consent, is named in the registration statement as being or about to become a director, person performing similar functions, or partner;

Accountant's, etc., statements.

(4) every accountant, engineer, or appraiser, or any person whose profession gives authority to a statement made by him, who has with his consent been named as having prepared or certified any part of the registration statement, or as having prepared or certified any report or valuation which is used in connection with the registration statement, with respect to the statement in such registration statement, report, or valuation, which purports to have been prepared or certified by him;

Underwriter to such security.

(5) every underwriter with respect to such security.

Exemption, if burden of proof sustained.

(b) Notwithstanding the provisions of subsection (a) no person, other than the issuer, shall be liable as provided therein who shall sustain the burden of proof—

Resignation, etc., before effective date of statement.

(1) that before the effective date of the part of the registration statement with respect to which his liability is asserted (A) he had resigned from or had taken such steps as are permitted by law to resign from, or ceased or refused to act in, every office, capacity, or relationship in which he was described in the registration statement as acting or agreeing to act, and (B) he had advised the Commission and the issuer in writing that he had taken such action and that he would not be responsible for such part of the registration statement; or

Notification to Commission, etc., accordingly.

Advised commission of false statement.

(2) that if such part of the registration statement became effective without his knowledge, upon becoming aware of such fact he forthwith acted and advised the Commission, in accordance with paragraph (1), and, in addition, gave reasonable public notice that such part of the registration statement had become effective without his knowledge; or

Public notice, additional.

Belief in probity of statements, not expert, etc.

(3) that (A) as regards any part of the registration statement not purporting to be made on the authority of an expert, and not purporting to be a copy of or extract from a report or valuation of an expert, and not purporting to be made on the authority of a public official document or statement, he had, after reasonable investigation, reasonable ground to believe and did believe, at the time such part of the registration statement became effective, that the statements therein were true and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading; and (B) as regards any part of the registration statement purporting to be made upon his authority as an expert or purporting to be a copy of or extract from a report or valuation of himself as an expert, (i) he had, after reasonable

No material fact omitted.

Statement made as expert true.

investigation, reasonable ground to believe and did believe, at the time such part of the registration statement became effective, that the statements therein were true and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading, or (ii) such part of the registration statement did not fairly represent his statement as an expert or was not a fair copy of or extract from his report or valuation as an expert; and (C) as regards any part of the registration statement purporting to be made on the authority of an expert (other than himself) or purporting to be a copy of or extract from a report or valuation of an expert (other than himself), he had reasonable ground to believe and did believe, at the time such part of the registration statement became effective, that the statements therein were true and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading, and that such part of the registration statement fairly represented the statement of the expert or was a fair copy of or extract from the report or valuation of the expert; and (D) as regards any part of the registration statement purporting to be a statement made by an official person or purporting to be a copy of or extract from a public official document, he had reasonable ground to believe and did believe, at the time such part of the registration statement became effective, that the statements therein were true, and that there was no omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading, and that such part of the registration statement fairly represented the statement made by the official person or was a fair copy of or extract from the public official document.

No omitted nor misleading statements.

Registration statement at variance, etc

Statement of expert (other than himself). *Post*, p. 907.

Public officials or documents. *Post*, p. 907.

(c) In determining, for the purpose of paragraph (3) of subsection (b) of this section, what constitutes reasonable investigation and reasonable ground for belief, the standard of reasonableness shall be that required of a person occupying a fiduciary relationship.

Reasonable investigation or ground for belief. *Post*, p. 907.

(d) If any person becomes an underwriter with respect to the security after the part of the registration statement with respect to which his liability is asserted has become effective, then for the purposes of paragraph (3) of subsection (b) of this section such part of the registration statement shall be considered as having become effective with respect to such person as of the time when he became an underwriter.

Becoming underwriter after liability attaches.

(e) The suit authorized under subsection (a) may be either (1) to recover the consideration paid for such security with interest thereon, less the amount of any income received thereon, upon the tender of such security, or (2) for damages if the person suing no longer owns the security.

Suits authorized herein.
Security payment. *Post*, p. 907.

Damages.

(f) All or any one or more of the persons specified in subsection (a) shall be jointly and severally liable, and every person who becomes liable to make any payment under this section may recover contribution as in cases of contract from any person who, if sued separately, would have been liable to make the same payment, unless the person who has become liable was, and the other was not, guilty of fraudulent misrepresentation.

Liability, joint and several.

Contribution.

Exception.

(g) In no case shall the amount recoverable under this section exceed the price at which the security was offered to the public.

Recovery limitation.

Civil liabilities connected with prospectuses and communications.

CIVIL LIABILITIES ARISING IN CONNECTION WITH PROSPECTUSES AND COMMUNICATIONS

Sales through interstate commerce and mails.
Ante, p. 77.
Through false prospectuses, etc.
Ante, p. 75.

SEC. 12. Any person who—

(1) sells a security in violation of section 5, or

(2) sells a security (whether or not exempted by the provisions of section 3, other than paragraph (2) of subsection (a) thereof), by the use of any means or instruments of transportation or communication in interstate commerce or of the mails, by means of a prospectus or oral communication, which includes an untrue statement of a material fact or omits to state a material fact necessary in order to make the statements, in the light of the circumstances under which they were made, not misleading (the purchaser not knowing of such untruth or omission), and who shall not sustain the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of such untruth or omission,

Recovery by purchaser.

shall be liable to the person purchasing such security from him, who may sue either at law or in equity in any court of competent jurisdiction, to recover the consideration paid for such security with interest thereon, less the amount of any income received thereon, upon the tender of such security, or for damages if he no longer owns the security.

LIMITATION OF ACTIONS

Limitation of actions.

SEC. 13. No action shall be maintained to enforce any liability created under section 11 or section 12 (2) unless brought within two years after the discovery of the untrue statement or the omission, or after such discovery should have been made by the exercise of reasonable diligence, or, if the action is to enforce a liability created under section 12 (1), unless brought within two years after the violation upon which it is based. In no event shall any such action be brought to enforce a liability created under section 11 or section 12 (1) more than ten years after the security was bona fide offered to the public.

Post, p. 908.

CONTRARY STIPULATIONS VOID

Contrary stipulations void.

SEC. 14. Any condition, stipulation, or provision binding any person acquiring any security to waive compliance with any provision of this title or of the rules and regulations of the Commission shall be void.

LIABILITY OF CONTROLLING PERSONS

Liability of controlling persons.
Post, p. 908.

SEC. 15. Every person who, by or through stock ownership, agency, or otherwise, or who, pursuant to or in connection with an agreement or understanding with one or more other persons by or through stock ownership, agency, or otherwise, controls any person liable under section 11 or 12, shall also be liable jointly and severally with and to the same extent as such controlled person to any person to whom such controlled person is liable.

ADDITIONAL REMEDIES

Remedies to be additional to existing rights, etc.

SEC. 16. The rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity.

FRAUDULENT INTERSTATE TRANSACTIONS

Fraudulent interstate transactions.

SEC. 17. (a) It shall be unlawful for any person in the sale of any securities by the use of any means or instruments of transportation

or communication in interstate commerce or by the use of the mails, directly or indirectly—

Unlawful practices, transactions, etc., in sale of securities.

(1) to employ any device, scheme, or artifice to defraud, or

(2) to obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or

(3) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

Unlawful advertisement of securities.

(b) It shall be unlawful for any person, by the use of any means or instruments of transportation or communication in interstate commerce or by the use of the mails, to publish, give publicity to, or circulate any notice, circular, advertisement, newspaper, article, letter, investment service, or communication which, though not purporting to offer a security for sale, describes such security for a consideration received or to be received, directly or indirectly, from an issuer, underwriter, or dealer, without fully disclosing the receipt, whether past or prospective, of such consideration and the amount thereof.

Receipt of consideration and amount to be disclosed.

Exempted securities, *Ante*, p. 75.

(c) The exemptions provided in section 3 shall not apply to the provisions of this section.

STATE CONTROL OF SECURITIES

State control of securities.

Jurisdiction of commissions.

SEC. 18. Nothing in this title shall affect the jurisdiction of the securities commission (or any agency or office performing like functions) of any State or Territory of the United States, or the District of Columbia, over any security or any person.

SPECIAL POWERS OF COMMISSION

Special powers of Commission.

Prescribe regulations. *Post*, p. 908.

SEC. 19. (a) The Commission shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this title, including rules and regulations governing registration statements and prospectuses for various classes of securities and issuers, and defining accounting and trade terms used in this title. Among other things, the Commission shall have authority, for the purposes of this title, to prescribe the form or forms in which required information shall be set forth, the items or details to be shown in the balance sheet and earning statement, and the methods to be followed in the preparation of accounts, in the appraisal or valuation of assets and liabilities, in the determination of depreciation and depletion, in the differentiation of recurring and nonrecurring income, in the differentiation of investment and operating income, and in the preparation, where the Commission deems it necessary or desirable, of consolidated balance sheets or income accounts of any person directly or indirectly controlling or controlled by the issuer, or any person under direct or indirect common control with the issuer; but insofar as they relate to any common carrier subject to the provisions of section 20 of the Interstate Commerce Act, as amended, the rules and regulations of the Commission with respect to accounts shall not be inconsistent with the requirements imposed by the Interstate Commerce Commission under authority of such section 20. The rules and regulations of the Commission shall be effective upon publication in the manner which the Commission shall prescribe.

Registration statements and prospectuses.

Prescribe forms.

Preparation of accounts, appraising, etc.

Common carrier.

Rules affecting. Vol. 24, p. 386; U.S.C., p. 1668.

Rules effective on publication.

Power to summon witnesses, production of books, etc.

(b) For the purpose of all investigations which, in the opinion of the Commission, are necessary and proper for the enforcement of this title, any member of the Commission or any officer or officers

designated by it are empowered to administer oaths and affirmations, subpena witnesses, take evidence, and require the production of any books, papers, or other documents which the Commission deems relevant or material to the inquiry. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States or any Territory at any designated place of hearing.

Injunctions and prosecution of offenses.

INJUNCTIONS AND PROSECUTION OF OFFENSES

Investigations authorized.

SEC. 20. (a) Whenever it shall appear to the Commission, either upon complaint or otherwise, that the provisions of this title, or of any rule or regulation prescribed under authority thereof, have been or are about to be violated, it may, in its discretion, either require or permit such person to file with it a statement in writing, under oath, or otherwise, as to all the facts and circumstances concerning the subject matter which it believes to be in the public interest to investigate, and may investigate such facts.

Injunctions.

(b) Whenever it shall appear to the Commission that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this title, or of any rule or regulation prescribed under authority thereof, it may in its discretion, bring an action in any district court of the United States, United States court of any Territory, or the Supreme Court of the District of Columbia to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning such acts or practices to the Attorney General who may, in his discretion, institute the necessary criminal proceedings under this title. Any such criminal proceeding may be brought either in the district wherein the transmittal of the prospectus or security complained of begins, or in the district wherein such prospectus or security is received.

Evidence to Attorney General.

Venue.

Jurisdiction of district court to issue writs of mandamus.

(c) Upon application of the Commission the district courts of the United States, the United States courts of any Territory, and the Supreme Court of the District of Columbia, shall also have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this title or any order of the Commission made in pursuance thereof.

HEARINGS BY COMMISSION

Hearings by Commission.

SEC. 21. All hearings shall be public and may be held before the Commission or an officer or officers of the Commission designated by it, and appropriate records thereof shall be kept.

JURISDICTION OF OFFENSES AND SUITS

Jurisdiction of offenses and suits.

SEC. 22. (a) The district courts of the United States, the United States courts of any Territory, and the Supreme Court of the District of Columbia shall have jurisdiction of offenses and violations under this title and under the rules and regulations promulgated by the Commission in respect thereto, and, concurrent with State and Territorial courts, of all suits in equity and actions at law brought to enforce any liability or duty created by this title. Any such suit or action may be brought in the district wherein the defendant is found or is an inhabitant or transacts business, or in the district where the sale took place, if the defendant participated therein, and process in such cases may be served in any other district of which the defendant

Service of process.

is an inhabitant or wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 128 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 225 and 347). No case arising under this title and brought in any State court of competent jurisdiction shall be removed to any court of the United States. No costs shall be assessed for or against the Commission in any proceeding under this title brought by or against it in the Supreme Court or such other courts.

Judgment subject to review. Vol. 36, pp. 1133, 1157. U.S.C., pp. 895, 906.

No court assessments against Commission.

(b) In case of contumacy or refusal to obey a subpena issued to any person, any of the said United States courts, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides, upon application by the Commission may issue to such person an order requiring such person to appear before the Commission, or one of its examiners designated by it, there to produce documentary evidence if so ordered, or there to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

Punishment for disobeying subpena, etc.

(c) No person shall be excused from attending and testifying or from producing books, papers, contracts, agreements, and other documents before the Commission, or in obedience to the subpena of the Commission or any member thereof or any officer designated by it, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

No person excused from testifying, etc.

Personal immunity.

Perjury.

UNLAWFUL REPRESENTATIONS

SEC. 23. Neither the fact that the registration statement for a security has been filed or is in effect nor the fact that a stop order is not in effect with respect thereto shall be deemed a finding by the Commission that the registration statement is true and accurate on its face or that it does not contain an untrue statement of fact or omit to state a material fact, or be held to mean that the Commission has in any way passed upon the merits of, or given approval to, such security. It shall be unlawful to make, or cause to be made, to any prospective purchaser any representation contrary to the foregoing provisions of this section.

Unlawful representations.

PENALTIES

SEC. 24. Any person who willfully violates any of the provisions of this title, or the rules and regulations promulgated by the Commission under authority thereof, or any person who willfully, in a registration statement filed under this title, makes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than $5,000 or imprisoned not more than five years, or both.

Penalties.

JURISDICTION OF OTHER GOVERNMENT AGENCIES OVER SECURITIES

SEC. 25. Nothing in this title shall relieve any person from submitting to the respective supervisory units of the Government of

Jurisdiction of other Government agencies not impaired.

the United States information, reports, or other documents that are now or may hereafter be required by any provision of law.

SEPARABILITY OF PROVISIONS

Separability of provisions.

SEC. 26. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Schedule A.

SCHEDULE A

Information to be included.

Name of issuer.

(1) The name under which the issuer is doing or intends to do business;

State, etc.

(2) the name of the State or other sovereign power under which the issuer is organized;

Location of issuer's business office.

United States agency, if foreign issuer.

(3) the location of the issuer's principal business office, and if the issuer is a foreign or territorial person, the name and address of its agent in the United States authorized to receive notice;

Names and addresses of corporation directors, partners, etc.

(4) the names and addresses of the directors or persons performing similar functions, and the chief executive, financial and accounting officers, chosen or to be chosen if the issuer be a corporation, association, trust, or other entity; of all partners, if the issuer be a partnership; and of the issuer, if the issuer be an individual; and of the promoters in the case of a business to be formed, or formed within two years prior to the filing of the registration statement;

Underwriters.

(5) the names and addresses of the underwriters;

Stockholders.

(6) the names and addresses of all persons, if any, owning of record or beneficially, if known, more than 10 per centum of any class of stock of the issuer, or more than 10 per centum in the aggregate of the outstanding stock of the issuer as of a date within twenty days prior to the filing of the registration statement;

Schedule of securities.

(7) the amount of securities of the issuer held by any person specified in paragraphs (4), (5), and (6) of this schedule, as of a date within twenty days prior to the filing of the registration statement, and, if possible, as of one year prior thereto, and the amount of the securities, for which the registration statement is filed, to which such persons have indicated their intention to subscribe;

Character of business.

(8) the general character of the business actually transacted or to be transacted by the issuer;

Capitalization, etc.

(9) a statement of the capitalization of the issuer, including the authorized and outstanding amounts of its capital stock and the proportion thereof paid up, the number and classes of shares in which such capital stock is divided, par value thereof, or if it has no par value, the stated or assigned value thereof, a description of the respective voting rights, preferences, conversion and exchange rights, rights to dividends, profits, or capital of each class, with respect to each other class, including the retirement and liquidation rights or values thereof;

Outstanding options.

(10) a statement of the securities, if any, covered by options outstanding or to be created in connection with the security to be offered, together with the names and addresses of all persons, if any, to be allotted more than 10 per centum in the aggregate of such options;

Capital stock.

(11) the amount of capital stock of each class issued or included in the shares of stock to be offered;

Funded debt, etc.

(12) the amount of the funded debt outstanding and to be created by the security to be offered, with a brief description of the date, maturity, and character of such debt, rate of interest, character of amortization provisions, and the security, if any, therefor. If substitution of any security is permissible, a summarized statement of

Statement, if substitution permitted.

the conditions under which such substitution is permitted. If substitution is permissible without notice, a specific statement to that effect;

Detailed amounts and purposes.

(13) the specific purposes in detail and the approximate amounts to be devoted to such purposes, so far as determinable, for which the security to be offered is to supply funds, and if the funds are to be raised in part from other sources, the amounts thereof and the sources thereof, shall be stated;

Remuneration paid by issuer, etc., to its directors, officers, etc.

(14) the remuneration, paid or estimated to be paid, by the issuer or its predecessor, directly or indirectly, during the past year and ensuing year to (a) the directors or persons performing similar functions, and (b) its officers and other persons, naming them wherever such remuneration exceeded $25,000 during any such year;

Estimated net proceeds.

(15) the estimated net proceeds to be derived from the security to be offered;

Price security offered to public, etc.

(16) the price at which it is proposed that the security shall be offered to the public or the method by which such price is computed and any variation therefrom at which any portion of such security is proposed to be offered to any persons or classes of persons, other than the underwriters, naming them or specifying the class. A variation in price may be proposed prior to the date of the public offering of the security, but the Commission shall immediately be notified of such variation;

Variation to be reported to Commission.

Commissions, discounts, etc.

(17) all commissions or discounts paid or to be paid, directly or indirectly, by the issuer to the underwriters in respect of the sale of the security to be offered. Commissions shall include all cash, securities, contracts, or anything else of value, paid, to be set aside, disposed of, or understandings with or for the benefit of any other persons in which any underwriter is interested, made, in connection with the sale of such security. A commission paid or to be paid in connection with the sale of such security by a person in which the issuer has an interest or which is controlled or directed by, or under common control with, the issuer shall be deemed to have been paid by the issuer. Where any such commission is paid the amount of such commission paid to each underwriter shall be stated;

Other expenses.

(18) the amount or estimated amounts, itemized in reasonable detail, of expenses, other than commissions specified in paragraph (17) of this schedule, incurred or borne by or for the account of the issuer in connection with the sale of the security to be offered or properly chargeable thereto, including legal, engineering, certification, authentication, and other charges;

Net proceeds from previous sales.

(19) the net proceeds derived from any security sold by the issuer during the two years preceding the filing of the registration statement, the price at which such security was offered to the public, and the names of the principal underwriters of such security;

Payment to promoter.

(20) any amount paid within two years preceding the filing of the registration statement or intended to be paid to any promoter and the consideration for any such payment;

Vendors, names, addresses, purchase price of property, etc.

(21) the names and addresses of the vendors and the purchase price of any property, or good will, acquired or to be acquired, not in the ordinary course of business, which is to be defrayed in whole or in part from the proceeds of the security to be offered, the amount of any commission payable to any person in connection with such acquisition, and the name or names of such person or persons, together with any expense incurred or to be incurred in connection with such acquisition, including the cost of borrowing money to finance such acquisition;

Cost of financing.

Interest of every stockholder holding more than 10 per cent of any class.

(22) full particulars of the nature and extent of the interest, if any, of every director, principal executive officer, and of every stockholder holding more than 10 per centum of any class of stock or more than 10 per centum in the aggregate of the stock of the issuer, in any property acquired, not in the ordinary course of business of the issuer, within two years preceding the filing of the registration statement or proposed to be acquired at such date;

Names, etc., of counsel.

(23) the names and addresses of counsel who have passed on the legality of the issue;

Material contracts, not made in ordinary business.

(24) dates of and parties to, and the general effect concisely stated of every material contract made, not in the ordinary course of business, which contract is to be executed in whole or in part at or after the filing of the registration statement or which contract has been made not more than two years before such filing. Any

Management contract, special bonuses, or profit sharing, etc., deemed material contract.

management contract or contract providing for special bonuses or profit-sharing arrangements, and every material patent or contract for a material patent right, and every contract by or with a public utility company or an affiliate thereof, providing for the giving or receiving of technical or financial advice or service (if such contract may involve a charge to any party thereto at a rate in excess of $2,500 per year in cash or securities or anything else of value), shall be deemed a material contract;

Balance sheets. Contents.

(25) a balance sheet as of a date not more than ninety days prior to the date of the filing of the registration statement showing all of the assets of the issuer, the nature and cost thereof, whenever determinable, in such detail and in such form as the Commission shall prescribe (with intangible items segregated), including any loan in excess of $20,000 to any officer, director, stockholder or person directly or indirectly controlling or controlled by the issuer, or person under direct or indirect common control with the issuer. All the liabilities of the issuer in such detail and such form as the Commission shall prescribe, including surplus of the issuer showing how and from what sources such surplus was created, all as of a date not more than ninety days prior to the filing of the registration statement. If such statement be not certified by an independent public or certified accountant, in addition to the balance sheet required to be submitted under this schedule, a similar detailed balance sheet of the assets and liabilities of the issuer, certified by an independent public or certified accountant, of a date not more than one year prior to the filing of the registration statement, shall be submitted;

Certificate of public accountant.

Profit and loss statement.

(26) a profit and loss statement of the issuer showing earnings and income, the nature and source thereof, and the expenses and fixed charges in such detail and such form as the Commission shall prescribe for the latest fiscal year for which such statement is available and for the two preceding fiscal years, year by year, or, if such issuer has been in actual business for less than three years, then for such time as the issuer has been in actual business, year by year. If the date of the filing of the registration statement is more than six months after the close of the last fiscal year, a statement from such closing date to the latest practicable date. Such statement shall show what the practice of the issuer has been during the three years or lesser period as to the character of the charges, dividends or other distributions made against its various surplus accounts, and as to depreciation, depletion, and maintenance charges, in such detail and form as the Commission shall prescribe, and if stock dividends or avails from the sale of rights have been credited to income, they shall be shown separately with a statement of the basis upon which the credit is computed. Such statement shall also differentiate

between any recurring and nonrecurring income and between any investment and operating income. Such statement shall be certified by an independent public or certified accountant;

Certificate of public accountant.

(27) if the proceeds, or any part of the proceeds, of the security to be issued is to be applied directly or indirectly to the purchase of any business, a profit and loss statement of such business certified by an independent public or certified accountant, meeting the requirements of paragraph (26) of this schedule, for the three preceding fiscal years, together with a balance sheet, similarly certified, of such business, meeting the requirements of paragraph (25) of this schedule of a date not more than ninety days prior to the filing of the registration statement or at the date such business was acquired by the issuer if the business was acquired by the issuer more than ninety days prior to the filing of the registration statement;

If proceeds are to be applied to purchase of any business, statement of such business to issue.

(28) a copy of any agreement or agreements (or, if identic agreements are used, the forms thereof) made with any underwriter, including all contracts and agreements referred to in paragraph (17) of this schedule;

Agreements with any underwriter.

(29) a copy of the opinion or opinions of counsel in respect to the legality of the issue, with a translation of such opinion, when necessary, into the English language;

Counsel's opinion as to legality of issue.

(30) a copy of all material contracts referred to in paragraph (24) of this schedule, but no disclosure shall be required of any portion of any such contract if the Commission determines that disclosure of such portion would impair the value of the contract and would not be necessary for the protection of the investors;

Copy of material contracts; restriction.

(31) unless previously filed and registered under the provisions of this title, and brought up to date, (a) a copy of its articles of incorporation, with all amendments thereof and of its existing by-laws or instruments corresponding thereto, whatever the name, if the issuer be a corporation; (b) copy of all instruments by which the trust is created or declared, if the issuer is a trust; (c) a copy of its articles of partnership or association and all other papers pertaining to its organization, if the issuer is a partnership, unincorporated association, joint-stock company, or any other form of organization; and

Copy of articles of incorporation, etc.

(32) a copy of the underlying agreements or indentures affecting any stock, bonds, or debentures offered or to be offered.

Copy of underlying indentures affecting stock, etc.

In case of certificates of deposit, voting trust certificates, collateral trust certificates, certificates of interest or shares in unincorporated investment trusts, equipment trust certificates, interim or other receipts for certificates, and like securities, the Commission shall establish rules and regulations requiring the submission of information of a like character applicable to such cases, together with such other information as it may deem appropriate and necessary regarding the character, financial or otherwise, of the actual issuer of the securities and/or the person performing the acts and assuming the duties of depositor or manager.

Rules and regulations to be established.

SCHEDULE B

Schedule B.

(1) Name of borrowing government or subdivision thereof;

Name of borrowing government, etc.

(2) specific purposes in detail and the approximate amounts to be devoted to such purposes, so far as determinable, for which the security to be offered is to supply funds, and if the funds are to be raised in part from other sources, the amounts thereof and the sources thereof, shall be stated;

Purposes and amounts for which security offered is to supply funds.

Funded and floating debts.

(3) the amount of the funded debt and the estimated amount of the floating debt outstanding and to be created by the security to be offered, excluding intergovernmental debt, and a brief description of the date, maturity, character of such debt, rate of interest, character of amortization provisions, and the security, if any, therefor. If substitution of any security is permissible, a statement of the conditions under which such substitution is permitted. If substitution is permissible without notice, a specific statement to that effect;

Substitution conditions.

Whether issuer has defaulted, etc.

(4) whether or not the issuer or its predecessor has, within a period of twenty years prior to the filing of the registration statement, defaulted on the principal or interest of any external security, excluding intergovernmental debt, and, if so, the date, amount, and circumstances of such default, and the terms of the succeeding arrangement, if any;

Intergovernmental debts excluded.

Receipts and expenses, in detail.

(5) the receipts, classified by source, and the expenditures, classified by purpose, in such detail and form as the Commission shall prescribe for the latest fiscal year for which such information is available and the two preceding fiscal years, year by year;

Names, etc., of underwriters.

(6) the names and addresses of the underwriters;

United States agent.

(7) the name and address of its authorized agent, if any, in the United States;

Estimated net proceeds from sales in United States.

(8) the estimated net proceeds to be derived from the sale in the United States of the security to be offered;

Price.

(9) the price at which it is proposed that the security shall be offered in the United States to the public or the method by which such price is computed. A variation in price may be proposed prior to the date of the public offering of the security, but the Commission shall immediately be notified of such variation;

Commissions paid.

(10) all commissions paid or to be paid, directly or indirectly, by the issuer to the underwriters in respect of the sale of the security to be offered. Commissions shall include all cash, securities, contracts, or anything else of value, paid, to be set aside, disposed of, or understandings with or for the benefit of any other persons in which the underwriter is interested, made, in connection with the sale of such security. Where any such commission is paid, the amount of such commission paid to each underwriter shall be stated;

Other expenses.

(11) the amount or estimated amounts, itemized in reasonable detail, of expenses, other than the commissions specified in paragraph (10) of this schedule, incurred or borne by or for the account of the issuer in connection with the sale of the security to be offered or properly chargeable thereto, including legal, engineering, certification, and other charges;

Names, etc., of counsel.

(12) the names and addresses of counsel who have passed upon the legality of the issue;

Copy of any underwriter's agreement as to United States sales.

(13) a copy of any agreement or agreements made with any underwriter governing the sale of the security within the United States; and

Counsel's opinion as to legality of issue.

(14) an agreement of the issuer to furnish a copy of the opinion or opinions of counsel in respect to the legality of the issue, with a translation, where necessary, into the English language. Such opinion shall set out in full all laws, decrees, ordinances, or other acts of Government under which the issue of such security has been authorized.

Corporation of Foreign Bondholders, 1933.

TITLE II

"Corporation of Foreign Security Holders" created.

SECTION 201. For the purpose of protecting, conserving, and advancing the interests of the holders of foreign securities in default, there is hereby created a body corporate with the name "Corporation

of Foreign Security Holders" (herein called the "Corporation"). The principal office of the Corporation shall be located in the District of Columbia, but there may be established agencies or branch offices in any city or cities of the United States under rules and regulations prescribed by the board of directors.

Principal office, agencies.

SEC. 202. The control and management of the Corporation shall be vested in a board of six directors, who shall be appointed and hold office in the following manner: As soon as practicable after the date this Act takes effect the Federal Trade Commission (hereinafter in this title called "Commission") shall appoint six directors, and shall designate a chairman and a vice chairman from among their number. After the directors designated as chairman and vice chairman cease to be directors, their successors as chairman and vice chairman shall be elected by the board of directors itself. Of the directors first appointed, two shall continue in office for a term of two years, two for a term of four years, and two for a term of six years, from the date this Act takes effect, the term of each to be designated by the Commission at the time of appointment. Their successors shall be appointed by the Commission, each for a term of six years from the date of the expiration of the term for which his predecessor was appointed, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of such predecessor. No person shall be eligible to serve as a director who within the five years preceding has had any interest, direct or indirect, in any corporation, company, partnership, bank or association which has sold, or offered for sale any foreign securities. The office of a director shall be vacated if the board of directors shall at a meeting specially convened for that purpose by resolution passed by a majority of at least two thirds of the board of directors, remove such member from office, provided that the member whom it is proposed to remove shall have seven days' notice sent to him of such meeting and that he may be heard.

Control vested in board of directors.

Federal Trade Commission to appoint six directors, designate a chairman, etc.

Post, p. 908.

Appointment of successors.

Tenure of office.

Vacancies.

Removals.

SEC. 203. The Corporation shall have power to adopt, alter, and use a corporate seal; to make contracts; to lease such real estate as may be necessary for the transaction of its business; to sue and be sued, to complain and to defend, in any court of competent jurisdiction, State or Federal; to require from trustees, financial agents, or dealers in foreign securities information relative to the original or present holders of foreign securities and such other information as may be required and to issue subpenas therefor; to take over the functions of any fiscal and paying agents of any foreign securities in default; to borrow money for the purposes of this title, and to pledge as collateral for such loans any securities deposited with the Corporation pursuant to this title; by and with the consent and approval of the Commission to select, employ, and fix the compensation of officers, directors, members of committees, employees, attorneys, and agents of the Corporation, without regard to the provisions of other laws applicable to the employment and compensation of officers or employees of the United States; to define their authority and duties, require bonds of them and fix the penalties thereof, and to dismiss at pleasure such officers, employees, attorneys, and agents; and to prescribe, amend, and repeal, by its board of directors, bylaws, rules, and regulations governing the manner in which its general business may be conducted and the powers granted to it by law may be exercised and enjoyed, together with provisions for such committees and the functions thereof as the board of directors

Corporate powers.

To require information relative to foreign securities holders, etc.

To take over functions of agent of defaulted foreign securities.

Borrow and pledge for such loans.

Officers, employees, etc.

Prescribe, etc., rules for conduct of business.

may deem necessary for facilitating its business under this title.

Determine manner obligations incurred and expenses allowed.

The board of directors of the Corporation shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid.

Authority of board over foreign securities.

Call meetings of holders of.

Action on defaulted securities.

SEC. 204. The board of directors may—

(1) Convene meetings of holders of foreign securities.

(2) Invite the deposit and undertake the custody of foreign securities which have defaulted in the payment either of principal or interest, and issue receipts or certificates in the place of securities so deposited.

Appoint committees to represent such holders.

(3) Appoint committees from the directors of the Corporation and/or all other persons to represent holders of any class or classes of foreign securities which have defaulted in the payment either of principal or interest and determine and regulate the functions of such committees. The chairman and vice chairman of the board of directors shall be ex officio chairman and vice chairman of each committee.

Carry out arrangements for resuming payments.

(4) Negotiate and carry out, or assist in negotiating and carrying out, arrangements for the resumption of payments due or in arrears in respect of any foreign securities in default or for rearranging the terms on which such securities may in future be held or for converting and exchanging the same for new securities or for any other object in relation thereto; and under this paragraph any plan or agreement made with respect to such securities shall be binding upon depositors, providing that the consent of holders resident in the United States of 60 per centum of the securities deposited with the Corporation shall be obtained.

Collecting, etc., funds derived from foreign securities.

(5) Undertake, superintend, or take part in the collection and application of funds derived from foreign securities which come into the possession of or under the control or management of the Corporation.

Collect, etc., information respecting foreign securities.

(6) Collect, preserve, publish, circulate, and render available in readily accessible form, when deemed essential or necessary, documents, statistics, reports, and information of all kinds in respect of foreign securities, including particularly records of foreign external securities in default and records of the progress made toward the payment of past-due obligations.

Securing simple forms, etc.

(7) Take such steps as it may deem expedient with the view of securing the adoption of clear and simple forms of foreign securities and just and sound principles in the conditions and terms thereof.

Act as representative of holders.

(8) Generally, act in the name and on behalf of the holders of foreign securities the care or representation of whose interests may be entrusted to the Corporation; conserve and protect the rights and interests of holders of foreign securities issued, sold, or owned in the United States; adopt measures for the protection, vindication, and preservation or reservation of the rights and interests of holders of foreign securities either on any default in or on breach or contemplated breach of the conditions on which such foreign securities may have been issued, or otherwise; obtain for such holders such legal and other assistance and advice as the board of directors may deem expedient; and do all such other things as are incident or conducive to the attainment of the above objects.

To keep and publish an audited general account and balance sheet.

SEC. 205. The board of directors shall cause accounts to be kept of all matters relating to or connected with the transactions and business of the Corporation, and cause a general account and balance sheet of the Corporation to be made out in each year, and cause all

accounts to be audited by one or more auditors who shall examine the same and report thereon to the board of directors.

Annual report of operations.

SEC. 206. The Corporation shall make, print, and make public an annual report of its operations during each year, send a copy thereof, together with a copy of the account and balance sheet and auditor's report, to the Commission and to both Houses of Congress, and provide one copy of such report but not more than one on the application of any person and on receipt of a sum not exceeding $1: *Provided*, That the board of directors in its discretion may distribute copies gratuitously.

Proviso. Free distribution.

Pro rata levy on holders of foreign securities.

SEC. 207. The Corporation may in its discretion levy charges, assessed on a pro rata basis, on the holders of foreign securities deposited with it: *Provided*, That any charge levied at the time of depositing securities with the Corporation shall not exceed one fifth of 1 per centum of the face value of such securities: *Provided further*, That any additional charges shall bear a close relationship to the cost of operations and negotiations including those enumerated in sections 203 and 204 and shall not exceed 1 per centum of the face value of such securities.

Provisos. Charge limitation.

Additional charges.

Subscription may be received from any foundation, etc.

SEC. 208. The Corporation may receive subscriptions from any person, foundation with a public purpose, or agency of the United States Government, and such subscriptions may, in the discretion of the board of directors, be treated as loans repayable when and as the board of directors shall determine.

Reconstruction Finance Corporation to advance funds for Corporation use.

SEC. 209. The Reconstruction Finance Corporation is hereby authorized to loan out of its funds not to exceed $75,000 for the use of the Corporation.

Unlawful acts.

SEC. 210. Notwithstanding the foregoing provisions of this title, it shall be unlawful for, and nothing in this title shall be taken or construed as permitting or authorizing, the Corporation in this title created, or any committee of said Corporation, or any person or persons acting for or representing or purporting to represent it—

Claiming to represent Government or State Department.

(a) to claim or assert or pretend to be acting for or to represent the Department of State or the United States Government;

Statements to that effect to foreign Government.

(b) to make any statements or representations of any kind to any foreign government or its officials or the officials of any political subdivision of any foreign government that said Corporation or any committee thereof or any individual or individuals connected therewith were speaking or acting for the said Department of State or the United States Government; or

Interference, etc., with Government policies.

(c) to do any act directly or indirectly which would interfere with or obstruct or hinder or which might be calculated to obstruct, hinder or interfere with the policy or policies of the said Department of State or the Government of the United States or any pending or contemplated diplomatic negotiations, arrangements, business or exchanges between the Government of the United States or said Department of State and any foreign government or any political subdivision thereof.

Title not effective until President so declares.

SEC. 211. This title shall not take effect until the President finds that its taking effect is in the public interest and by proclamation so declares.

Citation of title.

SEC. 212. This title may be cited as the "Corporation of Foreign Bondholders Act, 1933."

Approved, May 27, 1933.

[CHAPTER 39.]

AN ACT

May 27, 1933. [H.R. 5152.] [Public, No. 23.]

Granting the consent of Congress to the State Highway Commission of Virginia to replace and maintain a bridge across Northwest River in Norfolk County, Virginia, on State Highway Route Numbered 27.

Northwest River. Virginia may bridge, in Norfolk County.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State Highway Commission of Virginia, and its successors, to replace and operate a free highway bridge and approaches thereto across the Northwest River, at a point suitable to the interests of navigation, at or near Norfolk County, Virginia, on State Highway Route Numbered 27, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Construction. Vol. 34, p. 84.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 27, 1933.

[CHAPTER 40.]

AN ACT

May 27, 1933. [H.R. 5173.] [Public, No. 24.]

Granting the consent of Congress to the State Highway Commission of Virginia to maintain a bridge already constructed to replace a weak structure in the same location, across the Staunton and Dan Rivers, in Mecklenburg County, Virginia, on United States Route Numbered 15.

Staunton and Dan Rivers. Bridge across, by Virginia, legalized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State Highway Commission of Virginia, and its successors, to maintain and operate, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, a bridge and approaches thereto already constructed to replace an inadequate structure already constructed across the Staunton and Dan Rivers, at their mouths—Clarksville, in Mecklenburg County, which bridge is hereby declared to be a lawful structure to the same extent and in the same manner as if it had been constructed in accordance with the provisions of said Act of March 23, 1906.

Vol. 34, p. 84.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 27, 1933.

[CHAPTER 41.]

AN ACT

May 27, 1933. [H.R. 5476.] [Public, No. 25.]

To extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Georgia.

Savannah River. Time extended for bridging, at Burtons Ferry, Ga. Vol. 45, p. 751; Vol. 47, p. 135, amended. *Post*, p. 946.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for commencing and completing the construction of a bridge authorized by Act of Congress approved May 26, 1928, heretofore revived and reenacted by Act of Congress approved April 22, 1932, to be built by the South Carolina and Georgia State Highway Departments across the Savannah River at or near Burtons Ferry, near Sylvania, Georgia, are hereby extended one and three years, respectively, from the date of approval hereof.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 27, 1933.

[CHAPTER 42.]

AN ACT

May 29, 1933.
[H.R. 5390.]
[Public, No. 26.]

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1933, and June 30, 1934, and for other purposes.

Third Deficiency Act, fiscal year 1933.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1933, and June 30, 1934, and for other purposes, namely:

LEGISLATIVE

Legislative.

SENATE

Senate.

Thomas J. Walsh. Pay to widow.

To pay to Nieves Maria P. C. Walsh, widow of Honorable Thomas J. Walsh, late a Senator from the State of Montana, $9,000.

Robert B. Howell. Pay to widow.

To pay Alice C. Howell, widow of Honorable R. B. Howell, late a Senator from the State of Nebraska, $9,000.

Miscellaneous items.

For miscellaneous items, exclusive of labor, fiscal year 1933, $20,000.

Senate Office Building. Additional police force.

Police force for Senate Office Building, under the Sergeant at Arms: Fifteen privates at the rate of $1,620 per annum each, fiscal year 1934, $22,275.

HOUSE OF REPRESENTATIVES

House of Representatives.

Clay Stone Briggs. Pay to widow.

To pay Lois Slayton Woodworth Briggs, widow of Clay Stone Briggs, late a Representative from the State of Texas, $8,500, to be disbursed by the Sergeant at Arms of the House.

Miscellaneous items.

Contingent expenses: For miscellaneous items, exclusive of salaries and labor unless specifically ordered by the House of Representatives, including reimbursement to the official stenographers to committees for the amounts actually and necessarily paid out by them for transcribing hearings, and including materials for folding, fiscal year 1933, the sum $15,000 is transferred and made available from the unexpended balance of the appropriation "Clerk hire, members and delegates, 1933."

Sum from "Clerk hire, 1933," made available.

Vol. 47, p. 389.

Furniture, etc. Amount for, increased.

The amount which may be expended for labor, tools, and machinery for furniture repair shops during the fiscal year 1933 is hereby increased from $22,500 to $24,000.

Architect of the Capitol.

ARCHITECT OF THE CAPITOL

Capitol power plant. Maintenance.

Capitol power plant: For an additional amount for lighting, heating, and power for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and so forth, including the same objects specified under this head in the Legislative Appropriation Act for the fiscal year 1933, $30,000.

Senate Office Building. Painting, etc.

Senate Office Building: For labor and materials and other expenses incidental thereto, for additional painting in the Senate Office Building, to remain available during the fiscal year 1934, to be expended under the direction and supervision of the Committee on Rules, acting through the Architect of the Capitol, who shall be its executive agent, $5,000.

Government Printing Office.

GOVERNMENT PRINTING OFFICE

Leave of absence.
Payable from working capital.
Post, p. 832.

Not exceeding $400,000 of the working capital of the Government Printing Office for the fiscal year 1934 shall be available for the purpose of enabling the Public Printer to comply with the provisions of law granting fifteen days' annual leave of absence to employees with pay.

Interior Department.

DEPARTMENT OF THE INTERIOR

Indian Affairs Bureau.

BUREAU OF INDIAN AFFAIRS

Truxton Canyon Reservation, Ariz.
Eradicating scabies in livestock.
From tribal funds.

Eradication of scabies, Truxton Canyon Reservation, Arizona (tribal funds): For assisting in the eradication of scabies in livestock of the Indians of the Truxton Canyon Reservation, Arizona, fiscal years 1933 and 1934, $10,000, payable from tribal funds on deposit to the credit of said Indians.

Menominee Indians, Wis.
Attorneys.
Vol. 46, p. 1468.

Attorney's Fees and Expenses, Menominee Tribe, Wisconsin (tribal funds): The unexpended balance of the $20,000 of Menominee tribal funds authorized to be expended by the Act of March 2, 1931 (46 Stat., p. 1468), for employment of attorneys to formulate any claims the Menominee Tribe might have against the Government of the United States, and for expenses of such attorneys in connection with their services, is hereby continued available for the same purposes until June 30, 1934.

Reclamation Bureau.

BUREAU OF RECLAMATION

Palo Verde Valley, Calif.
Protecting lands from overflow.
Vol. 47, p. 535.

Palo Verde Valley, California: The unexpended balance of the appropriation of $50,000 for the protection of Palo Verde Valley, California, contained in the Second Deficiency Act, fiscal year 1932, approved July 1, 1932, shall remain available for the same purposes during the fiscal year 1934.

Department of Justice.

DEPARTMENT OF JUSTICE

CONTINGENT EXPENSES

Department contingent expenses.
Travel and miscellaneous.
Vol. 47, p. 491.

The sum of $3,500 is hereby transferred from the appropriation "Salaries, fees, and expenses of marshals, United States courts, 1933", to the appropriation "Traveling and miscellaneous expenses, Department of Justice, 1933."

United States courts.

UNITED STATES COURTS

Conciliation commissioners.
Post, p. 542.

Vol. 47, p. 1470.

Transfer from "marshals, 1933."
Vol. 47, p. 491.

Compensation and expenses of conciliation commissioners: For fees of conciliation commissioners, and per diem allowance and traveling expenses of supervising conciliation commissioners, as authorized by the Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of bankruptcy throughout the United States', approved July 1, 1898, and Acts amendatory thereof and supplementary thereto", approved March 3, 1933, the sum of $25,000 is transferred and made available until June 30, 1934, from the appropriation "Salaries, fees, and expenses of marshals, United States courts, 1933."

Department of Labor.

DEPARTMENT OF LABOR

Immigration Bureau.

BUREAU OF IMMIGRATION

Joseph Vigliotti, refund.
Vol. 47, p. 1766.

For refund to Joseph Vigliotti, of Detroit, Michigan, as authorized by Private Act Numbered 318, approved March 4, 1933, $1,500.

DEPARTMENT OF STATE

Department of State.

Seventh International Conference of American States, Montevideo, Uruguay: Not to exceed $70,000 of any appropriation made for the Department of State for the fiscal year 1934 is hereby made available for the participation by the United States in the Seventh International Conference of American States to be held in the city of Montevideo, Uruguay, including personal services without reference to the Classification Act of 1923, as amended, and rent, stenographic reporting and translating services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5); traveling expenses (and by indirect routes if specifically authorized by the Secretary of State); hire of automobiles; purchase of necessary books and documents; stationery; official cards; newspapers and periodicals; printing and binding; entertainment; equipment; and such other expenses as may be authorized by the Secretary of State, to remain available until June 30, 1934.

Seventh International Conference of American States.
Vol. 47, p. 1371.

Personal services.
Vol. 42, p. 1488.
U.S.C., p. 65; Supp. VI, p. 31.
R.S., sec 3709, p. 733; U.S.C., p. 1309.

Salaries of Foreign Service officers while receiving instructions and in transit: The sum of $60,000 is hereby transferred from the appropriation "Office and living quarters, Foreign Service, 1933", to the appropriation "Salaries of Foreign Service officers while receiving instructions and in transit, 1933."

Foreign Service officers.
Instruction and transit pay, 1933.
Vol. 47, p. 478.

Salaries of Foreign Service officers while receiving instructions and in transit: The sum of $20,000 is hereby transferred from the appropriation "Contingent expenses, Foreign Service, 1934", to the appropriation "Salaries of Foreign Service officers while receiving instructions and in transit, 1934."

Fiscal year 1934.
Vol. 47, p. 1375.

WAR DEPARTMENT

War Department.

CORPS OF ENGINEERS

Engineer Corps.

Flood control, Lowell Creek, Alaska: For necessary maintenance of the flood-control works at Lowell Creek, Seward, Alaska, authorized by an Act approved February 14, 1933 (47 Stat., p. 802), to be available until June 30, 1934, $21,000.

Lowell Creek, Alaska.
Flood control.
Vol. 47, p. 802.

RECONSTRUCTION FINANCE CORPORATION

Reconstruction Finance Corporation.

That paragraph (6) of section 201 (a) of the Emergency Relief and Construction Act of 1932 is amended so as to read as follows:

Ante, p. 20.
Post, pp. 120, 283.

"(6) to make loans to nonprofit corporations, with or without capital stock, organized for the purpose of financing the repair or reconstruction of buildings damaged by earthquake, fire, tornado, or cyclone in the year 1933 and deemed by the Reconstruction Finance Corporation economically useful. Obligations accepted hereunder shall be collateraled (a) in the case of loans for the repair or reconstruction of private property, by the obligations of the owner of such property secured by a paramount lien except as to taxes and special assessments on the property repaired or reconstructed, and (b) in the case of municipalities or political subdivisions of States or their public agencies, by an obligation of such municipality, political subdivision, or public agency. The corporation shall not deny an otherwise acceptable application for loans for repair or reconstruction of the buildings of municipalities, political subdivisions, or their public agencies because of constitutional or other legal inhibitions affecting the collateral. The collateral obligations

Loans for damage repairs, 1933.

Acceptable collateral.
Private property.

Municipalities, etc.

Applications not to be denied by constitutional, etc., inhibitions.

Maturities; security.
Limitation on aggregate amount.

may have maturities not exceeding ten years. Loans under this paragraph shall be fully and adequately secured. No loan hereunder shall be made after December 31, 1933. The aggregate of the loans made under this paragraph shall not exceed $5,000,000."

Judgments and authorized claims.

TITLE II—JUDGMENTS AND AUTHORIZED CLAIMS

Damage claims.

DAMAGE CLAIMS

Payment of.
Vol. 42, p. 1066.
U.S.C., p. 989.

SECTION 1. For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments under the provisions of the Act entitled "An Act to provide for a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case", approved December 28, 1922 (U.S.C., title 31, secs. 215–217), and certified to the Seventy-third Congress in a communication from the President of the United States to the President of the Senate, dated May 8, 1933, under the following departments, namely:

Post Office Department, $4,227.38;
Treasury Department, $292.54;
In all, $4,519.92.

Judgments, United States Courts.

JUDGMENTS, UNITED STATES COURTS

Payment of.
Vol. 24, p. 505.
Vol. 36, p. 1138.
U.S.C., pp. 867, 898, 938.
Columbia Planograph Company.
Interest.

SEC. 2. For payment of the final judgment, including costs of suit, rendered under the provisions of the Act of March 3, 1887, entitled "An Act to provide for the bringing of suits against the Government of the United States", as amended by the Judicial Code, approved March 3, 1911 (U.S.C., title 28, sec. 41, par. 20; sec. 258; secs. 761–765), in favor of the Columbia Planograph Company, a corporation (Supreme Court of the District of Columbia, Law Number 76808), and certified (under the Department of Commerce) to the Seventy-third Congress in a communication from the President of the United States to the Speaker of the House of Representatives, dated April 27, 1933, $670, together with such additional sum as may be necessary to pay interest on such judgment at the rate of 4 per centum per annum from the date thereof until the time this appropriation is made.

Judgments rendered by district courts.
Vol. 43, p. 1112.
U.S.C., p. 1529.

For the payment of judgments, including costs of suits, rendered against the Government of the United States by United States district courts under the provisions of an Act entitled "An Act authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (U.S.C., title 46, secs. 781–789), and certified to the Seventy-third Congress in communications from the President of the United States to the President of the Senate and the Speaker of the House of Representatives, dated May 8, 1933, and April 27, 1933, respectively, under the following departments, namely:

The Delaware, Lackawanna, and Western Railroad Company. Collision damages.
Larney B. Shaw.

Navy Department: The Delaware, Lackawanna, and Western Railroad Company, (United States District Court, Eastern District of New York, March 23, 1933, damages due to collision between the ferryboat Orange and the United States ship Transfer), $1,561; Larney B. Shaw (United States District Court, Eastern District of Virginia, March 21, 1933, damages due to collision between the wooden barge Evelyn L. Shaw and the Navy barge YC–270), $1,500; in all under the Navy Department, $3,061.

Treasury Department: Chester A. Poling, Incorporated (United States District Court, Eastern District of New York, November 22, 1932, damages due to collision between the lighter Poling Brothers Numbered 1 and the Coast Guard vessel Trippe), $11,215.02; Seacoast Trawling Company (United States District Court, District of Massachusetts, March 6, 1933, damages due to collision between the fishing vessel Juneal and the Coast Guard patrol boat C.G. 212), $945.42; the city of New York (United States District Court, Southern District of New York, No. 98–207, March 17, 1933, damages due to collision between the Ferryboat Queens and the Coast Guard cutter Manhattan), $3,632.14; in all, under the Treasury Department, $15,792.58.

Chester A. Poling, Incorporated.

Seacoast Trawling Company.

Total, judgments under Public Vessels Act, $18,853.58, together with such additional sum as may be necessary to pay interest on any such judgment where specified therein and at the rate provided by law.

Total, under Public Vessels Act.
Interest.

For the payment of the final judgment, including costs of suit, rendered against the Government, under the provisions of the Acts of May 1, 1926 (44 Stat. 1464), and February 26, 1927 (44 Stat. 1793), transmitted to the Seventy-third Congress, first session, in a communication from the President of the United States, to the President of the Senate, dated May 8, 1933, in favor of the Kursheedt Manufacturing Company (United States District Court, Southern District of New York, Number 92–260, February 21, 1933, damages to cargo due to collision between steamship Almirante and steamship Hisko), under the Navy Department, $1,008.48.

Kursheedt Manufacturing Company, collision damages.
Vol. 44, p. 1464, 1793.

None of the judgments contained under this caption shall be paid until the right of appeal shall have expired except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

Time of payment.

JUDGMENTS, COURT OF CLAIMS

Judgments, Court of Claims.

SEC. 3. For the payment of the judgments rendered by the Court of Claims as set forth in the schedule transmitted to the Seventy-third Congress, first session, in a communication from the President of the United States to the President of the Senate, dated May 8, 1933, under the following departments, namely:

Payment of.

Navy Department: Peter G. Hale (February 6, 1933, L–423, allowance for dependent), $3,375.14.

Peter G. Hale.

War Department: Hodgson Oil and Refining Company (March 23, 1933, 17381, 17395, and 17398, sale of cotton linters), $29,843.25; Buckeye Cotton Oil Company (March 23, 1933, 17495, sale of cotton linters), $541,359.57; Planters' Cotton Oil Company (March 23, 1933, 17385, sale of cotton linters), $36,197.29; Planters' Manufacturing Company (March 23, 1933, 17442, sale of cotton linters), $33,057.71; Daniel DeBardeleben (February 6, 1933, 41824, difference in pay), $974.89; Leland Oil Works (March 23, 1933, D–1095, sale of cotton linters), $52,592.46; Port Gibson Oil Works (March 23, 1933, D–1100, sale of cotton linters), $21,776.94; Pittsburgh and Midway Coal Mining Company (February 6, 1933, J–574, penalties deducted under purchase order for coal), $493.30; in all under War Department, $716,295.41.

Hodgson Oil and Refining Company.
Buckeye Cotton Oil Company.
Planters' Cotton Oil Company.
Planters' Manufacturing Company.
Daniel DeBardeleben.
Leland Oil Works.
Port Gibson Oil Works.
Pittsburgh and Midway Coal Mining Company.

Total, judgments, Court of Claims, $719,670.55: *Provided*, That none of the judgments contained under this caption which have not been affirmed by the Supreme Court or otherwise become final and conclusive against the United States shall be paid until the expiration of the time within which application may be made for a writ of certiorari under subdivision (b), section 3, of the Act

Proviso.
Time of payment.

Vol. 43, p. 939.
U.S.C., p. 900.

entitled "An Act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes", approved February 13, 1925 (U.S.C., title 28, sec. 288).

Interest.

Payment of interest wherever provided for judgments contained in this Act shall not in any case continue for more than thirty days after the date of approval of the Act.

Audited claims.

AUDITED CLAIMS

Payment of.

Vol. 18, p. 110. U.S.C., p. 1022.

Vol. 23, p. 254. U.S.C., p. 43.

SEC. 4. For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (U.S.C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1930 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (U.S.C., title 5, sec. 266), in the schedules transmitted to the Seventy-third Congress, first session, by the President of the United States in a communication to the President of the Senate, dated May 8, 1933, there is appropriated as follows:

Legislative establishment.

LEGISLATIVE ESTABLISHMENT

For public printing and binding, Government Printing Office, $59.70.

Independent offices.

INDEPENDENT OFFICES

For Interstate Commerce Commission, $1.75.

For medical and hospital services, Veterans' Bureau, $4,715.

For military and naval compensation, Veterans' Administration, $178.44.

For salaries and expenses, Veterans' Bureau, $11.25.

For vocational rehabilitation, Veterans' Bureau, $108.40.

For Army pensions, $95.71.

Department of Agriculture.

DEPARTMENT OF AGRICULTURE

For salaries and expenses, Bureau of Animal Industry, $28.62.

Department of Commerce.

DEPARTMENT OF COMMERCE

For air-navigation facilities, $727.04.

For enforcement of wireless communication laws, $31,924.27.

For scientific library, Patent Office, $25.

Department of the Interior.

DEPARTMENT OF THE INTERIOR

For general expenses, Bureau of Education, $2.75.

For conservation of health among Indians, $75.

For pay of Indian police, $43.78.

Department of Justice.

DEPARTMENT OF JUSTICE

For books, Department of Justice, $2.50.

For detection and prosecution of crimes, $22.50.

Audited claims—Continued.

For salaries, fees, and expenses of marshals, United States courts, $427.02.
For fees of commissioners, United States courts, $1,335.75.
For fees of jurors and witnesses, United States courts, $6.40.
For books for judicial officers, $127.
For United States Penitentiary, Atlanta, Georgia, $94.47.

Department of Labor.

DEPARTMENT OF LABOR

For expenses of regulating immigration, $2,000.

Navy Department.

NAVY DEPARTMENT

For engineering, Bureau of Engineering, $897.85.
For pay of the Navy, $1,548.25.
For pay, subsistence, and transportation, Navy, $2,635.48.
For maintenance, Bureau of Supplies and Accounts, $12.50.
For aviation, Navy, $7,000.
For pay, Marine Corps, $80.54.

Department of State.

DEPARTMENT OF STATE

For relief and protection of American seamen, $27.
For transportation of Foreign Service officers, $408.48.

Treasury Department.

TREASURY DEPARTMENT

For salaries and wages, mint service, major institutions, $51.91.
For collecting revenue from customs, $4.
For enforcement of Narcotic and National Prohibition Acts, internal revenue, $150.02.
For pay and allowances, Coast Guard, $3,975.22.
For fuel and water, Coast Guard, $5.
For Coast Guard, $855.06.
For pay of other employees, Public Health Service, 75 cents.
For pay of personnel and maintenance of hospitals, Public Health Service, $1.04.
For field investigations of public health, $1.
For furniture and repairs of same for public buildings, $12.36.
For general expenses of public buildings, $1.
For operating supplies for public buildings, $1.42.
For repairs and preservation of public buildings, $1.19.
For marine hospital, Carville, Louisiana, $120.86.

War Department.

WAR DEPARTMENT

For pay, and so forth of the Army, $26,774.34.
For pay of the Army, $10,906.83.
For mileage of the Army, $37.50.
For clothing and equipage, $42.71.
For Army transportation, $41.31.
For pay of National Guard for armory drills, $253.62.
For supplies, services and transportation, Quartermaster Corps, $181.39.
For subsistence of the Army, $6.75.
For general appropriations, Quartermaster Corps, $956.14.
For replacing ordnance and ordnance stores, $175.34.
For replacing clothing and equipage, $1.12.

Audited claims—Continued.

For terminal storage and shipping buildings, $5,324.49.
For registration and selection for military service, $448.70.
For increase of compensation, Military Establishment, $2,437.49.
For citizens' military training camps, $1.
For mileage to officers and contract surgeons, $36.99.
For organized reserves, $51.33.
For arrears of pay, bounty, and so forth, $84.93.
For reserve officers' training corps, $42.
For pay, and so forth, of the Army, War with Spain, $15.52.
For regular supplies of the Army, $941.65.
For seacoast defenses, ordnance, $250.21.
For arming, equipping, and training the National Guard, $195.
For headstones for graves of soldiers, $1.47.

Vol. 41, p. 607.

For Rainy Lake reference (State transfer to War, Act May 21, 1920), $9.04.

Post Office Department.

POST OFFICE DEPARTMENT—POSTAL SERVICE

Postal service.

(Out of the postal revenues)

For city delivery carriers, $87.16.
For clerks, contract stations, $1.83.
For clerks, first- and second-class post offices, $7.09.
For foreign mail transportation, $51.43.
For freight, express, or motor transportation of equipment, and so forth, 38 cents.
For indemnities, domestic mail, $168.07.
For indemnities, international mail, $36.66.
For miscellaneous items, first- and second-class post offices, $60.
For railroad transportation and mail-messenger service, $17.42.
For rent, light, and fuel, $261.72.
For separating mails, $249.
For special delivery fees, $70.01.
Total, audited claims, section 4, $110,030.92.

Claims certified by Accounting Office.

SEC. 5. For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (U.S.C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1930 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (U.S.C., title 5, sec. 266), as set forth in the schedule transmitted to the Seventy-third Congress, first session, by the President of the United States in a communication to the President of the Senate, dated May 8, 1933, there is appropriated as follows:

Vol. 18, p. 110. U.S.C., p. 1022.

Vol. 23, p. 254. U.S.C., p. 43.

Navy Department.

NAVY DEPARTMENT

For pay, subsistence, and transportation, Navy, $8,732.43.
For pay of the Navy, $4,836.67.
Total, audited claims, section 5, $13,569.10.

Short title.

SHORT TITLE

This Act may be cited as the "Third Deficiency Act, fiscal year 1933."

Approved, May 29, 1933.

[CHAPTER 43.]

AN ACT

To authorize the Comptroller General to allow claim of district numbered 13, Choctaw County, Oklahoma, for payment of tuition for Indian pupils.

May 29, 1933.
[S. 73.]
[Public, No. 27.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General is hereby authorized and directed to allow payment of claims of the public school district numbered 13, Choctaw County, Oklahoma, for tuition of Indian pupils during the fiscal year 1931, in the sum not to exceed $3,435.61 from the appropriation entitled "Indian Schools, Five Civilized Tribes, Oklahoma, 1931."

Choctaw County, Okla.
Claim of, for tuition of Indians, allowed.
Appropriation available.
Vol. 46, p. 293.

Approved, May 29, 1933.

[CHAPTER 44.]

JOINT RESOLUTION

Granting the consent of Congress to a compact or agreement between the State of Kansas and the State of Missouri authorizing the acceptance for and on behalf of the States of Kansas and Missouri of title to a toll bridge across the Missouri River from a point in Platte County, Missouri, to a point at or near Kansas City, in Wyandotte County, Kansas, and specifying the conditions thereof.

May 29, 1933.
[H.J.Res. 159.]
[Pub. Res., No. 8.]

Missouri River.
Consent granted to agreement by Kansas and Missouri for acceptance of bridge across.
Vol. 45, pp. 704, 1530; Vol. 46, p. 835.

Whereas by an Act of Congress approved May 22, 1928, a franchise was granted to the Interstate Bridge Company for the construction of a toll bridge across the Missouri River at or near Kansas City, Kansas, which has been extended by the Acts of March 2, 1929, and June 30, 1930, and which is now owned by the Regional Bridge Company, a corporation organized and existing under the laws of the State of Delaware, as assignee of the Interstate Bridge Company; and

Whereas authority has been granted the State Highway Commission of Kansas by an act of the Legislature of the State of Kansas, approved March 24, 1933, and published in the official State paper on March 27, 1933, and to the State Highway Commission of Missouri by an identical act, mutatis mutandis, of the General Assembly of the State of Missouri, approved April 17, 1933, to include in the highway systems of the respective States of Kansas and Missouri any toll bridge across any river forming a common boundary between the two States; to join in entering into contracts with the owner of any such toll bridge and with the holders of any bonds issued in connection with the construction of such bridge, by the terms of which the State Highway Commissions of Kansas and Missouri shall maintain, operate, and insure such bridge, and fix and collect and apply tolls thereon, and shall construct, maintain, and operate as free State highways, approaches thereto, and shall make and treat as part of the highway system of their respective States such entire bridge and any part of such approaches lying within their respective States; and to accept conveyance of title to and ownership of any such bridge or part thereof situated within their respective States, subject to any encumbrance against any such bridge and pledge of its tolls previously executed; and

Whereas Regional Bridge Company has obtained an agreement from the Reconstruction Finance Corporation of the United States to aid in financing the construction of a bridge under the franchise granted by the Act of May 22, 1928, and extensions thereof, under authority of the Act of Congress known as the "Emergency Relief and Construction Act of 1932", by purchasing at par the bonds of Regional Bridge Company, secured by mortgage on such bridge,

in the amount of $600,000, upon condition that certain requirements be met and agreed to by the States of Kansas and Missouri; and

Whereas the Legislature of the State of Kansas and the General Assembly of the State of Missouri, to make effective the acts of their respective legislative bodies herein cited and to meet the requirements imposed by the Reconstruction Finance Corporation have each adopted the following resolution:

Whereas Regional Bridge Company, a corporation organized and existing under the laws of the State of Delaware, is the owner and holder of a franchise granted by the Congress of the United States to construct (according to plans approved by the War Department of the United States), maintain, and operate a toll bridge across the Missouri River from a point at or near Kansas City in Wyandotte County, Kansas, to a point in Platte County, Missouri; and

Whereas Regional Bridge Company desires to commence the construction of such bridge as soon as the same is fully financed; and

Whereas Reconstruction Finance Corporation of the United States has agreed with Regional Bridge Company to aid in financing the construction of such bridge, under authority of the Act of Congress known as the "Emergency Relief and Construction Act of 1932", by purchasing at par the bonds of Regional Bridge Company, secured by mortgage on such bridge, in the amount of $600,000; but

Whereas Reconstruction Finance Corporation has imposed certain requirements, to be met and agreed to by the States of Missouri and Kansas, as conditions precedent to its purchase of such bonds; and

Whereas inasmuch as such bridge will form an important link in and improvement to the highway systems of the States of Missouri and Kansas, and will be of benefit and advantage to the citizens of both, and the public, and inasmuch as Regional Bridge Company, by resolution duly passed by the unanimous vote of its stockholders, has agreed to transfer and convey such bridge, free of cost, to the State Highway Commissions of Missouri and of Kansas, on behalf of such States of Missouri and Kansas, jointly, such conveyance to be made as soon as such mortgage shall have been properly recorded in both Missouri and Kansas, subject to the right of and duty upon Regional Bridge Company fully to complete the construction of such bridge, it is to the interest and benefit of the States of Missouri and Kansas, and the citizens of both, that the States of Missouri and Kansas meet and agree to the requirements of the Reconstruction Finance Corporation, as conditions precedent to the purchase of such bonds: Now, therefore

In consideration of the benefits and advantages accruing to the States of Missouri and Kansas, and the citizens of both, and in consideration of the adoption of this resolution by both the States of Missouri and Kansas, the States of Missouri and Kansas, hereby enter into the following compact and agreement:

Be it resolved by the Senate of the State of Kansas, the House of Representatives agreeing thereto:

Regional Bridge Company. Construction of bridge by.

SECTION 1. Regional Bridge Company, its successors and assigns, shall be, and it is hereby, authorized to construct, maintain, and operate such bridge across the Missouri River from a point at or near Kansas City, in Wyandotte County, Kansas, to a point in Platte County, Missouri, according to plans approved by the War

Department of the United States; and the said States hereby authorize Regional Bridge Company to enter upon and use for the purpose of constructing, maintaining, and operating such bridge all necessary lands under water belonging to said States, and the fee to any lands so used shall upon such use be vested in such Regional Bridge Company:

Acceptance by Kansas and Missouri.

SEC. 2. The State Highway Commission of Missouri and the State Highway Commission of Kansas shall be, and they are hereby, authorized and directed to accept, when tendered by Regional Bridge Company, conveyance of such bridge and franchise therefor to such State Highway Commission jointly, on behalf of the States of Missouri and Kansas. Such conveyance shall not be in assumption of such mortgage, but shall expressly be subject to such mortgage, and to the right and duty upon Regional Bridge Company fully to complete the construction of such bridge.

Subject to mortgage.

Maintenance and operation.

Collection of tolls.

Contracts with Reconstruction Finance Corporation.

SEC. 3. The State Highway Commission of Missouri and the State Highway Commission of Kansas shall be, and they, and each of them, hereby are, authorized to maintain, operate, and insure such bridge and to fix and collect tolls thereon and apply such tolls, and to enter into any and all contracts with said Reconstruction Finance Corporation or any other party or parties considered by said highway commissions, or either of them, to be necessary or expedient for or in connection with the proper maintenance, operation, and insurance of such bridge and such fixing, collection, and application of tolls thereon, and to incur joint and several obligations under such contracts; and to construct and maintain, and to enter into any contracts, severally, with said Reconstruction Finance Corporation or any other party or parties, considered by said highway commissions or either of them to be necessary or expedient, for or in connection with the construction and maintenance of approaches to such bridge and roadways leading thereto, lying within their respective States. And said highway commissions, and each of them, are further authorized to make and treat as a part of the State highway system of their respective States the entire such bridge and that portion of the approaches thereto lying within their respective States, and to enter into contracts with the Reconstruction Finance Corporation or any other party or parties in respect thereto.

Bridge to be part of road systems of respective States.

Right to construct other bridges denied.

SEC. 4. Neither the State of Kansas nor the State of Missouri, nor any department or political subdivision thereof, shall construct or cause to be constructed, or grant any right, privilege, or franchise for the construction of, any bridge, ferry, tunnel, or other competing facility across or under the Missouri River within a distance of five miles from said bridge, measured along the meanderings of the thread of the stream of the Missouri River, until the construction costs of said bridge, with interest thereon, shall have been fully paid.

Pledge of good faith.

SEC. 5. To the faithful observance of this compact and agreement the States of Missouri and Kansas, by the adoption of this resolution, each pledges its good faith.

When agreement effective.

SEC. 6. This compact and agreement shall be in force and take effect from and after its adoption by the General Assembly of the State of Missouri, and approval by the Governor of Missouri, and its adoption by the Legislature of the State of Kansas, and approval by the Governor of Kansas, and publication in the official State paper of the State of Kansas, and upon its receiving the consent and approval of the Congress of the United States.

Therefore be it

Consent of Congress given.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the aforesaid compact or agreement and

to each and every term and provision thereof, and to all agreements to be made pursuant thereto by and between the said States or any agencies, commissions, or public or municipal bodies thereof: *Provided*, That nothing herein contained shall be construed to affect, impair, or diminish any right, power, or jurisdiction of the United States or of any court, department, board, bureau, officer, or official of the United States, over or in regard to any navigable waters, or any commerce between the States or with foreign countries, or any bridge, railroad highway, pier, wharf, or other facility or improvement, or any other person, matter, or thing, forming the subject matter of the aforesaid compact or agreement or otherwise affected by the terms thereof: *And provided further*, That the right to alter, amend, or repeal this resolution or any part thereof is hereby expressly reserved.

Provisos.
Rights of United States.

Amendment.

Approved, May 29, 1933.

[CHAPTER 45.]

AN ACT

May 31, 1933.
[H.R. 4014.]
[Public, No. 28.]

To authorize appropriations to pay in part the liability of the United States to the Indian pueblos herein named, under the terms of the Act of June 7, 1924, and the liability of the United States to non-Indian claimants on Indian pueblo grants whose claims, extinguished under the Act of June 7, 1924, have been found by the Pueblo Lands Board to have been claims in good faith; to authorize the expenditure by the Secretary of the Interior of the sums herein authorized and of sums heretofore appropriated, in conformity with the Act of June 7, 1924, for the purchase of needed lands and water rights and the creation of other permanent economic improvements as contemplated by said Act; to provide for the protection of the watershed within the Carson National Forest for the Pueblo de Taos Indians of New Mexico and others interested, and to authorize the Secretary of Agriculture to contract relating thereto and to amend the Act approved June 7, 1924, in certain respects.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in fulfillment of the Act of June 7, 1924 (43 Stat. 636), there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sums hereinafter set forth, in compensation to the several Indian pueblos hereinafter named, in payment of the liability of the United States to the said pueblos as declared by the Act of June 7, 1924, which appropriations shall be made in equal annual installments as hereinafter specified, and shall be deposited in the Treasury of the United States and shall be expended by the Secretary of the Interior, subject to approval of the governing authorities of each pueblo in question, at such times and in such amounts as he may deem wise and proper; for the purchase of lands and water rights to replace those which have been divested from said pueblo under the Act of June 7, 1924, or for the purchase or construction of reservoirs, irrigation works, or other permanent improvements upon or for the benefit of the lands of said pueblos.

Indian pueblos in New Mexico.
Payments authorized, in annual installments, United States' liability to pueblos designated.
Vol. 43, p. 636.
Post, p. 277.

To be expended in purchasing lands and water rights, to replace those divested from said pueblos.

For construction, etc., of reservoirs, etc.

Sums supplemental to awards by Pueblo Lands Board.

SEC. 2. In addition to the awards made by the Pueblo Lands Board, the following sums, to be used as directed in section 1 of this Act, and in conformity with the Act of June 7, 1924, be, and hereby are, authorized to be appropriated:

Pueblos enumerated.

Pueblo of Jemez, $1,885; pueblo of Nambe, $47,439.50; pueblo of Taos, $84,707.09; pueblo of Santa Ana, $2,908.38; pueblo of Santo Domingo, $4,256.56; pueblo of Sandia, $12,980.62; pueblo of San Felipe, $14,954.53; pueblo of Isleta, $47,751.31; pueblo of Picuris, $66,574.40; pueblo of San Ildefonso, $37,058.28; pueblo of San Juan, $153,863.04; pueblo of Santa Clara, $181,114.19; pueblo of Cochiti, $37,826.37; pueblo of Pojoaque, $68,562.61; in all, $761,954.88:

Provided, however, That the Secretary of the Interior shall report back to Congress any errors or omissions in the foregoing authorizations measured by the present fair market value of the lands involved, as heretofore determined by the appraisals of said tracts by the appraisers appointed by the Pueblo Lands Board, with evidence supporting his report and recommendations.

Proviso. Errors, etc., to be reported.

SEC. 3. Pursuant to the aforesaid Act of June 7, 1924, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum to compensate white settlers or non-Indian claimants who have been found by the Pueblo Lands Board, created under said Act of June 7, 1924, to have occupied and claimed land in good faith but whose claim has not been sustained and whose occupation has been terminated under said Act of June 7, 1924, for the fair market value of lands, improvements appurtenant thereto, and water rights. The non-Indian claimants, or their successors, as found and reported by said Pueblo Lands Board, to be compensated out of said appropriations to be disbursed under the direction of the Secretary of the Interior in the amounts due them as appraised by the appraisers appointed by said Pueblo Lands Board, as follows:

Appropriation authorized for non-Indian claimants for lands dispossessed.

Pueblos designated.

Within the pueblo of Tesuque, $1,094.64; within the pueblo of Nambe, $19,393.59; within the pueblo of Taos, $14,064.57; within the Tenorio Tract, Taos Pueblo, $43,165.26; within the pueblo of Santa Ana (El Ranchito grant), $846.26; within the pueblo of Santo Domingo, $66; within the pueblo of Sandia, $5,354.46; within the pueblo of San Felipe, $16,424.68; within the pueblo of Isleta, $6,624.45; within the pueblo of Picuris, $11,464.73; within the pueblo of San Ildefonso, $16,209.13; within the pueblo of San Juan, $19,938.22; within the pueblo of Santa Clara, $35,350.88; within the pueblo of Cochiti, $9,653.81; within the pueblo of Pojoaque, $1,767.26; within the pueblo of Laguna, $30,668.87; in all, $232,086.80: *Provided, however*, That the Secretary of the Interior shall report back to Congress any errors in the amount of award measured by the present fair market value of the lands involved and any errors in the omissions of legitimate claimants for award, with evidence supporting his report and recommendations.

Proviso. Errors, etc., to be reported.

SEC. 4. That for the purpose of safeguarding the interests and welfare of the tribe of Indians known as the Pueblo de Taos of New Mexico in the certain lands hereinafter described, upon which lands said Indians depend for water supply, forage for their domestic livestock, wood and timber for their personal use and as the scene of certain of their religious ceremonials, the Secretary of Agriculture may and he hereby is authorized and directed to designate and segregate said lands, which shall not thereafter be subject to entry under the land laws of the United States, and to thereafter grant to said Pueblo de Taos, upon application of the governor and council thereof, a permit to occupy said lands and use the resources thereof for the personal use and benefit of said tribe of Indians for a period of fifty years, with provision for subsequent renewals if the use and occupancy by said tribe of Indians shall continue, the provisions of the permit are met and the continued protection of the watershed is required by public interest. Such permit shall specifically provide for and safeguard all rights and equities hitherto established and enjoyed by said tribe of Indians under any contracts or agreements hitherto existing, shall authorize the free use of wood, forage, and lands for the personal or tribal needs of said Indians, shall define the conditions under which natural resources under the control of the Department of Agriculture not needed by said Indians shall be made available for commercial use by the Indians or others, and

Pueblo de Taos. Certain lands to be segregated for benefit of Indians.

Established rights, etc., safeguarded.

Natural resources, not needed, available for commercial use.

Supervision.

shall establish necessary and proper safeguards for the efficient supervision and operation of the area for national forest purposes and all other purposes herein stated, the area referred to being described as follows:

Area described.

Beginning at the northeast corner of the Pueblo de Taos grant, thence northeasterly along the divide between Rio Pueblo de Taos and Rio Lucero and along the divide between Rio Pueblo de Taos and Red River to a point a half mile east of Rio Pueblo de Taos; thence southwesterly on a line half mile east of Rio Pueblo de Taos and parallel thereto to the northwest corner of township 25 north, range 15 east; thence south on the west boundary of township 25 north, range 15 east, to the divide between Rio Pueblo de Taos and Rio Fernandez de Taos; thence westerly along the divide to the east boundary of the Pueblo de Taos grant; thence north to the point of beginning; containing approximately thirty thousand acres, more or less.

Protection of purchases, etc.

SEC. 5. Except as otherwise provided herein the Secretary of the Interior shall disburse and expend the amounts of money herein authorized to be appropriated, in accordance with and under the terms and conditions of the Act approved June 7, 1924: *Provided, however*, That the Secretary be authorized to cause necessary surveys and investigations to be made promptly to ascertain the lands and water rights that can be purchased out of the foregoing appropriations and earlier appropriations made for the same purpose, with full authority to disburse said funds in the purchase of said lands and water rights without being limited to the appraised values thereof as fixed by the appraisers appointed by the Pueblo Lands Board appointed under said Act of June 7, 1924, and all prior Acts limiting the Secretary of the Interior in the disbursement of said funds to the appraised value of said lands as fixed by said appraisers of said Pueblo Lands Board be, and the same are, expressly repealed: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized to disburse a portion of said funds for the purpose of securing options upon said lands and water rights and necessary abstracts of title thereof for the necessary period required to investigate titles and which may be required before disbursement can be authorized: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized, out of the appropriations of the foregoing amounts and out of the funds heretofore appropriated for the same purpose, to purchase any available lands within the several pueblos which in his discretion it is desirable to purchase, without waiting for the issuance of final patents directed to be issued under the provisions of the Act of June 7, 1924, where the right of said pueblos to bring independent suits, under the provisions of the Act of June 7, 1924, has expired: *Provided further*, That the Secretary of the Interior shall not make any expenditures out of the pueblo funds resulting from the appropriations set forth herein, or prior appropriations for the same purpose, without first obtaining the approval of the governing authorities of the pueblo affected: *And provided further*, That the governing authorities of any pueblo may initiate matters pertaining to the purchase of lands in behalf of their respective pueblos, which matters, or contracts relative thereto, will not be binding or concluded until approved by the Secretary of the Interior.

Provisos.
Surveys and investigations to be made.

Purchases not limited to appraised values.

Securing options, abstracts of title, etc.

Purchase of available lands before issue of final patents in certain cases.

Disbursements subject to approval of pueblo affected.

Initiating land purchases by pueblo.

Right to prosecute independent suits not abridged.
Vol. 43, p. 637.

SEC. 6. Nothing in this Act shall be construed to prevent any pueblo from prosecuting independent suits as authorized under section 4 of the Act of June 7, 1924. The Secretary of the Interior is authorized to enter into contract with the several Pueblo Indian tribes, affected by the terms of this Act, in consideration of the

authorization of appropriations contained in section 2 hereof, providing for the dismissal of pending and the abandonment of contemplated original proceedings, in law or equity, by, or in behalf of said Pueblo Indian tribes, under the provisions of section 4 of the Act of June 7, 1924 (43 Stat. L. 636), and the pueblo concerned may elect to accept the appropriations herein authorized, in the sums herein set forth, in full discharge of all claims to compensation under the terms of said Act, notifying the Secretary of the Interior in writing of its election so to do: *Provided*, That if said election by said pueblo be not made, said pueblo shall have one year from the date of the approval of this Act within which to file any independent suit authorized under section 4 of the Act of June 7, 1924, at the expiration of which period the right to file such suit shall expire by limitation: *And provided further*, That no ejectment suits shall be filed against non-Indians entitled to compensation under this Act, in less than six months after the sums herein authorized are appropriated.

Pueblo may elect to accept authorized compensation.

Provisos.
Independent suits. Filing if election not made.

Ejectment suits against non-Indians.

SEC. 7. Section 16 of the Act approved June 7, 1924, is hereby amended to read as follows:

Vol. 43, p. 641, amended.

"SEC. 16. That if the Secretary of the Interior deems it to be for the best interest of the Indians that any land adjudged by the court or said Lands Board against any claimant be sold, he may, with the consent of the governing authorities of the pueblo, order the sale thereof, under such regulations as he may make, to the highest bidder for cash; and if the buyer thereof be other than the losing claimant, the purchase price shall be used in paying to such losing claimant the adjudicated value of the improvements aforesaid, if found under the provisions of section 15 hereof, and the balance thereof, if any, shall be paid over to the proper officer, or officers, of the Indian community, but if the buyer be the losing claimant, and the value of his improvements has been adjudicated as aforesaid, such buyer shall be entitled to have credit upon his bid for the value of such improvements so adjudicated."

Lands recovered from non-Indians may be resold.

SEC. 8. The attorney or attorneys for such Indian tribe or tribes shall be paid such fee as may be agreed upon by such attorney or attorneys and such Indian tribe or tribes, but in no case shall the fee be more than 10 per centum of the sum herein authorized to be appropriated for the benefit of such tribe or tribes, and such attorney's fees shall be disbursed by the Secretary of the Interior in accordance herewith out of any funds appropriated for said Indian tribe or tribes under the provisions of the Act of June 7, 1924 (43 Stat. L. 636), or this Act: *Provided however*, That 25 per centum of the amount agreed upon as attorneys' fees shall be retained by the Secretary of the Interior to be disbursed by him under the terms of the contract, subject to approval of the Secretary of the Interior, between said attorneys and said Indian tribes, providing for further services and expenses of said attorneys in furtherance of the objects set forth in section 19 of the Act of June 7, 1924.

Attorneys' fees.

Limitation.

Proviso.
Future services.

SEC. 9. Nothing herein contained shall in any manner be construed to deprive any of the Pueblo Indians of a prior right to the use of water from streams running through or bordering on their respective pueblos for domestic, stock-water, and irrigation purposes for the lands remaining in Indian ownership, and such water rights shall not be subject to loss by nonuse or abandonment thereof as long as title to said lands shall remain in the Indians.

Water rights not subject to loss through nonuse, etc.

SEC. 10. The sums authorized to be appropriated under the terms and provisions of section 2 of this Act shall be appropriated in three annual installments, beginning with the fiscal year 1937.

Compensation to be made in three annual installments.
Ante, p. 108.

Approved, May 31, 1933.

[CHAPTER 46.]

AN ACT

June 3, 1933.
[H.R. 4494.]
[Public, No. 29.]

Authorizing a per capita payment of $100 to the members of the Menominee Tribe of Indians of Wisconsin from funds on deposit to their credit in the Treasury of the United States.

Menominee Indians of Wisconsin.
Per capita payments to, from tribal funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the fund in the Treasury of the United States on deposit to the credit of the Menominee Indians in the State of Wisconsin a sufficient sum to make therefrom a per capita payment or distribution of $100, in three installments, $50 immediately upon passage of this Act, $25 on or about October 15, 1933, and $25 on or about January 15, 1934, to each of the living members on the tribal roll of the Menominee Tribe of Indians of the State of Wisconsin, under such rules and regulations as the said Secretary may prescribe.

Approved, June 3, 1933.

[CHAPTER 47.]

JOINT RESOLUTION

June 5, 1933.
[S.J.Res. 48.]
[Pub. Res., No. 9.]

Authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Posheng Yen, a citizen of China.

Posheng Yen, a citizen of China.
Admitted to Military Academy.
Provisos.
No Federal expense.
Conditions.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to permit Posheng Yen to receive instruction at the United States Military Academy at West Point for the course beginning not later than July 1, 1934: *Provided*, That no expense shall be caused to the United States thereby, and that Posheng Yen shall agree to comply with all regulations for the police and discipline of the Academy, to be studious, and to give his utmost efforts to accomplish the courses in the various departments of instruction, and that said Posheng Yen shall not be admitted to the Academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the Academic Board: *Provided further*, That in the case of said Posheng Yen the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended: *Provided further*, That S.J.Res. 179, approved March 3, 1933, be, and the same is hereby, repealed.

Oath and service, waived.
R.S., secs. 1320, 1321, p. 227.

Existing law repealed.
Vol. 47, p. 1546.

Approved, June 5, 1933.

[CHAPTER 48.]

JOINT RESOLUTION

June 5, 1933.
[H.J.Res. 192.]
[Pub. Res., No. 10.]

To assure uniform value to the coins and currencies of the United States.

Uniform value of coins and currencies.
Preamble.

Whereas the holding of or dealing in gold affect the public interest, and are therefore subject to proper regulation and restriction; and Whereas the existing emergency has disclosed that provisions of obligations which purport to give the obligee a right to require payment in gold or a particular kind of coin or currency of the United States, or in an amount in money of the United States measured thereby, obstruct the power of the Congress to regulate the value of the money of the United States, and are inconsistent with the declared policy of the Congress to maintain at all times the equal power of every dollar, coined or issued by the United States, in the markets and in the payment of debts. Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) every provision contained in or made with respect to any obligation which purports to give the obligee a right to require payment in gold or a particular kind of coin or currency, or in an amount in money of the United States measured thereby, is declared to be against public policy; and no such provision shall be contained in or made with respect to any obligation hereafter incurred. Every obligation, heretofore or hereafter incurred, whether or not any such provision is contained therein or made with respect thereto, shall be discharged upon payment, dollar for dollar, in any coin or currency which at the time of payment is legal tender for public and private debts. Any such provision contained in any law authorizing obligations to be issued by or under authority of the United States, is hereby repealed, but the repeal of any such provision shall not invalidate any other provision or authority contained in such law.

Clauses in obligations requiring gold, etc., payments declared contrary to public policy.

No future obligation to be so expressed.

Payments to be made in legal tender.

Conflicting provisions repealed.

U.S.C. p. 1003.

Other provisions not invalidated.

(b) As used in this resolution, the term "obligation" means an obligation (including every obligation of and to the United States, excepting currency) payable in money of the United States; and the term "coin or currency" means coin or currency of the United States, including Federal Reserve notes and circulating notes of Federal Reserve banks and national banking associations.

Term "obligation" defined.

"Coin or currency."

SEC. 2. The last sentence of paragraph (1) of subsection (b) of section 43 of the Act entitled "An Act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes", approved May 12, 1933, is amended to read as follows:

National Economic Emergency Act, amended.

Ante, p. 52.

"All coins and currencies of the United States (including Federal Reserve notes and circulating notes of Federal Reserve banks and national banking associations) heretofore or hereafter coined or issued, shall be legal tender for all debts, public and private, public charges, taxes, duties, and dues, except that gold coins, when below the standard weight and limit of tolerance provided by law for the single piece, shall be legal tender only at valuation in proportion to their actual weight."

Coins and currencies as legal tender.

Abrased gold coins according to weight.

Approved, June 5, 1933, 4.40 p.m.

[CHAPTER 49.]

AN ACT

June 6, 1933.
[S. 510.]
[Public, No. 30.]

To provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to promote the establishment and maintenance of a national system of public employment offices there is hereby created in the Department of Labor a bureau to be known as the United States Employment Service, at the head of which shall be a director. The director shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary at the rate of $8,500 per annum.

National cooperative employment service.

United States Employment Service created in Department of Labor.

Appointment, etc., of Director.

(b) Upon the expiration of three months after the enactment of this Act the employment service now existing in the Department of Labor shall be abolished; and all records, files, and property (including office equipment) of the existing employment service

Existing service to be abolished; personnel and property transferred.

No salary, etc., changes.

shall thereupon be transferred to the United States Employment Service; and all the officers and employees of such service shall thereupon be transferred to the United States Employment Service created by this Act without change in classification or compensation.

Assistant directors, officers, etc.
Not subject to civil service nor Classification Acts.
Vol. 42, p. 1488; U.S.C., p. 65; Supp. VI, p. 31.
Other expenditures authorized.

SEC. 2. The Secretary of Labor is authorized, without regard to the civil service laws, to appoint and, without regard to the Classification Act of 1923, as amended, to fix the compensation of one or more assistant directors and such other officers, employees, and assistants, and to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere and for law books, books of reference, and periodicals) as may be necessary to carry out the provisions of this Act. In case of appointments for service in the veterans' employment service provided for in section 3 of this Act, the Secretary shall appoint only veterans of wars of the United States.

Veteran employment service.
Appointments in.

Duty etc., of bureau to develop national employment, etc.

SEC. 3. (a) It shall be the province and duty of the bureau to promote and develop a national system of employment offices for men, women, and juniors who are legally qualified to engage in gainful occupations, to maintain a veterans' service to be devoted to securing employment for veterans, to maintain a farm placement service, to maintain a public employment service for the District of Columbia and, in the manner hereinafter provided, to assist in establishing and maintaining systems of public employment offices in the several States and the political subdivisions thereof in which there shall be located a veterans' employment service. The bureau shall also assist in coordinating the public employment offices throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedure, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system, and maintaining a system for clearing labor between the several States.

Veterans agencies.

To assist in coordinating employment offices, etc.

Hawaii and Alaska included.

(b) Whenever in this Act the word "State" or "States" is used it shall be understood to include the Territories of Hawaii and Alaska.

State action to obtain benefits.

SEC. 4. In order to obtain the benefits of appropriations apportioned under section 5, a State shall, through its legislature, accept the provisions of this Act and designate or authorize the creation of a State agency vested with all powers necessary to cooperate with the United States Employment Service under this Act.

Appropriation for fiscal year 1934; thereafter.
Post, p. 278.

SEC. 5. (a) For the purpose of carrying out the provisions of this Act there is hereby authorized to be appropriated (1) the sum of $1,500,000 for the fiscal year ending June 30, 1934, (2) $4,000,000 for each fiscal year thereafter up to and including the fiscal year ending June 30, 1938, (3) and thereafter such sums annually as the Congress may deem necessary. Seventy-five per centum of the amounts appropriated under this Act shall be apportioned by the director among the several States in the proportion which their population bears to the total population of the States of the United States according to the next preceding United States census, to be available for the purpose of establishing and maintaining systems of public employment offices in the several States and the political subdivisions thereof in accordance with the provisions of this Act. No payment shall be made in any year out of the amount of such appropriations apportioned to any State until an equal sum has been appropriated or otherwise made available for that year by the State, or by any agency thereof, including

Apportionment among States.

Use in establishing, etc., public employment offices.

Payments to States. Restriction on.

appropriations made by local subdivisions, for the purpose of maintaining public employment offices as a part of a State-controlled system of public employment offices; except that the amounts so appropriated by the State shall not be less than 25 per centum of the apportionment according to population made by the director for such State for the current year, and in no event less than $5,000. The balance of the amounts appropriated under this Act shall be available for all the purposes of this Act other than for apportionment among the several States as herein provided.

Minimum.

Administration, etc., expenses.

(b) The amounts apportioned to any State for any fiscal year shall be available for payment to and expenditure by such State, for the purposes of this Act, until the close of the next succeeding fiscal year; except that amounts apportioned to any State for any fiscal year preceding the fiscal year during which is commenced the first regular session of the legislature of such State held after the enactment of this Act shall remain available for payment to and expenditure by such State until the close of the fiscal year next succeeding that in which such session is commenced. Subject to the foregoing limitations, any amount so apportioned unexpended at the end of the period during which it is available for expenditure under this Act shall, within sixty days thereafter, be reapportioned for the current fiscal year among all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and treasurers of the States in the same manner, as if it were being apportioned under this Act for the first time.

Apportionments available through succeeding fiscal year; exception.

Reapportionment of unexpended balances.

SEC. 6. Within sixty days after any appropriation has been made under authority of this Act the director shall make the apportionment thereof as provided in section 5 and shall certify to the Secretary of the Treasury and to the treasurers of the several States the amount apportioned to each State for the fiscal year for which the appropriation has been made.

Certification of apportionments.

SEC. 7. Within sixty days after any appropriation has been made under the authority of this Act, and as often thereafter while such appropriation remains available as he deems advisable, the director shall ascertain as to each of the several States (1) whether the State has, through its legislature or its governor, as the case may be, accepted the provisions of this Act and designated or authorized the creation of an agency to cooperate with the United States Employment Service in the administration of this Act in compliance with the provisions of section 4 of this Act; and (2) the amounts, if any, which have been appropriated or otherwise made available by such State and by any agency thereof, including appropriations made by local subdivisions, in compliance with the provisions of section 5 of this Act. If the director finds that a State has complied with the requirements of such sections, and if plans have been submitted and approved in compliance with the provisions of section 8 of this Act, the director shall determine the amount of the payments, if any, to which the State is entitled under the provisions of section 5, and certify such amount to the Secretary of the Treasury. Such certificate shall be sufficient authority to the Secretary of the Treasury to make payments to the State in accordance therewith.

Director to ascertain measures taken by States.

Funds made available by States, etc.

Director to certify to Treasury on compliance by States.

Certificate to be sufficient warrant.

SEC. 8. Any State desiring to receive the benefits of this Act shall, by the agency designated to cooperate with the United States Employment Service, submit to the director detailed plans for carrying out the provisions of this Act within such State. In those States where a State board, department, or agency exists which is charged with the administration of State laws for vocational rehabilitation of physically handicapped persons, such plans shall include provision for cooperation between such board, department, or agency and

States to submit details for making provisions effective.

State providing vocational rehabilitation.

Approval if plans conform to provisions of Act.

the agency designated to cooperate with the United States Employment Service under this Act. If such plans are in conformity with the provisions of this Act and reasonably appropriate and adequate to carry out its purposes, they shall be approved by the director and due notice of such approval shall be given to the State agency.

State agencies to report operations, etc.

SEC. 9. Each State agency cooperating with the United States Employment Service under this Act shall make such reports concerning its operations and expenditures as shall be prescribed by the director. It shall be the duty of the director to ascertain whether the system of public employment offices maintained in each State is conducted in accordance with the rules and regulations and the standards of efficiency prescribed by the director in accordance with the provisions of this Act. The director may revoke any existing certificates or withhold any further certificate provided for in section 7, whenever he shall determine, as to any State, that the cooperating State agency has not properly expended the moneys paid to it or the moneys herein required to be appropriated by such State, in accordance with plans approved under this Act. Before any such certificate shall be revoked or withheld from any State, the director shall give notice in writing to the State agency stating specifically wherein the State has failed to comply with such plans. The State agency may appeal to the Secretary of Labor from the action of the director in any such case, and the Secretary of Labor may either affirm or reverse the action of the director with such directions as he shall consider proper.

Efficiency of office to be ascertained by director.

Revocation, etc., of certificate.

Notice required.

Appeal to Secretary of Labor allowed.

Expenditures in State by Director.

SEC. 10. During the current fiscal year and the two succeeding fiscal years the Director is authorized to expend in any State so much of the sum apportioned to such State according to population, and so much of the unapportioned balance of the appropriation made under the provisions of section 5 as he may deem necessary, as follows:

To establish State system of employment.

(a) In States where there is no State system of public employment offices, in establishing and maintaining a system of public employment offices under the control of the Director.

When State system exists, but cooperative requirements not met. *Ante*, p. 114.

(b) In States where there is a State system of public employment offices, but where the State has not complied with the provisions of section 4, in establishing a cooperative Federal and State system of public employment offices to be maintained by such officer or board and in such manner as may be agreed upon by and between the Governor of the State and the Director.

Termination of authority to extend benefits.

The authority contained in this section shall terminate at the expiration of the period specified in the first paragraph of this section, and thereafter no assistance shall be rendered such States until the legislatures thereof provide for cooperation with the United States Employment Service as provided in section 4 of this Act.

Federal Advisory Council.

Composition, purposes, etc.

SEC. 11 (a) The director shall establish a Federal Advisory Council composed of men and women representing employers and employees in equal numbers and the public for the purpose of formulating policies and discussing problems relating to employment and insuring impartiality, neutrality, and freedom from political influence in the solution of such problems. Members of such council shall be selected from time to time in such manner as the director shall prescribe and shall serve without compensation, but when attending meetings of the council they shall be allowed necessary traveling and subsistence expenses, or per diem allowance in lieu thereof, within the limitations prescribed by law for civilian employees in the executive branch of the Government. The council shall have access to all files and records of the United States Em-

Appointment, without pay.

Travel and subsistence allowed.

Access to files, records, etc.

ployment Service. The director shall also require the organization of similar State advisory councils composed of men and women representing employers and employees in equal numbers and the public.

State councils to be organized.

(b) In carrying out the provisions of this Act the director is authorized and directed to provide for the giving of notice of strikes or lockouts to applicants before they are referred to employment.

Notices of strikes, etc.

SEC. 12. The director, with the approval of the Secretary of Labor, is hereby authorized to make such rules and regulations as may be necessary to carry out the provisions of this Act.

Rules to be prescribed.

SEC. 13. The Postmaster General is hereby authorized and directed to extend to the United States Employment Service and to the system of employment offices operated by it in conformity with the provisions of this Act, and to all State employment systems which receive funds appropriated under authority of this Act, the privilege of free transmission of official mail matter.

Franking privilege extended.

Approved, June 6, 1933.

[CHAPTER 50.]

AN ACT

June 7, 1933.
[S. 1581.]
[Public, No. 31.]

To amend the Act approved July 3, 1930 (46 Stat. 1005), authorizing commissioners or members of international tribunals to administer oaths, and so forth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 3, 1930 (46 Stat. 1005), authorizing commissioners or members of international tribunals to administer oaths, and so forth, be, and the same is hereby, amended by adding at the end thereof the following additional sections:

Testimony before International tribunals. Vol. 46, p. 1005, amended. *Post*, p. 279.

"SEC. 5. That the agent of the United States before any international tribunal or commission, whether previously or hereafter established, in which the United States participates as a party whenever he desires to obtain testimony or the production of books and papers by witnesses may apply to the United States district court for the district in which such witness or witnesses reside or may be found, for the issuance of subpœnas to require their attendance and testimony before the United States district court for that district and the production therein of books and papers, relating to any matter or claim in which the United States on its own behalf or on behalf of any of its nationals is concerned as a party claimant or respondent before such international tribunal or commission.

Authority of United States agent.

Application for issue of subpœnas.

"SEC. 6. That any United States district court to which such application shall be made shall have authority to issue or cause to be issued such subpœnas upon the same terms as are applicable to the issuance of subpœnas in suits pending in the United States district court, and the clerk thereof shall have authority to administer oaths respecting testimony given therein, and the marshal thereof shall serve such subpœnas upon the person or persons to whom they are directed. The hearing of witnesses and taking of their testimony and the production of books and papers pursuant to such subpœnas shall be before the United States district court for that district or before a commissioner or referee appointed by it for the taking of such testimony, and the examination may be oral or upon written interrogatories and may be conducted by the agent of the United States or his representative. Reasonable notice thereof shall be given to the agent or agents of the opposing government or governments concerned in such proceedings who shall have the right to be

District courts to enforce compliance.

Service of writ.

Hearings before court.

Examinations.

Reasonable notice to opposing governments.

present in person or by representative and to examine or cross-examine such witnesses at such hearing. A certified transcript of such testimony and any proceedings arising out of the issuance of such subpœnas shall be forwarded by the clerk of the district court to the agent of the United States and also to the agent or agents of the opposing government or governments, without cost.

Certified transcript to agents of both parties.

Perjury. Punishment for.

"SEC. 7. That every person knowingly or willfully swearing or affirming falsely in any testimony taken in response to such subpœnas shall be deemed guilty of perjury, and shall, upon conviction thereof, suffer the penalty provided by the laws of the United States for that offense when committed in its courts of justice. Any failure to attend and testify as a witness or to produce any book or paper which is in the possession or control of such witness, pursuant to such subpœna, may be regarded as a contempt of the court and shall be punishable as a contempt by the United States district court in the same manner as is provided by the laws of the United States for that offense in any other proceedings in its courts of justice.

Failure to comply with subpœna deemed contempt.

Jurisdiction of D.C. Supreme Court.

"SEC. 8. For the purposes of sections 5, 6, and 7 of this Act, the Supreme Court of the District of Columbia shall be considered to be a district court of the United States."

Approved, June 7, 1933.

[CHAPTER 51.]

AN ACT

June 9, 1933.
[S. 1278.]
[Public, No. 32.]

To amend an Act (Public, Numbered 431, Seventy-second Congress) to identify The Dalles Bridge Company.

The Dalles Bridge Company. Identification of. Vol. 47, p. 1552, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act to authorize the construction of certain bridges over navigable waters of the United States, approved March 4, 1933 (Public, Numbered 431, Seventy-second Congress), be amended by adding to section 2a the words "a Washington corporation", immediately following the words "The Dalles Bridge Company."

Approved, June 9, 1933.

[CHAPTER 52.]

AN ACT

June 9, 1933.
[S. 1615.]
[Public, No. 33.]

To extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Owensboro, Kentucky.

Ohio River. Time extended for bridging at Owensboro, Ky. Vol. 47, p. 291, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Ohio River at or near Owensboro, Kentucky, authorized to be built by the State Highway Commission of Kentucky by an Act of Congress approved June 9, 1932, are hereby extended one and three years, respectively, from June 9, 1933.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 9, 1933.

[CHAPTER 53.]

AN ACT

June 9, 1933.
[S. 604.]
[Public, No. 34.]

Amending section 1 of the Act entitled "An Act to provide for stock-raising homesteads, and for other purposes", approved December 29, 1916 (ch. 9, par. 1, 39 Stat. 862), and as amended February 28, 1931 (ch. 328, 46 Stat. 1454).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act to provide for stock-raising homesteads, and for other purposes", approved December 29, 1916 (ch. 9, par. 1, 39 Stat. 862), and as amended February 28, 1931 (ch. 328, 46 Stat. 1454), be amended to read as follows:

Public lands.
Stockraising homestead entries.
Vol. 39, p. 862; Vol. 46, p. 1454.
U.S.C., p. 1348; Supp. VI, p. 778.

"From and after December 29, 1916, it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding six hundred and forty acres of unappropriated unreserved public lands in reasonably compact form: *Provided, however*, That the land so entered shall theretofore have been designated by the Secretary of the Interior as 'stock-raising lands': *Provided further*, That for the purposes of this section lands withdrawn or reserved solely as valuable for oil or gas shall not be deemed to be appropriated or reserved: *Provided further*, That the provisions of this section shall not apply to naval petroleum reserves and naval oil-shale reserves: *And provided further*, That should said lands be within the limits of the geological structure of a producing oil or gas field entry can only be allowed, in the discretion of the Secretary of the Interior, in the absence of objection after due notice by the lessee or permittee, and any patent therefor shall contain a reservation to the United States of all minerals in said lands and the right to prospect for, mine, and remove the same."

Entry on unappropriated, etc., lands.
Area.
Provisos.
Classification of lands.
Oil and gas lands available.
Naval petroleum reserves, etc., excluded.
Lands within geological structure.

Approved, June 9, 1933.

[CHAPTER 55.]

AN ACT

June 10, 1933.
[S. 1094.]
[Public, No. 35.]

To authorize the Reconstruction Finance Corporation to subscribe for preferred stock and purchase the capital notes of insurance companies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the continuance of the existing emergency heretofore recognized by Public No. 1 of the 73d Congress or until this Act shall be declared no longer operative by proclamation of the President, and notwithstanding any other provision of any other law, if, in the opinion of the Secretary of the Treasury, any insurance company of any State of the United States is in need of funds for capital purposes either in connection with the organization of such company or otherwise, he may, with the approval of the President, request the Reconstruction Finance Corporation to subscribe for preferred stock of any class, exempt from assessment or additional liability, in such insurance company, or to make loans secured by such stock as collateral, and the Reconstruction Finance Corporation may comply with such request. The Reconstruction Finance Corporation may, with the approval of the Secretary of the Treasury and under such rules and regulations as he may prescribe, sell in the open market the whole or any part of the preferred stock of any such insurance company acquired by the corporation pursuant to this section. The total face amount of loans outstanding, preferred stock subscribed for, and capital notes purchased and held by the Reconstruction

Insurance companies.
Reconstruction Finance Corporation may subscribe to nonassessable preferred stock of; make loans to.
Ante, p. 1.
Approval of President required.
Subsequent resale authorized.
Restriction on total face value of Corporation's holdings.

Amount of obligations authorized to issue, increased.
Vol. 47, p. 9.

Finance Corporation, under the provisions of this section and section 2, shall not exceed at any one time $50,000,000, and the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions of this section and section 2.

Purchase of notes, when State laws prohibit preferred-stock issues, etc.
Post, p. 1111.

SEC. 2. In the event that any such insurance company shall be incorporated under the laws of any State which does not permit it to issue preferred stock, exempt from assessment or additional liability, or if such laws permit such issue of preferred stock only by unanimous consent of stockholders, or upon notice of more than twenty days, the Reconstruction Finance Corporation is authorized for the purposes of this Act to purchase the legally issued capital notes of such insurance company or to make loans secured by such notes as collateral, which may be subordinated in whole or in part or to any degree to claims of other creditors.

Conditions of purchase or loans by Corporation.
Company must show unimpaired capital stock.
New capital may be furnished.

SEC. 3. The Reconstruction Finance Corporation shall not subscribe for or purchase any preferred stock or capital notes of any applicant insurance company, (1) until the applicant shows to the satisfaction of the Corporation that it has unimpaired capital stock, or that it will furnish new capital which will be subordinate to the preferred stock or capital notes to be subscribed for or purchased by the Corporation, equal to the amount of said preferred stock or capital notes so subscribed for or purchased by the Corporation: *Provided*, That the Corporation may make loans upon said preferred stock or capital notes, if, in its opinion, such loans will be adequately secured by said stock or capital notes, and/or such other forms of security as the Corporation may require; (2) if at the time of such subscription, purchase, or loan any officer, director, or employee of the applicant is receiving total compensation in a sum in excess of $17,500 per annum from the applicant and/or any of its affiliates, and (3) unless at such time the applicant agrees to the satisfaction of the Corporation not to increase the compensation of any of its officers, directors, or employees, and not to retire any of its stock, notes, bonds, or debentures issued for capital purposes, while any part of the preferred stock, notes, bonds, or debentures of such company is held by the Corporation. For the purposes of this section, the term "compensation" includes any salary, fee, bonus, commission, or other payment, direct or indirect, in money or otherwise, for personal services.

Proviso.
Loans upon preferred stock or capital notes.

Compensation of Company officers, etc., limited.

Agreements required of Company.

"Compensation", construed.

Renewals of loans by Corporation; when shall be denied.

If compensation of officer, etc., excessive.

Agreement not to increase, required.

SEC. 4. The Reconstruction Finance Corporation shall not make, renew, or extend any loan under the Reconstruction Finance Corporation Act, as amended, or under the Emergency Relief and Construction Act of 1932, (1) if at the time of making, renewing, or extending such loan any officer, director, or employee of the applicant is receiving compensation at a rate in excess of what appears reasonable to the Reconstruction Finance Corporation, and (2) unless at such time the applicant agrees to the satisfaction of the Corporation not to increase the compensation of any of its officers, directors, or employees to any amount in excess of what appears reasonable to the Reconstruction Finance Corporation while such loan is outstanding and unpaid. For the purposes of this section the term "compensation" includes any salary, fee, bonus, commission, or other payment, direct or indirect, in money or otherwise for personal services.

Emergency Relief and Construction Act of 1932, amendment.
Ante, pp. 20, 99.
Post, p. 283.

SEC. 5. That the second and third sentences of paragraph (6) of section 201 (a) of the Emergency Relief and Construction Act of 1932, as amended, are hereby amended to read as follows: "Obliga-

tions accepted hereunder shall be collateraled (a) in the case of loans for the repair or reconstruction of private property, by the obligations of the owner of such property secured by a paramount lien except as to taxes and special assessments on the property repaired or reconstructed, or on other property of the borrower, and (b) in the case of municipalities or political subdivisions of States or their public agencies, including public-school boards and public-school districts, by an obligation of such municipality, political subdivision, public agency, public-school board, or public-school district. The Corporation shall not deny an otherwise acceptable application for loans for repair or construction of the buildings of municipalities, political subdivisions, public agencies, public-school boards, or public-school districts because of constitutional or other legal inhibitions affecting the collateral."

Loans for repair of earthquake damages, 1933.
Private property.
Other property of borrower as collateral.
Municipalities, etc.
Public school boards and districts.
Application for, not denied by constitutional, etc., inhibitions affecting collateral.

SEC. 6. The fourth sentence of paragraph (6) of section 201 (a) of such Act, as amended, is hereby amended by striking out the period at the end thereof and inserting in lieu thereof the following: "in case of loans made under clause (a) of this paragraph, and not exceeding twenty years in case of loans made under clause (b)."

Maturities of collateral obligations.
Ante, pp. 20, 99, 120.
Post, p. 283.

SEC. 7. The fifth sentence of paragraph (6) of section 201 (a) of such Act, as amended, is hereby amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and, in case of loans made under clause (b), shall be deemed to be so secured if, in the opinion of the Reconstruction Finance Corporation, such loans will be repaid from any source, including taxation, within a reasonable period, not exceeding twenty years."

Security; loans to municipalities, etc.
When deemed fully secured.

SEC. 8. The seventh sentence of paragraph (6) of section 201 (a) of such Act, as amended, is hereby amended to read as follows: "The aggregate of loans made under clause (a) shall not exceed $5,000,000, and the aggregate of loans made under clause (b) shall not exceed $12,000,000."

Ante, pp. 20, 99, 120.
Post, p. 283.
Aggregate of loans.
Amount increased.

SEC. 9. The first sentence in section 201 (a) of such Act, as amended, which follows paragraph (6) thereof is hereby amended by striking out the period at the end of such sentence and inserting in lieu thereof a comma and the following: "except that for the purposes of clause (b) of paragraph (6) of this subsection a project shall be deemed to be self-liquidating if the construction cost thereof will be returned by any means, including taxation, within a reasonable period, not exceeding twenty years."

Vol. 47, p. 712.
Self-liquidating projects.
Municipalities, etc.

SEC. 10. That an Act entitled "An Act to provide emergency financing facilities for financial institutions, to aid in financing agriculture, commerce, and industry, and for other purposes", approved January 22, 1932, and amended by an Act approved July 21, 1932, be further amended by adding at the end of section 5 thereof the following: "*Provided further*, That the Corporation may make said loans to trustees of railroads which proceed to reorganize under section 77 of the Bankruptcy Act of March 3, 1933."

Reconstruction Finance Corporation Act amendment.
Vol. 47, pp. 8, 709.
Railroad reorganization.
Vol. 47, p. 1474.
Loans to trustees authorized.

SEC. 11. As used in this Act the term "insurance company" shall include any corporation engaged in the business of insurance or in the writing of annuity contracts, irrespective of the nature thereof, and operating under the supervision of a State superintendent or department of insurance in any of the States of the United States.

"Insurance company", construed.

SEC. 12. Section 5 of the Reconstruction Finance Corporation Act, as amended, is amended by adding at the end thereof the following new paragraph:

Vol. 47, p. 8.

"The Reconstruction Finance Corporation is further authorized and empowered to make loans if adequately secured to any State insurance fund established or created by the laws of any State for the

Loans to State insurance fund.

purpose of paying or insuring payment of compensation to injured workmen and those disabled as a result of disease contracted in the course of their employment, or to their dependents. As used in this paragraph, the term 'State' includes the several States and Alaska, Hawaii, and Puerto Rico."

"State", construed.

Vol. 47, p. 8.

SEC. 13. Section 5 of the Reconstruction Finance Corporation Act, as amended, is amended by adding at the end thereof the following new paragraph:

Loans to fund created to insure repayment of public money of State, etc.

"The Reconstruction Finance Corporation is further authorized and empowered to make loans if adequately secured to any fund created by any State for the purpose of insuring the repayment of deposits of public moneys of such State or any of its political subdivisions in banks or depositories qualified under the law of such State to receive such deposits. Such loans may be made at any time prior to January 23, 1934, and upon such terms and conditions as the corporation may prescribe; except that any fund which receives a loan under this paragraph shall be required to assign to the corporation, to the extent of such loan, all amounts which may be received by such fund as dividends or otherwise from the liquidation of any such bank or depository in which deposits of such public moneys were made. As used in this paragraph, the term 'State' includes the several States and Alaska, Hawaii, and Puerto Rico."

Time of loans; terms and conditions.

Assignment of rights accruing on liquidation, etc., of depository.

"State", construed.

Amendment.

Separability of provisions.

SEC. 14. The right to alter or amend or repeal this Act is hereby expressly reserved. If any provision of this Act, or the application thereof to any person, firm, association, or corporation, is held invalid, the remainder of the Act, and the application of such provision to any other person, firm, association, or corporation, shall not be affected thereby.

Approved, June 10, 1933.

[CHAPTER 56.]

AN ACT

June 10, 1933.
[S. 1562.]
[Public, No. 36.]

Granting the consent of Congress to the Levy Court of Sussex County, Delaware, to reconstruct, maintain, and operate a free highway bridge across the Deeps Creek at Cherry Tree Landing, Sussex County, Delaware.

Deeps Creek, Del. Sussex County may bridge, at Cherry Tree Landing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Levy Court of Sussex County, Delaware, its successors and assigns, to reconstruct, maintain, and operate a free highway bridge and approaches thereunto across the Deeps Creek, being a part of a navigable river from Concord, Delaware, to the Chesapeake Bay, at a point suitable to the interests of navigation, at or near Cherry Tree Landing, in the county of Sussex, State of Delaware, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Construction.

Vol. 34, p. 84.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is expressly reserved.

Approved, June 10, 1933.

[CHAPTER 57.]

AN ACT

June 10, 1933.
[H.R. 4220.]
[Public, No. 37.]

For the protection of Government records.

Government records. Penalty for publication of certain, without authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever, by virtue of his employment by the United States, shall obtain from another or shall have custody of or access to, or shall have had custody

of or access to, any official diplomatic code or any matter prepared in any such code, or which purports to have been prepared in any such code, and shall willfully, without authorization or competent authority, publish or furnish to another any such code or matter, or any matter which was obtained while in the process of transmission between any foreign government and its diplomatic mission in the United States, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

Approved, June 10, 1933.

[CHAPTER 58.]

AN ACT

June 10, 1933.
[H.R. 5012.]
[Public, No. 38.]

To amend existing law in order to obviate the payment of one year's sea pay to surplus graduates of the Naval Academy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the Act of August 5, 1882 (22 Stat. 285, ch. 391), as is contained in the proviso at the end of section 1057, title 34, United States Code, is hereby amended by repealing the words "and one year's sea pay", so that the said proviso will read as follows: "*Provided*, That if there be a surplus of graduates, those who do not receive such appointments shall be given a certificate of graduation and an honorable discharge."

Naval Academy.
Surplus graduates not to receive one year's sea pay.
Vol. 22, p. 285; U.S.C., p. 1148.
Post, p. 307.

Approved, June 10, 1933.

[CHAPTER 59.]

AN ACT

June 10, 1933.
[H.R. 4812.]
[Public, No. 39.]

To promote the foreign trade of the United States in apples and/or pears, to protect the reputation of American-grown apples and pears in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any person to ship or offer for shipment or for any carrier, or any steamship company, or any person to transport or receive for transportation to any foreign destination, except as provided in this Act, any apples and/or pears in packages which are not accompanied by a certificate issued under authority of the Secretary of Agriculture showing that such apples or pears are of a Federal or State grade which meets the minimum of quality established by the Secretary for shipment in export. The Secretary is authorized to prescribe, by regulations, the requirements, other than those of grade, which the fruit must meet before certificates are issued. The Secretary shall provide opportunity, by public hearing or otherwise, for interested persons to examine and make recommendation with respect to any standard of export proposed to be established or designated, or regulation prescribed, by the Secretary for the purposes of this Act.

Apples and pears, American grown.
Shipment for export, without certificate, unlawful.

Regulations to be prescribed by Secretary of Agriculture.

Hearings to determine standard of export.

SEC. 2. The Secretary shall give reasonable notice through one or more trade papers of the effective date of standards of export established or designated by him under this Act: *Provided*, That any apples or pears may be certified and shipped for export in fulfillment of any contract made within six months prior to the date of such shipment if the terms of such contract were in accordance with the grades and regulations of the Secretary in effect at the time the contract was made.

Notice of standard.

Proviso.
Prior contracts, fulfilling authorized.

Standards or requirements of foreign governments.

SEC. 3. Where the government of the country to which the shipment is to be made has standards or requirements as to condition of apples or pears the Secretary may in addition to inspection and certification for compliance with the standards established or designated hereunder inspect and certify for determination as to compliance with the standards or requirements of such foreign government and may provide for special certificates in such cases.

Inspection to determine compliance.

Shipments less than carload lots.

SEC. 4. Apples or pears in less than carload lots as defined by the Secretary may, in his discretion, be shipped to any foreign country without complying with the provisions of this Act.

Fees for inspection, etc.

SEC. 5. For inspecting and certifying the grade, quality, and/or condition of apples and/or pears the Secretary shall cause to be collected a reasonable fee which shall as nearly as may be cover the cost of the service rendered: *Provided*, That when cooperative arrangements satisfactory to the Secretary, or his designated representative, for carrying out the purposes of this Act cannot be made the fees collected hereunder in such cases shall be available until expended to defray the cost of the service rendered, and in such cases the limitations on the amounts expended for the purchase and maintenance of motor-propelled passenger-carrying vehicles shall not be applicable: *Provided further*, That certificates issued by the authorized agents of the United States Department of Agriculture shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained.

Provisos. Availability.

Admissability of certificates as evidence.

Refusal to issue certificates if unlawful shipments made.

SEC. 6. After opportunity for hearing the Secretary is authorized to refuse the issuance of certificates under this Act for periods not exceeding ninety days to any person who ships or offers for shipment any apples and/or pears in foreign commerce in violation of any of the provisions of this Act. Any person or any common carrier or any transportation agency knowingly violating any of the provisions of this Act shall be fined not less than $100 nor more than $10,000 by a court of competent jurisdiction.

Penalty for violations.

Rules, etc., by Secretary.

SEC. 7. The Secretary may make such rules, regulations, and orders as may be necessary to carry out the provisions of this Act, and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person, whether operating in one or more jurisdictions; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, binding, telegrams, telephones, law books, books of reference, publications, furniture, stationery, office equipment, travel, and other supplies and expenses including reporting services, as shall be necessary to the administration of this Act in the District of Columbia and elsewhere, and as may be appropriated for by Congress. This Act shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this Act; but it is intended that all such statutes shall remain in full force and effect except in so far as they are inconsistent herewith or repugnant hereto.

Cooperation with States, etc.

Appointment of officers, etc.

Expenditures for printing and binding, etc.

Statutes dealing with same subjects not abrogated.

Separability of Act.

SEC. 8. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

Terms construed.

"Person."

"Secretary of Agriculture."

SEC. 9. That when used in this Act—

(1) The term "person" includes individuals, partnerships, corporations, and associations.

(2) The term "Secretary of Agriculture" means the Secretary of Agriculture of the United States.

(3) Except as provided herein, the term "foreign commerce" means commerce between any State, or the District of Columbia, and any place outside of the United States or its possessions. "Foreign commerce."

(4) The term "apples and/or pears" means fresh whole apples or pears, whether or not they have been in storage. "Apples and/or pears."

Approved, June 10, 1933.

[CHAPTER 60.]

JOINT RESOLUTION

Extending for one year the time within which American claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the Mixed Claims Commission and of the Tripartite Claims Commission.

June 12, 1933.
[H.J.Res. 183.]
[Pub. Res., No. 11.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (g) of section 2 and subsection (f) of section 5 of the Settlement of War Claims Act of 1928, as amended by Public Resolution Numbered 27, Seventy-second Congress, approved June 14, 1932, are further amended, respectively, by striking out the words "five years" wherever such words appear therein and inserting in lieu thereof the words "six years."

Settlement of War Claims Act.
Time for making applications for payment, by American claimants, extended.
Vol. 47, p. 318, amended.
Post, p. 1019.

Approved, June 12, 1933.

[CHAPTER 61.]

AN ACT

To amend sections 4399, 4418, 4428, 4429, 4430, 4431, 4432, 4433, and and[1] 4434 of the Revised Statutes, as amended, relating to the construction and inspection of boilers, unfired pressure vessels, and the appurtenances thereof.

June 13, 1933.
[S. 1129.]
[Public, No. 40.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 4399, 4418, 4428, 4429, 4430, 4431, 4432, 4433, and 4434 of the Revised Statutes, as amended (U.S.C., title 46, secs. 361, 392, 406, 407, 408, 409, 410, 411, and 412), be, and the same are hereby, amended to read as follows:

Construction and inspection of boilers, unfired pressure vessels, etc.
R.S., secs. 4399, 4418, 4428–4434, pp. 852, 856, 858.
U.S.C., pp. 1489, 1492, 1494–1495.

"SEC. 4399. Every vessel subject to inspection propelled in whole or in part by steam or by any other form of mechanical or electrical power shall be considered a steam vessel within the meaning of and subject to all of the provisions of this Act: *Provided, however*, That motor boats as defined in the Act of June 9, 1910, are exempt from the provisions of this Act.

Steam vessels defined.
Proviso.
Motor boats exempt.
Vol. 36, p. 462; U.S.C. p. 1508.

"SEC. 4418. The local inspectors shall also inspect, before the same shall be used and once at least in every year thereafter, the boilers, unfired pressure vessels, and appurtenances thereof, also the propelling and auxiliary machinery, electrical apparatus and equipment, of all vessels subject to inspection; and the inspectors shall satisfy themselves by thorough examination that the same are in conformity with law and the rules and regulations of the board of supervising inspectors, and may be safely employed in the service proposed. No boiler, unfired pressure vessel, or appurtenances thereof shall be allowed to be used if constructed in whole or in part of defective material or which because of its form, design, workmanship, age, use, or for any other reason is unsafe. At each annual inspection all boilers, unfired pressure vessels, and main steam piping shall be subjected to hydrostatic tests or such other tests as may be prescribed by the board of supervising inspectors. The ratio of the hydrostatic test to the maximum working pressure shall be determined by action of the board of supervising inspectors.

Boilers, unfired pressure vessels, etc.
Vol. 33, p. 1027.
Propelling and auxiliary machinery, electrical equipment, etc.
Examination, etc., to be made.
Defective vessels, boilers, etc.
Hydrostatic tests.
Ratio of, to be prescribed.

[1] So in original.

Material used to be inspected, stamped, etc.

"SEC. 4428. All boilers and unfired pressure vessels constructed of iron or steel plates or other approved metals for use on vessels subject to inspection shall be made of material that has been tested, inspected, and stamped in accordance with the requirements of this Act.

Punishment for faulty boiler, etc., construction.

"SEC. 4429. Any person, firm, or corporation who constructs a boiler, or steam pipe connecting the boilers, or an unfired pressure vessel for use on vessels subject to inspection, of iron or steel plates or other approved metals which have not been duly tested, inspected, and stamped according to the provisions of this Act and the requirements of the board of supervising inspectors; or who knowingly uses any defective material in the construction of such boiler, steam pipe, or pressure vessel; or who drifts any rivet hole to make it come fair; or who delivers any such boiler, steam pipe, or pressure vessel for use, knowing it to be defective in design, material, or construction, shall be fined $1,000. Nothing in this Act shall be so construed as to prevent from being used on such vessels any boiler, steam generator, steam pipe, or unfired pressure vessel which may not be constructed of riveted iron or steel plates: *Provided*, That scientific data and facts are submitted to enable the board of supervising inspectors to satisfy themselves that such boiler, steam generator, or pressure vessel is equal in strength and as safe from explosion as one of the best quality of iron or steel plates of riveted construction: *Provided, however*, That the Secretary of Commerce may grant permission to use any boiler, steam generator, or unfired pressure vessel not of iron or steel plate riveted construction upon the certificate of the supervising inspector for the district wherein such boiler, steam generator, or pressure vessel is to be used, and other satisfactory proof that the use of the same is safe and efficient, said permit to be valid until the next regular meeting of the board of supervising inspectors who shall act thereon: *Provided further*, That such boilers, steam generators, or pressure vessels may be constructed with seamless shells or by means of any approved method of welding governed by the rules and regulations prescribed by the board of supervising inspectors.

Process other than riveting.

Provisos.
Subject to approval of Board.

Temporary permits.

Approved seamless shells.

Boiler plates, etc., inspection.

"SEC. 4430. All iron or steel plates, or other material used in the construction of boilers or unfired pressure vessels for use on vessels subject to inspection shall be tested and inspected in such manner as shall be prescribed by the board of supervising inspectors and approved by the Secretary of Commerce, so as to enable the inspectors to ascertain the tensile strength, homogeneity, toughness, and ability to withstand the effect of repeated heating and cooling; and no plate or other material shall be used in the construction of such boilers or pressure vessels which has not been tested, inspected, and approved under the rules and regulations of the board of supervising inspectors: *Provided, however*, That small unfired pressure vessels having diameters not exceeding thirty inches and subject to a maximum allowable working pressure not exceeding one hundred pounds per square inch shall be exempt from this requirement.

Tensile stress, etc., to be tested.

Use of unapproved material forbidden.

Proviso.
Small unfired pressure vessels exempted.

Inspection at the mills, added.

"The Director of the Bureau of Navigation and Steamboat Inspection may, under the direction of the Secretary of Commerce, detail inspectors to inspect iron or steel plates or other material at the mills where the same are manufactured; and if such plates or material are found in accordance with the rules of the board of supervising inspectors, the inspector shall stamp the same with the initials of his name and the official stamp of the Bureau of Navigation and Steamboat Inspection, which stamp shall be authorized by the board of supervising inspectors; and material so stamped shall be accepted by the local inspectors of the various districts as being in full com-

Official stamp of approval.

Acceptance of, by local inspectors.

pliance with the requirements of this section regarding the test and inspection of such plates and material: *Provided*, That any person, firm, or corporation who affixes any false, forged, fraudulent, spurious, or counterfeit of the stamp herein authorized to be put on by an inspector shall be deemed guilty of a felony and shall be fined not less than $1,000 nor more than $5,000 and imprisoned not less than two years nor more than five years.

Proviso. Counterfeiting, etc., stamp a felony. Punishment for.

"SEC. 4431. Every plate of iron or steel, made for use in the construction of boilers, unfired pressure vessels, or riveted steam pipe shall be distinctly and permanently stamped by the manufacturer thereof, and, if practicable, in such places that the marks shall be left visible when such plates are assembled, with the name of the manufacturer, and the minimum tensile strength in pounds per square inch, and the inspectors shall keep a record in their office of the stamps upon all plates, material, and boilers which they inspect.

Stamping boiler plates. Pressure vessels added.

"SEC. 4432. Any person, firm, or corporation who counterfeits, or causes to be counterfeited, any of the marks or stamps prescribed for iron or steel plates or other material tested and inspected under this Act, or who designedly stamps, or causes to be stamped falsely, any such plates or material; and every person who stamps or marks, or causes to be stamped or marked, any such plates or material with the name or trade-mark of another, with the intent to mislead or deceive, shall be fined $2,000, and may in addition thereto, at the discretion of the court, be imprisoned not exceeding two years.

Punishment for counterfeiting stamps or marks.

"SEC. 4433. The board of supervising inspectors is hereby empowered to prescribe formulas, rules, and regulations for the design, material, and construction of boilers, unfired pressure vessels, and appurtenances thereof, and steam piping for use on vessels subject to the provisions of this Act. The maximum working pressure shall be determined by formulas prescribed by the board of supervising inspectors, and no such boiler, pressure vessel, or appurtenance thereof shall be designed or operated where the factor of safety is less than four: *Provided*, That the minimum thickness and maximum allowable working pressure of valves, fittings, and other appurtenances shall be determined by formulas prescribed by the board of supervising inspectors.

Pressure of steam allowable. Unfired pressure vessels and materials included. Formulas to determine, prescribed. *Proviso.* Pressure of valves, etc.

"SEC. 4434. The maximum allowable thickness of shell plates and the details of material, design, and construction of externally fired boilers shall be determined by action of the board of supervising inspectors."

Thickness of plates, etc. Vol. 35, p. 687.

All laws or parts of laws which may conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

Approved, June 13, 1933.

[CHAPTER 62.]

AN ACT

June 13, 1933. [S. 1634.] [Public, No. 41.]

To provide for the redemption of national-bank notes, Federal Reserve bank notes, and Federal Reserve notes which cannot be identified as to the bank of issue.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any national-bank notes, Federal Reserve bank notes, or Federal Reserve notes are presented to the Treasurer of the United States for redemption and such notes cannot be identified as to the bank of issue or the bank through which issued, the Treasurer of the United States may redeem such notes under such rules and regula-

National bank, etc., notes. Redemption of unidentifiable, authorized.

Cancelation, etc.

tions as the Secretary of the Treasury may prescribe, and the notes so redeemed shall be forwarded to the Comptroller of the Currency for cancelation and destruction.

Sums charged against deposits for retirement of national bank, etc., notes.

Vol. 26, p. 289. U.S.C., p. 267.

SEC. 2. National-bank notes and Federal Reserve bank notes redeemed by the Treasurer of the United States under this Act shall be charged against the balance of deposits for the retirement of national-bank notes and Federal Reserve bank notes under the provisions of section 6 of the Act entitled "An Act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes", approved July 14, 1890 (U.S.C., title 12, sec. 122), and section 18 of the Federal Reserve Act (U.S.C., title 12, sec. 445); and charges for Federal Reserve notes redeemed by the Treasurer of the United States under this Act shall be apportioned among the twelve Federal Reserve banks in proportion to the amount of Federal Reserve notes of each Federal Reserve bank in circulation on the 31st day of December of the year preceding the date of redemption, and the amount so apportioned to each bank shall be charged by the Treasurer of the United States against deposit in the gold-redemption fund made by such bank or its Federal Reserve agent.

Vol. 38, p. 268. U.S.C., p. 286.

Distribution of charges.

Approved, June 13, 1933.

[CHAPTER 63.]

June 13, 1933. [H.R. 3511.] [Public, No. 42.]

AN ACT

To authorize the creation of a game refuge in the Ouachita National Forest in the State of Arkansas.

Ouachita National Forest, Ark. Game refuge within, created.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of providing breeding places and for the protection and administration of game animals, birds, and fish, the President of the United States is hereby authorized, upon the recommendation of the Secretary of Agriculture, to establish by public proclamation certain specified areas within the Ouachita National Forest as game sanctuaries and refuges.

Administrative regulations to be made.

SEC. 2. That the Secretary of Agriculture shall execute the provisions of this Act, and he is hereby authorized to prescribe all general rules and regulations for the administration of such game sanctuaries and refuges, and violation of such rules and regulations shall be punished by fine of not more than $500 or imprisonment for not more than six months or both.

Approved, June 13, 1933.

[CHAPTER 64.]

June 13, 1933. [H. R. 5240.] [Public, No. 43.]

AN ACT

To provide emergency relief with respect to home mortgage indebtedness, to refinance home mortgages, to extend relief to the owners of homes occupied by them and who are unable to amortize their debt elsewhere, to amend the Federal Home Loan Bank Act, to increase the market for obligations of the United States and for other purposes.

Home Owners' Loan Act of 1933.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Home Owners' Loan Act of 1933."

Definitions.

DEFINITIONS

"Board."

SEC. 2. As used in this Act—

(a) The term "Board" means the Federal Home Loan Bank Board created under the Federal Home Loan Bank Act.

(b) The term "Corporation" means the Home Owners' Loan Corporation created under section 4 of this Act. "Corporation."

(c) The term "home mortgage" means a first mortgage on real estate in fee simple or on a leasehold under a renewable lease for not less than ninety-nine years, upon which there is located a dwelling for not more than four families, used by the owner as a home or held by him as his homestead, and having a value not exceeding $20,000; and the term "first mortgage" includes such classes of first liens as are commonly given to secure advances on real estate under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby. "Home mortgage." "First mortgage."

(d) The term "association" means a Federal Savings and Loan Association chartered by the Board as provided in section 5 of this Act. "Association."

REPEAL OF DIRECT LOAN PROVISION OF FEDERAL HOME LOAN BANK ACT

Federal Home Loan Bank Act.

SEC. 3. Subsection (d) of section 4 of the Federal Home Loan Bank Act (providing for direct loans to home owners) is hereby repealed.

Repeal of direct loan provision.
Vol. 47, p. 727, repealed.

CREATION OF HOME OWNERS' LOAN CORPORATION

Home Owners' Loan Corporation.

SEC. 4. (a) The Board is hereby authorized and directed to create a corporation to be known as the Home Owners' Loan Corporation, which shall be an instrumentality of the United States, which shall have authority to sue and to be sued in any court of competent jurisdiction, Federal or State, and which shall be under the direction of the Board and operated by it under such bylaws, rules, and regulations as it may prescribe for the accomplishment of the purposes and intent of this section. The members of the Board shall constitute the board of directors of the Corporation and shall serve as such directors without additional compensation.

Creation of, as United States agent under direction, etc., of the Board.

Post, p. 506.

Board members to constitute board of directors of Corporation.

(b) The Board shall determine the minimum amount of capital stock of the Corporation and is authorized to increase such capital stock from time to time in such amounts as may be necessary, but not to exceed in the aggregate $200,000,000. Such stock shall be subscribed for by the Secretary of the Treasury on behalf of the United States, and payments for such subscriptions shall be subject to call in whole or in part by the Board and shall be made at such time or times as the Secretary of the Treasury deems advisable. The Corporation shall issue to the Secretary of the Treasury receipts for payments by him for or on account of such stock, and such receipts shall be evidence of the stock ownership of the United States. In order to enable the Secretary of the Treasury to make such payments when called, the Reconstruction Finance Corporation is authorized and directed to allocate and make available to the Secretary of the Treasury the sum of $200,000,000, or so much thereof as may be necessary, and for such purpose the amount of the notes, bonds, debentures, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered under section 9 of the Reconstruction Finance Corporation Act, as amended, to have outstanding at any one time, is hereby increased by such amounts as may be necessary.

Determination of amount, authorized capital stock.

Subscriptions by Secretary of the Treasury.

Receipts as evidence of stock ownership.

Payments to be made by allocations from Reconstruction Finance Corporation.

Notes, etc., of Corporation increased.
Vol. 47, p. 9, amended.

(c) The Corporation is authorized to issue bonds in an aggregate amount not to exceed $2,000,000,000, which may be sold by the Corporation to obtain funds for carrying out the purposes of this section, or exchanged as hereinafter provided. Such bonds shall be issued in such denominations as the Board shall prescribe, shall mature within a period of not more than eighteen years from the date of their issue, shall bear interest at a rate not to exceed 4 per centum

Corporation authorized to issue interest bearing bonds.
Post, pp. 643, 1263.

Denominations, maturity, etc.

Unconditional guaranty of interest.

Interest provisions.

Bonds to be tax exempt.

Corporation, including resources.

Real property excepted.

Exchange of Corporation bonds for home mortgages, etc.

Cash advances, for tax payments, repairs, and incidentals.

Total advance not to exceed 80 percent of home value.

Acquired mortgage to be carried as a first lien or be refinanced; basis.

Amortization payments.

Different periods allowed.

Interest on unpaid balance.

Extensions.

per annum, and shall be fully and unconditionally guaranteed as to interest only by the United States, and such guaranty shall be expressed on the face thereof. In the event that the Corporation shall be unable to pay upon demand, when due, the interest on any such bonds, the Secretary of the Treasury shall pay to the Corporation the amount of such interest, which is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, and the Corporation shall pay the amount of such interest to the holders of the bonds. Upon the payment of such interest by the Secretary of the Treasury the amount so paid shall become an obligation to the United States of the Corporation and shall bear interest at the same rate as that borne by the bonds upon which the interest has been so paid. The bonds issued by the Corporation under this subsection shall be exempt, both as to principal and interest, from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States or any District, Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. The Corporation, including its franchise, its capital, reserves and surplus, and its loans and income, shall likewise be exempt from such taxation; except that any real property of the Corporation shall be subject to taxation to the same extent, according to its value, as other real property is taxed.

(d) The Corporation is authorized, for a period of three years after the date of enactment of this Act, (1) to acquire in exchange for bonds issued by it, home mortgages and other obligations and liens secured by real estate (including the interest of a vendor under a purchase-money mortgage or contract) recorded or filed in the proper office or executed prior to the date of the enactment of this Act, and (2) in connection with any such exchange, to make advances in cash to pay the taxes and assessments on the real estate, to provide for necessary maintenance and make necessary repairs, to meet the incidental expenses of the transaction, and to pay such amounts, not exceeding $50, to the holder of the mortgage, obligation, or lien acquired as may be the difference between the face value of the bonds exchanged plus accrued interest thereon and the purchase price of the mortgage, obligation, or lien. The face value of the bonds so exchanged plus accrued interest thereon and the cash so advanced shall not exceed in any case $14,000, or 80 per centum of the value of the real estate as determined by an appraisal made by the Corporation, whichever is the smaller. In any case in which the amount of the face value of the bonds exchanged plus accrued interest thereon and the cash advanced is less than the amount the home owner owes with respect to the home mortgage or other obligation or lien so acquired by the Corporation, the Corporation shall credit the difference between such amounts to the home owner and shall reduce the amount owed by the home owner to the Corporation to that extent. Each home mortgage or other obligation or lien so acquired shall be carried as a first lien or refinanced as a home mortgage by the Corporation on the basis of the price paid therefor by the Corporation, and shall be amortized by means of monthly payments sufficient to retire the interest and principal within a period of not to exceed fifteen years; but the amortization payments of any home owner may be made quarterly, semiannually, or annually, if in the judgment of the Corporation the situation of the home owner requires it. Interest on the unpaid balance of the obligation of the home owner to the Corporation shall be at a rate not exceeding 5 per centum per annum. The Corporation may at any time grant an extension of time to any home owner for the payment of any installment of principal or interest owed by him to the Corporation if, in

the judgment of the Corporation, the circumstances of the home owner and the condition of the security justify such extension, and no payment of any installment of principal shall be required during the period of three years from the date this Act takes effect if the home owner shall not be in default with respect to any other condition or covenant of his mortgage. As used in this subsection, the term "real estate" includes only real estate held in fee simple or on a leasehold under a lease renewable for not less than ninety-nine years, upon which there is located a dwelling for not more than four families used by the owner as a home or held by him as a homestead and having a value not exceeding $20,000. No discrimination shall be made under this Act against any home mortgage by reason of the fact that the real estate securing such mortgage is located in a municipality, county, or taxing district which is in default upon any of its obligations.

Condition.

"Real estate" defined.

Default by municipality, etc, not to affect mortgage.

(e) The Corporation is further authorized, for a period of three years from the date of enactment of this Act, to make loans in cash subject to the same limitations and for the same purposes for which cash advances may be made under subsection (d) of this section, in cases where the property is not otherwise encumbered; but no such loan shall exceed 50 per centum of the value of the property securing the same as determined upon an appraisal made by the Corporation. Each such loan shall be secured by a duly recorded home mortgage, and shall bear interest at the same rate and shall be subject to the same provisions with respect to amortization and extensions as are applicable in the case of obligations refinanced under subsection (d) of this section.

Cash loans on unencumbered property.

Maximum.

Security. Conditions.

(f) The Corporation is further authorized, for a period of three years from the date of enactment of this Act, in any case in which the holder of a home mortgage or other obligation or lien eligible for exchange under subsection (d) of this section does not accept the bonds of the Corporation in exchange as provided in such subsection and in which the Corporation finds that the home owner cannot obtain a loan from ordinary lending agencies, to make cash advances to such home owner in an amount not to exceed 40 per centum of the value of the property for the purposes specified in such subsection (d). Each such loan shall be secured by a duly recorded home mortgage and shall bear interest at a rate of interest which shall be uniform throughout the United States, but which in no event shall exceed a rate of 6 per centum per annum, and shall be subject to the same provisions with respect to amortization and extensions as are applicable in cases of obligations refinanced under subsection (d) of this section.

Cash advances when mortgagee, etc., does not accept Corporation bonds in exchange, and home owner unable to borrow elsewhere.

Limitation.

Security.

Provisions respecting amortization, etc.

(g) The Corporation is further authorized, for a period of three years from the date of the enactment of this Act, to exchange bonds and to advance cash, subject to the limitations provided in subsection (d) of this section, to redeem or recover homes lost by the owners by foreclosure or forced sale by a trustee under a deed of trust or under power of attorney, or by voluntary surrender to the mortgagee within two years prior to such exchange or advance.

Cash advances for redemption of foreclosed homes.

Post, p. 645.

(h) The Board shall make rules for the appraisal of the property on which loans are made under this section so as to accomplish the purposes of this Act.

Rules for appraising, etc., directed.

(i) Any person indebted to the Corporation may make payment to it in part or in full by delivery to it of its bonds which shall be accepted for such purpose at face value.

Corporation bonds accepted in payment.

(j) The Corporation shall have power to select, employ, and fix the compensation of such officers, employees, attorneys, or agents as shall be necessary for the performance of its duties under this Act,

Personal services authorized.

Pay limitation.

Franking privilege.

Expenditures authorized.

Division of expenses.

Federal Home Loan Bank facilities.

Administrative rules, etc.

Corporation bonds, etc., retirement.
Post, p. 647.

Liquidation proceedings.

Payment of dividends.
Post, p. 644.

without regard to the provisions of other laws applicable to the employment or compensation of officers, employees, attorneys, or agents of the United States. No such officer, employee, attorney, or agent shall be paid compensation at a rate in excess of the rate provided by law in the case of the members of the Board. The Corporation shall be entitled to the free use of the United States mails for its official business in the same manner as the executive departments of the Government, and shall determine its necessary expenditures under this Act and the manner in which they shall be incurred, allowed, and paid, without regard to the provisions of any other law governing the expenditure of public funds. The Corporation shall pay such proportion of the salary and expenses of the members of the Board and of its officers and employees as the Board may determine to be equitable, and may use the facilities of Federal Home Loan Banks, upon making reasonable compensation therefor as determined by the Board.

(k) The Board is authorized to make such bylaws, rules and regulations, not inconsistent with the provisions of this section, as may be necessary for the proper conduct of the affairs of the Corporation. The Corporation is further authorized and directed to retire and cancel the bonds and stock of the Corporation as rapidly as the resources of the Corporation will permit. Upon the retirement of such stock, the reasonable value thereof as determined by the Board shall be paid into the Treasury of the United States and the receipts issued therefor shall be canceled. The Board shall proceed to liquidate the Corporation when its purposes have been accomplished, and shall pay any surplus or accumulated funds into the Treasury of the United States. The Corporation may declare and pay such dividends to the United States as may be earned and as in the judgment of the Board it is proper for the Corporation to pay.

Federal Savings and Loan Associations.

FEDERAL SAVINGS AND LOAN ASSOCIATIONS

Purposes of organization, operation, etc.

Designation, powers, etc.

SEC. 5. (a) In order to provide local mutual thrift institutions in which people may invest their funds and in order to provide for the financing of homes, the Board is authorized, under such rules and regulations as it may prescribe, to provide for the organization, incorporation, examination, operation, and regulation of associations to be known as "Federal Savings and Loan Associations", and to issue charters therefor, giving primary consideration to the best practices of local mutual thrift and home-financing institutions in the United States.

Capital.

Retirement of shares.

Limitation.

(b) Such associations shall raise their capital only in the form of payments on such shares as are authorized in their charter, which shares may be retired as is therein provided. No deposits shall be accepted and no certificates of indebtedness shall be issued except for such borrowed money as may be authorized by regulations of the Board.

Loans; security.

(c) Such associations shall lend their funds only on the security of their shares or on the security of first liens upon homes or combination of homes and business property within fifty miles of their home office: *Provided*, That not more than $20,000 shall be loaned on the security of a first lien upon any one such property; except that not exceeding 15 per centum of the assets of such association may be loaned on other improved real estate without regard to said $20,000 limitation, and without regard to said fifty-mile limit, but secured by first lien thereon: *And provided further*, That any portion of the assets of such associations may be invested in obligations of the United States or the stock or bonds of a Federal Home Loan Bank.

Provisos.
Maximum, on any one parcel.
Other real estate.

Each secured by first lien.

Investment of association assets.

(d) The Board shall have full power to provide in the rules and regulations herein authorized for the reorganization, consolidation, merger, or liquidation of such associations, including the power to appoint a conservator or a receiver to take charge of the affairs of any such association, and to require an equitable readjustment of the capital structure of the same; and to release any such association from such control and permit its further operation. Rules for reorganization, etc., authorized.

(e) No charter shall be granted except to persons of good character and responsibility, nor unless in the judgment of the Board a necessity exists for such an institution in the community to be served, nor unless there is a reasonable probability of its usefulness and success, nor unless the same can be established without undue injury to properly conducted existing local thrift and home-financing institutions. Provisions for granting charters.

(f) Each such association, upon its incorporation, shall become automatically a member of the Federal Home Loan Bank of the district in which it is located, or if convenience shall require and the Board approve, shall become a member of a Federal Home Loan Bank of an adjoining district. Such associations shall qualify for such membership in the manner provided in the Federal Home Loan Bank Act with respect to other members. Incorporated association as member of Federal Home Loan Bank.

(g) The Secretary of the Treasury is authorized on behalf of the United States to subscribe for preferred shares in such associations which shall be preferred as to the assets of the association and which shall be entitled to a dividend, if earned, after payment of expenses and provision for reasonable reserves, to the same extent as other shareholders. It shall be the duty of the Secretary of the Treasury to subscribe for such preferred shares upon the request of the Board; but the subscription by him to the shares of any one association shall not exceed $100,000, and no such subscription shall be called for unless in the judgment of the Board the funds are necessary for the encouragement of local home financing in the community to be served and for the reasonable financing of homes in such community. Payment on such shares may be called from time to time by the association, subject to the approval of the Board and the Secretary of the Treasury; but the amount paid in by the Secretary of the Treasury shall at no time exceed the amount paid in by all other shareholders, and the aggregate amount of shares held by the Secretary of the Treasury shall not exceed at any time the aggregate amount of shares held by all other shareholders. To enable the Secretary of the Treasury to make such subscriptions when called there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000,000, to be immediately available and to remain available until expended. Each such association shall issue receipts for such payments by the Secretary of the Treasury in such form as may be approved by the Board, and such receipts shall be evidence of the interest of the United States in such preferred shares to the extent of the amount so paid. Each such association shall make provision for the retirement of its preferred shares held by the Secretary of the Treasury, and beginning at the expiration of five years from the time of the investment in such shares, the association shall set aside one third of the receipts from its investing and borrowing shareholders to be used for the purpose of such retirement. In case of the liquidation of any such association the shares held by the Secretary of the Treasury shall be retired at par before any payments are made to other shareholders.

Secretary authorized to subscribe for association preferred stock.
Post, pp. 279, 647.

Limitations.

Not to exceed aggregate shares of all other holders.

Sum authorized.

Receipts.

Provision for retiring preferred shares held by Secretary.

Such shares retired at par in event of liquidation.

(h) Such associations, including their franchises, capital, reserves, and surplus, and their loans and income, shall be exempt from all taxation now or hereafter imposed by the United States, and all shares

Association, etc., to be tax free.

Exception.

of such associations shall be exempt both as to their value and the income therefrom from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States; and no State, Territorial, county, municipal, or local taxing authority shall impose any tax on such associations or their franchise, capital, reserves, surplus, loans, or income greater than that imposed by such authority on other similar local mutual or cooperative thrift and home financing institutions.

Federal Home Loan member may convert into a Federal Savings and Loan Association.

(i) Any member of a Federal Home Loan Bank may convert itself into a Federal Savings and Loan Association under this Act upon a vote of its stockholders as provided by the law under which it operates; but such conversion shall be subject to such rules and regulations as the Board may prescribe, and thereafter the converted association shall be entitled to all the benefits of this section and shall be subject to examination and regulation to the same extent as other associations incorporated pursuant to this Act.

Post, pp. 645, 646.

Encouragement of saving and home financing.

ENCOURAGEMENT OF SAVING AND HOME FINANCING

Appropriation authorized.
Post, p. 276.

SEC. 6. To enable the Board to encourage local thrift and local home financing and to promote, organize, and develop the associations herein provided for or similar associations organized under local laws, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $150,000, to be immediately available and remain available until expended, subject to the call of the Board, which sum, or so much thereof as may be necessary, the Board is authorized to use in its discretion for the accomplishment of the purposes of this section without regard to the provisions of any other law governing the expenditure of public funds.

Applicability of provisions.

SEC. 7. The provisions of this Act shall apply to the continental United States, to the Territories of Alaska and Hawaii, and to Puerto Rico and the Virgin Islands.

Penalties.

PENALTIES

False statements, misrepresentations, etc.

SEC. 8. (a) Whoever makes any statement, knowing it to be false, or whoever willfully overvalues any security, for the purpose of influencing in any way the action of the Home Owners' Loan Corporation or the Board or an association upon any application, advance, discount, purchase, or repurchase agreement, or loan, under this Act, or any extension thereof by renewal deferment, or action or otherwise, or the acceptance, release, or substitution of security therefor, shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both.

Forgery, counterfeiting, etc.

(b) Whoever (1) falsely makes, forges, or counterfeits any note, debenture, bond, or other obligation or coupon, in imitation of or purporting to be a note, debenture, bond, or other obligation, or coupon, issued by the Home Owners' Loan Corporation or an association; or (2) passes, utters, or publishes, or attempts to pass, utter, or publish, any false, forged, or counterfeited note, debenture, bond, or other obligation, or coupon, purporting to have been issued by the Home Owners' Loan Corporation or an association, knowing the same to be false, forged, or counterfeited; or (3) falsely alters any note, debenture, bond or other obligation, or coupon, issued or purporting to have been issued by the Home Owners' Loan Corporation or an association; or (4) passes, utters, or publishes, or attempts to pass, utter, or publish, as true any falsely altered or spurious note, debenture, bond, or other obligation, or coupon, issued or purporting to have been issued by the Home Owners' Loan Corporation or an

association, knowing the same to be falsely altered or spurious, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or both.

Embezzlement, etc.

(c) Whoever, being connected in any capacity with the Board or the Home Owners' Loan Corporation or an association (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to it or pledged or otherwise intrusted to it; or (2) with intent to defraud the Board or the Home Owners' Loan Corporation or an association, or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiners of the Board or the Home Owners' Loan Corporation or an association, makes any false entry in any book, report, or statement of or to the Board or the Home Owners' Loan Corporation or an association, or, without being duly authorized, draws any order or issues, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, mortgage, judgment, or decree thereof, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or both.

Acceptance, etc., of consideration by Members of Congress.
Vol. 35, pp. 1108-1109.
U.S.C., p. 475.

(d) The provisions of sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United States (U.S.C., title 18, secs. 202 to 207, inclusive), insofar as applicable, are extended to apply to contracts or agreements of the Home Owners' Loan Corporation and an association under this Act, which, for the purposes hereof, shall be held to include advances, loans, discounts, and purchase and repurchase agreements; extensions and renewals thereof; and acceptances, releases, and substitutions of security therefor.

Exacting charges for designated services.
Post, p. 647.

(e) No person, partnership, association, or corporation shall make any charge in connection with a loan by the Corporation or an exchange of bonds or cash advance under this Act except ordinary charges authorized and required by the Corporation for services actually rendered for examination and perfecting of title, appraisal, and like necessary services. Any person, partnership, association, or corporation violating the provisions of this subsection shall, upon conviction thereof, be fined not more than $10,000, or imprisoned not more than five years, or both.

Separability of provisions.

SEPARABILITY PROVISION

SEC. 9. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Approved, June 13, 1933.

[CHAPTER 65.]

AN ACT

June 13, 1933.
[S. 1745.]
[Public, No. 44.]

Granting the consent of Congress to the State of Oregon to construct, maintain, and operate a toll bridge across the Umpqua River at or near Reedsport, Douglas County, Oregon.

Umpqua River.
Oregon may bridge, at Reedsport.
Post, p. 804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Oregon to construct, maintain, and operate a bridge and approaches thereto across the Umpqua River, at a point suitable to the interests of navigation, at or near Reedsport, Douglas County, Oregon, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Construction.
Vol. 34, p. 84.

Rates of tolls applied to operation, sinking fund, etc.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed fifteen years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Maintenance as free bridge after amortizing costs, etc.

Record of expenditures and receipts to be kept.

Amendment.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 13, 1933.

[CHAPTER 66.]

AN ACT

June 13, 1933.
[S. 1746.]
[Public, No. 45.]

Granting the consent of Congress to the State of Oregon to construct, maintain, and operate a toll bridge across Yaquina Bay at or near Newport, Lincoln County, Oregon.

Yaquina Bay, Oregon may bridge, at Newport.
Post, p. 804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Oregon to construct, maintain, and operate a bridge and approaches thereto across Yaquina Bay, at a point suitable to the interests of navigation, at or near Newport, Lincoln County, Oregon, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Construction.
Vol. 34, p. 84.

Rates of tolls applied to operation, sinking fund, etc.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed fifteen years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Maintenance as free bridge after amortizing costs, etc.

Record of expenditures and receipts to be kept.

Amendment.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 13, 1933.

[CHAPTER 67.]

AN ACT

June 13, 1933.
[S. 1748.]
[Public, No. 46.]

Granting the consent of Congress to the State of Oregon to construct, maintain, and operate a toll bridge across Coos Bay at or near North Bend, Coos County, Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Oregon to construct, maintain, and operate a bridge and approaches thereto across Coos Bay, at a point suitable to the interests of navigation, at or near North Bend, Coos County, Oregon, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Coos Bay.
Oregon may bridge, at North Bend.

Post, p. 804.

Construction.
Vol. 34, p. 84.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed fifteen years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge, and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Rates of tolls applied to operation, sinking fund, etc.

Maintenance as free bridge after amortizing costs, etc.

Record of expenditures and receipts to be kept.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 13, 1933.

[CHAPTER 68.]

AN ACT

June 13, 1933.
[S. 1749.]
[Public, No. 47.]

Granting the consent of Congress to the State of Oregon to construct, maintain, and operate a toll bridge across the Siuslaw River at or near Florence, Lane County, Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Oregon to construct, maintain, and operate a bridge and approaches thereto across the Siuslaw River, at a point suitable to the interests of navigation, at or near Florence, Lane County, Oregon, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Siuslaw River.
Oregon may bridge, at Florence.

Construction.
Vol. 34, p. 84.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges but within a period of not to

Rates of toll applied to operation, sinking fund, etc.

Maintenance as free bridge after amortizing costs, etc.

exceed fifteen years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Record of expenditures and receipts to be kept.

Amendment.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 13, 1933.

[CHAPTER 69.]

June 13, 1933.
[S. 1783.]
[Public, No. 48.]

AN ACT

Granting the consent of Congress to the Overseas Road and Toll Bridge District, a political subdivision of the State of Florida, to construct, maintain, and operate bridges across the navigable waters in Monroe County, Florida, from Lower Matecumbe Key to No Name Key.

Navigable waters in Monroe County, Fla.
Overseas Road and Toll Bridge District may bridge Lower Matecumbe Key to No Name Key.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Overseas Road and Toll Bridge District, a political subdivision of the State of Florida, to construct, maintain, and operate bridges and approaches thereto across the navigable waters in Monroe County in the State of Florida, at points suitable to the interests of navigation, between Lower Matecumbe Key and No Name Key (including such toll highways, bridges, viaducts, causeways, fills, embankments, roads, trestles, and other appurtenant structures as may be necessary to connect certain of the present termini of State road numbered 4–A in such manner as to complete a system of highways and bridges extending from Miami to Key West, via Key Largo), in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Connecting highways, etc.

Construction.
Vol. 34, p. 84.

Rates of toll applied to operation, sinking fund, etc.

SEC. 2. If tolls are charged for the use of such bridges, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridges and their approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridges and their approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed forty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridges shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridges and their approaches under economical management. An accurate record of the costs of the bridges and their approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Maintenance as free bridge after amortizing costs, etc.

Record of expenditures and receipts to be kept.

Amendment.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 13, 1933.

[CHAPTER 70.]

AN ACT

To extend the mining laws of the United States to the Death Valley National Monument in California.

June 13, 1933.
[H. R. 3659.]
[Public, No. 49.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the mining laws of the United States be, and they are hereby, extended to the area included within the Death Valley National Monument in California, or as it may hereafter be extended, subject, however, to the surface use of locations, entries, or patents under general regulations to be prescribed by the Secretary of the Interior.

Death Valley National Monument, Calif.
Mining laws extended to.

Subject to surface use, etc.

Approved, June 13, 1933.

[CHAPTER 71.]

AN ACT

To amend an Act entitled "An Act creating the Great Lakes Bridge Commission and authorizing said Commission and its successors to construct, maintain, and operate a bridge across the Saint Clair River at or near Port Huron, Michigan", approved June 25, 1930, and to extend the times for commencing and completing construction of said bridge.

June 13, 1933.
[H.R. 5495.]
[Public, No. 50.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of an Act entitled "An Act creating the Great Lakes Bridge Commission and authorizing said Commission and its successors to construct, maintain, and operate a bridge across the Saint Clair River at or near Port Huron, Michigan", approved June 25, 1933,[1] be, and the same is hereby, amended so as to read as follows:

Great Lakes Bridge Commission Act amendments.
Vol. 46, p. 810, amended.

"SEC. 4. The Commission and its successors and assigns are hereby authorized to provide for the payment of the cost of the bridge and its approaches and the ferry or ferries and the necessary lands, easements, and appurtenances thereto by an issue or issues of bonds of the Commission, upon approval by the Michigan Public Utilities Commission, bearing interest at not more than 6 per centum per annum, payable annually or at shorter intervals, maturing not more than thirty years from their date of issuance, such bonds and the interest thereon, and any premium to be paid for retirement thereof before maturity, to be payable solely from the sinking fund provided in accordance with this Act. Such bonds may be registerable as to principal alone or both principal and interest, and shall be in such form not inconsistent with this Act, and be payable at such place or places as the Commission may determine. The Commission may repurchase and may reserve the right to redeem all or any of said bonds before maturity at prices not exceeding one hundred and five and accrued interest. The Commission may enter into an agreement with any bank or trust company in the United States as trustee having the power to make such agreement, setting forth the duties of the Commission in respect of the construction, maintenance, operation, repair, and insurance of the bridge and/or the ferry or ferries, the conservation and application of all funds, the safeguarding of moneys on hand or on deposit, and the rights and remedies of said trustee and the holders of the bonds, restricting the individual right of action of the bondholders as is customary in trust agreements respecting bonds of corporations. Such trust agreement may contain such provision for protecting and enforcing the rights and remedies of the trustee and the bondholders as may be reasonable and proper and not inconsistent with the law and also a provision for approval by the original purchasers of the bonds

Bond issue to cover cost.

Interest, maturity, etc.

Registering bonds.

Redemption, etc.

Trust agreement.

[1] So in original.

Security, etc., provisions.

of the employment of consulting engineers and of the security given by bridge contractors and by any bank or trust company in which the proceeds of bonds or of bridge and/or ferry tolls or other moneys of the Commission shall be deposited, and may provide that no contract for construction shall be made without the approval of the consulting engineers. The bridge constructed under the authority of this Act shall be deemed to be an instrumentality for international commerce authorized by the Government of the United States, and said bridge and ferry or ferries and the income derived therefrom shall be exempt from all Federal, State, municipal, and local taxation. Said bonds shall be sold in such manner and at such price as the Commission may determine, such price to be not less than the price at which the interest yield basis will equal 6 per centum per annum as computed from standard tables of bond values, and the face amount thereof shall be so calculated as to produce, at the price of their sale, the estimated cost of the bridge and its approaches, and the land, easements, and appurtenances used in connection therewith and, in the event the ferry or ferries are to be acquired, also the estimated cost of such ferry or ferries and the lands, easements, and appurtenances used in connection therewith. The cost of the bridge and ferry or ferries shall be deemed to include interest during construction of the bridge, and for twelve months thereafter, and all engineering, legal, architectural, traffic surveying, and other expenses incident to the construction of the bridge or the acquisition of the ferry or ferries, and the acquisition of the necessary property, and incident to the financing thereof, including the cost of acquiring existing franchises, rights, plans, and works of and relating to the bridge, now owned by any person, firm, or corporation, and the cost of purchasing all or any part of the shares of stock of any such corporate owner if in the judgment of the commission such purchases should be found expedient. If the proceeds of the bonds issued shall exceed the cost as finally determined, the excess shall be placed in the sinking fund hereinafter provided. Prior to the preparation of definitive bonds the Commission may under like restrictions issue temporary bonds with or without coupons, exchangeable for definitive bonds upon the issuance of the latter."

Bridge deemed instrumentality for international commerce.

Income exempt from Federal, etc., taxes.

Sale price of bonds.

To cover cost, etc.

Ferries and other items.

Interest.

Excess of bond sale over cost, placed in sinking fund.

Temporary bond issue.

Vol. 46, p. 813, amended.

SEC. 2. That section 9 of said Act, approved June 25, 1930, be, and the same is hereby, amended so as to read as follows:

Capital stock, etc., ownership prohibited.

No compensation.

Employment of secretary, experts, etc.; compensation.

"SEC. 9. The Commission shall have no capital stock or shares of interest or participation, and all revenues and receipts thereof shall be applied to the purposes specified in this Act. The members of the Commission shall not be entitled to any compensation for their services but may employ a secretary, treasurer, engineers, attorneys, and such other experts, assistants, and employees as they may deem necessary, who shall be entitled to receive such compensation as the Commission may determine. After all bonds and interest thereon shall have been paid and all other obligations of the Commission paid or discharged, or provision for all such payment shall have been made as hereinbefore provided, and after the bridge shall have been conveyed to the United States interests and the Canadian interests as herein provided, and any ferry or ferries shall have been sold, the Commission shall be dissolved and shall cease to have further existence by an order of the State highway commissioner of Michigan made upon his own initiative or upon application of the Commission or any member or members thereof, but only after a public hearing in the city of Port Huron, notice of the time and place of which hearing and the purpose thereof shall have been published once, at least thirty days before the date thereof,

Dissolution of Commission.

Public hearing.

in a newspaper published in the city of Port Huron, Michigan, and a newspaper published in the city of Sarnia, Ontario. At the time of such dissolution all moneys in the hands of or to the credit of the Commission shall be divided into two equal parts, one of which shall be paid to said United States interests and the other to said Canadian interests."

Division of money, in hand.

SEC. 3. That the times for commencing and completing the construction of said bridge, heretofore extended by Acts of Congress approved February 28, 1931, and June 9, 1932, are hereby further extended one and three years, respectively, from the date of approval hereof.

Times for bridging, extended. Vol. 46, pp. 809, 1458; Vol. 47, p. 290.

SEC. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 13, 1933.

[CHAPTER 72.]

AN ACT

June 14, 1933. [S. 1648.] [Public, No. 51.]

To amend the Reconstruction Finance Corporation Act, as amended, to provide for loans to closed building and loan associations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 5 of the Reconstruction Finance Corporation Act, as amended, is amended to read as follows:

Reconstruction Finance Corporation Act amendment. Vol. 47, pp. 6, 795.

"SEC. 5. To aid in financing agriculture, commerce, and industry, including facilitating the exportation of agricultural and other products, the Corporation is authorized and empowered to make loans, upon such terms and conditions not inconsistent with this Act as it may determine, to any bank, savings bank, trust company, building and loan association, insurance company, mortgage-loan company, credit union, Federal land bank, joint-stock land bank, Federal intermediate credit bank, agricultural credit corporation, livestock credit corporation, organized under the laws of any State or of the United States, including loans secured by the assets of any bank, savings bank, or building and loan association that is closed, or in process of liquidation to aid in the reorganization or liquidation of such banks or building and loan associations, upon application of the receiver or liquidating agent of such bank or building and loan association, and any receiver of any national bank is hereby authorized to contract for such loans and to pledge any assets of the bank for securing the same.

Loans to closed building and loan associations authorized.

Terms and conditions.

Application of receiver.

Approved, June 14, 1933.

[CHAPTER 73.]

AN ACT

June 14, 1933. [H.R. 5329.] [Public, No. 52.]

Creating the Saint Lawrence Bridge Commission and authorizing said Commission and its successors to construct, maintain, and operate a bridge across the Saint Lawrence River at or near Ogdensburg, New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate international commerce, the Saint Lawrence Bridge Commission (hereinafter created, and hereinafter referred to as the "Commission") and its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Saint Lawrence River at or near the city of Ogdensburg, New York, at a point suitable to the interests

Saint Lawrence River.

Saint Lawrence Bridge Commission may bridge, at Ogdensburg, N. Y.

Post, p. 927.

Construction. Vol. 34, p. 84.

Approval by Canada required.

Operation of ferries.

Right to acquire real estate, etc., in New York for location, etc.

Condemnation proceedings.

Right to acquire real estate in Canada.

Tolls authorized.

Bond issue to cover cost.

Interest rate, maturity, etc.

Registering bonds.

Redemption, etc.

Trust agreement.

of navigation, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, subject to the conditions and limitations contained in this Act, and subject to the approval of the proper authorities in the Dominion of Canada. For like purposes said Commission and its successors and assigns are hereby authorized to purchase, maintain, and operate all or any ferries across the Saint Lawrence River within five miles of the location which shall be selected for said bridge, subject to the conditions and limitations contained in this Act, and subject to the approval of the proper authorities in the Dominion of Canada.

SEC. 2. There is hereby conferred upon the Commission and its successors and assigns all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use such real estate and other property in the State of New York as may be needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of New York, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation of private property for public purposes in such State; and the Commission and its successors and assigns may exercise in the Dominion of Canada all rights, powers, and authority which shall be granted or permitted to the Commission by the proper authorities of the Dominion of Canada or of the Province of Ontario, including the entering upon lands and acquiring, condemning, occupying, possessing, and using such real estate and other property in the Dominion of Canada as may be needed for such location, construction, operation, and maintenance of such bridge.

SEC. 3. The Commission and its successors and assigns are hereby authorized to fix and charge tolls for transit over such bridge and such ferry or ferries in accordance with the provisions of this Act.

SEC. 4. The Commission and its successors and assigns are hereby authorized to provide for the payment of the cost of the bridge and its approaches and the ferry or ferries and the necessary lands, easements, and appurtenances thereto by an issue or issues of negotiable bonds of the Commission, bearing interest at not more than 6 per centum per annum, the principal and interest of which bonds and any premium to be paid for retirement thereof before maturity shall be payable solely from the sinking fund provided in accordance with this Act. Such bonds may be registerable as to principal alone or both principal and interest, shall be in such form not inconsistent with this Act, shall mature at such time or times not exceeding thirty years from their respective dates, shall be in such denominations, shall be executed in such manner and be payable in such medium and at such place or places as the Commission may determine. The Commission may repurchase and may reserve the right to redeem all or any of said bonds before maturity in such manner and at such price or prices, not exceeding one hundred and five and accrued interest, as may be fixed by the Commission prior to the issuance of the bonds. The Commission may enter into an agreement with any bank or trust company in the United States as trustee having the power to make such agreement, setting forth the duties of the Commission in respect of the construction, maintenance, operation, repair, and insurance of the bridge and/or the ferry or ferries, the conservation and application of all funds, the safeguarding of moneys on hand or on deposit, and the rights and remedies of said trustee and the holders of the

bonds, restricting the individual right of action of the bondholders as is customary in trust agreements respecting bonds of corporations. Such trust agreements may contain such provisions for protecting and enforcing the rights and remedies of the trustee and the bondholders as may be reasonable and proper and not inconsistent with the law and also provisions for approval by the original purchasers of the bonds of the employment of consulting engineers and of the security given by the bridge contractors and by any bank or trust company in which the proceeds of bonds or of bridge or ferry tolls or other moneys of the Commission shall be deposited, and may provide that no contract for construction shall be made without the approval of the consulting engineers. The bridge constructed under the authority of this Act shall be deemed to be an instrumentality for international commerce authorized by the Government of the United States, and said bridge and ferry or ferries and the bonds issued in connection therewith and the income derived therefrom shall be exempt from all Federal, State, municipal, and local taxation. Said bonds shall be sold in such manner and at such time or times and at such price as the Commission may determine, but no such sale shall be made at a price so low as to require the payment of more than 6 per centum interest on the money received therefor, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, and the face amount thereof shall be so calculated as to produce, at the price of their sale, the cost of the bridge and its approaches, and the land, easements, and appurtenances used in connection therewith and, in the event the ferry or ferries are to be acquired, also the cost of such ferry or ferries and the lands, easements, and appurtenances used in connection therewith. The cost of the bridge and ferry or ferries shall be deemed to include interest during construction of the bridge, and for twelve months thereafter, and all engineering, legal, architectural, traffic surveying, and other expenses incident to the construction of the bridge or the acquisition of the ferry or ferries, and the acquisition of the necessary property, and incident to the financing thereof, including the cost of acquiring existing franchises, rights, plans, and works of and relating to the bridge, now owned by any person, firm, or corporation, and the cost of purchasing all or any part of the shares of stock of any such corporate owner if, in the judgment of the Commission, such purchases should be found expedient. If the proceeds of the bonds issued shall exceed the cost as finally determined, the excess shall be placed in the sinking fund hereinafter provided. Prior to the preparation of definitive bonds the Commission may, under like restrictions, issue temporary bonds or interim certificates with or without coupons of any denomination whatsoever, exchangeable for definitive bonds when such bonds have been executed and are available for delivery.

Provisions governing.

Purpose of bridge, etc., in international commerce.

Income exempt from Federal, etc., taxes.

Sale price of bonds.

Items included in cost.

Excess of sale over cost, placed in sinking fund.

Issue of temporary bonds.

SEC. 5. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of depreciating, maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to pay the principal and interest of such bonds as the same shall fall due and the redemption or repurchase price of all or any thereof redeemed or repurchased before maturity as herein provided. All tolls and other revenues from said bridge are hereby pledged to such uses and to the application thereof hereinafter in this section required. After payment or provision for payment therefrom of all such cost of maintaining, repairing, and operating and the reservation of an

Tolls adjusted to provide for maintenance, sinking fund, etc.

amount of money estimated to be sufficient for the same purpose during an ensuing period of not more than six months, the remainder of tolls collected shall be placed in the sinking fund, at intervals to be determined by the Commission prior to the issuance of the bonds. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested. The Commission shall classify in a reasonable way all traffic over the bridge, so that the tolls shall be so fixed and adjusted by it as to be uniform in the application thereof to all traffic falling within any such reasonable class, regardless of the status or character of any person, firm, or corporation participating in such traffic, and shall prevent all use of such bridge for traffic except upon payment of the tolls so fixed and adjusted. No toll shall be charged officials or employees of the Commission or of the Governments of the United States or Canada while in the discharge of their duties.

Record of expenditures and receipts.

Classification of traffic for toll adjustment.

Exemptions from tolls.

Maintenance of ferries not mandatory.

SEC. 6. Nothing herein contained shall require the Commission or its successors to maintain or operate any ferry or ferries purchased hereunder, but in the discretion of the Commission or its successors any ferry or ferries so purchased, with the appurtenances and property thereto connected and belonging, may be sold or otherwise disposed of or may be abandoned and/or dismantled whenever in the judgment of the Commission or its successors it may seem expedient so to do. The Commission and its successors may fix such rates of toll for the use of such ferry or ferries as it may deem proper, subject to the same conditions as are hereinabove required as to tolls for traffic over the bridge. All tolls collected for the use of the ferry or ferries and the proceeds of any sale or disposition of any ferry or ferries shall be used, so far as may be necessary, to pay the cost of maintaining, repairing, and operating the same, and any residue thereof shall be paid into the sinking fund hereinabove provided for bonds. An accurate record of the cost of purchasing the ferry or ferries, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Ferry tolls.

Allocated to ferry maintenance, sinking fund, etc.

Record of expenditures and receipts.

Acquisition by New York, etc., of United States interests.

SEC. 7. After payment of the bonds and interest, or after a sinking fund sufficient for such payment shall have been provided and shall be held for that purpose, the Commission shall deliver deeds or other suitable instruments of conveyance of the interest of the Commission in and to the bridge, that part within the United States to the State of New York or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same (hereinafter referred to as the "United States interests") and that part within Canada to the Dominion of Canada or to such Province, municipality, or agency thereof as may be authorized by or pursuant to law to accept the same (hereinafter referred to as the "Canadian interests"), under the condition that the bridge shall thereafter be free of tolls and be properly maintained, operated, and repaired by the United States interests and the Canadian interests, as may be agreed upon; but if either the United States interests or the Canadian interests shall not be authorized to accept or shall not accept the same under such conditions, then the bridge shall continue to be owned, maintained, operated, and repaired by the Commission, and the rates of tolls shall be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management, until such time as both the United

By Canada, etc., of Canadian interests.

Conditions.

If acquisition unauthorized, Commission to continue ownership, etc.

States interests and the Canadian interests shall be authorized to accept and shall accept such conveyance under such conditions. If at the time of such conveyance the Commission or its successors shall not have disposed of such ferry or ferries, the same shall be disposed of by sale as soon as practicable, at such price and upon such terms as the Commission or its successors may determine, but in making any such sale preference shall be given to the Canadian interests and thereafter to the United States interests before any sale except to such respective interests.

Upon later conveyance, ferries to be sold.

Preference to Canadian interests.

SEC. 8. For the purpose of carrying into effect the objects stated in this Act there is hereby created the Saint Lawrence Bridge Commission, and by that name, style, and title said body shall have perpetual succession; may contract and be contracted with, sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity; may make and have a common seal; may purchase or otherwise acquire and hold or dispose of real estate and other property; may accept and receive donations or gifts of money or other property and apply same to the purposes of this Act; and shall have and possess all powers necessary, convenient, or proper for carrying into effect the objects stated in this Act.

Saint Lawrence Bridge Commission created.

Rights at law.

The Commission shall consist of eleven persons appointed by the Governor of New York. Such Commission shall be a body corporate and politic constituting a public-benefit corporation. Any vacancy occurring in said commission shall be filled by the Governor. Each member of the Commission and their respective successors shall qualify by giving such bond as may be fixed by the Chief of the Bureau of Public Roads of the Department of Agriculture, conditioned for the faithful performance of all duties required by this Act. The Commission shall elect a chairman and a vice chairman from its members, and may establish rules and regulations for the government of its own business. Five members shall constitute a quorum for the transaction of business.

Composition.

Vacancies.

Bond required of members.

Election of chairman, etc.

SEC. 9. The Commission shall have no capital stock or shares of interest or participation, and all revenues and receipts thereof shall be applied to the purposes specified in this Act. The members of the Commission shall be entitled to a per diem compensation for their services of $10 for each day actually spent in the business of the Commission, but the maximum compensation of the chairman in any year shall not exceed $2,500 and of each other member shall not exceed $500. The members of the Commission shall also be entitled to receive traveling expense allowance of 10 cents a mile for each mile actually traveled on the business of the Commission. The Commission may employ a secretary, treasurer, engineers, attorneys, and such other experts, assistants, and employees as they may deem necessary, who shall be entitled to receive such compensation as the Commission may determine. All salaries and expenses shall be paid solely from the funds provided under the authority of this Act. After all bonds and interest thereon shall have been paid and all other obligations of the Commission paid or discharged, or provision for all such payment shall have been made as hereinbefore provided, and after the bridge shall have been conveyed to the United States interests and the Canadian interests as herein provided, and any ferry or ferries shall have been sold, the Commission shall be dissolved and shall cease to have further existence by an order of the Chief of the Bureau of Public Roads made upon his own initiative or upon application of the Commission or any member or members thereof, but only after a public hearing in the city of Ogdensburg, notice of the time and place of which hearing

Capital stock, etc., ownership, by Commission forbidden.

Compensation, etc.

Employment of secretary, experts, etc.

Funds available.

Dissolution of Commission.

Public hearing, etc.

and the purpose thereof shall have been published once, at least thirty days before the date thereof, in a newspaper published in the city of Ogdensburg, New York, and a newspaper published in Prescott, Ontario. At the time of such dissolution all moneys in the hands of or to the credit of the Commission shall be divided into two equal parts, one of which shall be paid to said United States interests and the other to said Canadian interests.

Division of moneys in hand.

Creating a liability not herein specified, unlawful.

SEC. 10. Nothing herein contained shall be construed to authorize or permit the Commission or any member thereof to create any obligation or incur any liability other than such obligations and liabilities as are dischargeable solely from funds provided by this Act. No obligation created or liability incurred pursuant to this Act shall be an obligation or liability of any member or members of the Commission, but shall be chargeable solely to the funds herein provided, nor shall any indebtedness created pursuant to this Act be an indebtedness of the United States.

Personal liability.

No Federal liability.

Enforcing provisions herein.

SEC. 11. All provisions of this Act may be enforced, or the violation thereof prevented by mandamus, injunction, or other appropriate remedy brought by the attorney general for the State of New York, the United States district attorney for the district in which the bridge may be located in part, or by the solicitor general of the Dominion of Canada in any court having competent jurisdiction of the subject matter and of the parties.

Amendment.

SEC. 12. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 14, 1933.

[CHAPTER 76.]

June 15, 1933.
[S. 554.]
[Public, No. 53.]

AN ACT

Providing for per capita payments to the Seminole Indians in Oklahoma from funds standing to their credit in the Treasury.

Seminole Indians, Okla.
Per capita payments to, from tribal funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Seminole Tribe of Indians of Oklahoma entitled under existing law to share in the funds of said tribe, or to their lawful heirs, out of any money belonging to said tribe in the United States Treasury or deposited in any bank or held by an official under the jurisdiction of the Secretary of the Interior, not to exceed $35 per capita: *Provided*, That said payment shall be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That in cases where such enrolled members, or their heirs, are Indians who belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members or their heirs as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this Act: *And provided further*, That the Secretary of the Interior is hereby authorized to use not to exceed $2,000 out of said Seminole tribal funds for the payment of salaries of necessary employees and other expenses for the distribution of said per capita payments.

Provisos.
Rules, etc., for.

Restricted Indians.

Exempt from prior debts.

Expenses of distribution.

Approved, June 15, 1933.

[CHAPTER 77.]

AN ACT

Providing for the establishment of a term of the District Court of the United States for the Southern District of Florida at Orlando, Florida.

June 15, 1933.
[S. 687.]
[Public, No. 54.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a term of the District Court of the United States for the Southern District of Florida shall be held annually at Orlando, Florida, on the first Monday in October: *Provided*, That suitable rooms and accommodations for holding court at Orlando are furnished without expense to the United States.

United States Courts.
Vol. 36, p. 1108; U.S.C., p. 878.
Florida southern judicial district.
Terms of court.
Proviso.
Rooms at Orlando.

Approved, June 15, 1933.

[CHAPTER 78.]

AN ACT

To authorize the Secretary of War to grant a right of way to The Dalles Bridge Company.

June 15, 1933.
[S. 804.]
[Public, No. 55.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and empowered to grant to The Dalles Bridge Company, a corporation organized and existing under the laws of the State of Washington, its successors and assigns, a permanent right of way, in such location and under such terms and conditions as may be approved by the Secretary of War, over and across the Celilo Canal and other Government lands along the Columbia River near The Dalles, Oregon, for bridge and highway purposes, with full power to locate, construct, and operate a bridge, approaches and approach highways, and adjuncts: *Provided*, That the land shall not be used for other purposes and when the property shall cease to be so used it shall revert to the United States: *Provided further*, That the right to compel the removal of said bridge, approaches and approach highways, and adjuncts is hereby reserved in the Secretary of War, whenever he may determine the interests of the Government so requires, and which said removal is to be without expense to the Government as a condition of this grant.

Celilo Canal, Oreg.
Right of way granted across, to The Dalles Bridge Company.

Provisos.
Use for bridge purposes.

Right to remove bridge, etc., reserved.

Approved, June 15, 1933.

[CHAPTER 79.]

AN ACT

To amend the Act entitled "An Act to provide relief in the existing national emergency in banking, and for other purposes", approved March 9, 1933.

June 15, 1933.
[S. 1425.]
[Public, No. 56.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide relief in the existing national emergency in banking, and for other purposes", approved March 9, 1933, is amended by—

Emergency Bank Act, amendment.
Ante, p. 5, amended.

(a) striking out the whole of section 301 of title III thereof and inserting in lieu thereof the following:

"SEC. 301. Notwithstanding any other provision of law, any national banking association may, with the approval of the Comptroller of the Currency and by vote of shareholders owning a majority of the stock of such association, upon not less than five days' notice, given by registered mail pursuant to action taken by its board of directors, issue preferred stock of one or more classes, in

Preferred stock.
Issue of more than one class, by vote of shareholders, permitted.

Amount, par value, etc.

such amount and with such par value as shall be approved by said Comptroller, and make such amendments to its articles of association as may be necessary for this purpose; but, in the case of any newly organized national banking association which has not yet issued common stock, the requirement of notice to and vote of shareholders shall not apply. No issue of preferred stock shall be valid until the par value of all stock so issued shall be paid in."

Payment.

Subsection repealed. *Ante*, p. 5.

(b) striking out the whole of subsection (a) of section 302 of the said title III and inserting in lieu thereof the following:

Paying dividends upon preferred stock.

"Notwithstanding any other provision of law, whether relating to restriction upon the payment of dividends upon capital stock or otherwise, the holders of such preferred stock shall be entitled to receive such cumulative dividends at a rate not exceeding 6 per centum per annum and shall have such voting and conversion rights and such control of management, and such stock shall be subject to retirement in such manner and upon such conditions, as may be provided in the articles of association with the approval of the Comptroller of the Currency. The holders of such preferred stock shall not be held individually responsible as such holders for any debts, contracts, or engagements of such association, and shall not be liable for assessments to restore impairments in the capital of such association as now provided by law with reference to holders of common stock."

Voting, etc., rights.

Retirement provisions.

Personal liability.

Approved, June 15, 1933.

[CHAPTER 80.]

June 15, 1933.
[S. 1650.]
[Public, No. 57.]

AN ACT

Amending section 74 of the Judicial Code, as amended (U.S.C., Annotated title 28, sec. 147).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Connecticut shall constitute one judicial district to be known as the "district of Connecticut." Terms of the district court shall be held at New Haven on the second Tuesday in February and the third Tuesday in September; at Hartford on the second Tuesday in May and the first Tuesday in December; at Norwalk on the third Tuesday in April; and at Columbia on the first Tuesday in September: *Provided*, That suitable rooms and accommodations shall be furnished for the holdings of said court and for the use of the officers of said court at Norwalk and Columbia free of expense to the Government of the United States.

United States courts. Vol. 36, p. 1108, Vol. 41, p. 1146, amended.

Connecticut judicial district.

Term of court.

Columbia added.

Proviso.
Rooms at Norwalk and Columbia.

Approved, June 15, 1933.

[CHAPTER 81.]

June 15, 1933.
[S. 1747.]
[Public, No. 58.]

AN ACT

Granting the consent of Congress to the State of Oregon to construct, maintain, and operate a toll bridge across Alsea Bay at or near Waldport, Lincoln County, Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Oregon to construct, maintain, and operate a bridge and approaches thereto across Alsea Bay, at a point suitable to the interests of navigation, at or near Waldport, Lincoln County, Oregon, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Alsea Bay, Oreg. Oregon may bridge at Waldport. *Post*, p. 804.

Construction. Vol. 34, p. 84.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed fifteen years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Rates of toll applied to operation, sinking fund, etc.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 15, 1933.

[CHAPTER 82.]

AN ACT

June 15, 1933.
[S. 1808.]
[Public, No. 59.]

To authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary in 1936 of the independence of Texas, and of the noble and heroic sacrifices of her pioneers, whose revered memory has been an inspiration to her sons and daughters during the past century.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the one hundredth anniversary in 1936 of the independence of Texas and of the noble and heroic sacrifices of her pioneers, whose memory has been an inspiration to her sons and daughters during the past century, there shall be coined at the mints of the United States silver 50-cent pieces to the number of not more than one and one-half million, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

Texas centennial, 1936.
Silver 50-cent pieces to be coined in commemoration of.

Number, design, etc.

Legal tender.

SEC. 2. That the coins herein authorized shall be issued only upon the request of the American Legion Texas Centennial Committee, of Austin, Texas, upon payment by such American Legion Texas Centennial Committee of the par value of such coins, and it shall be permissible for the said American Legion Texas Centennial Committee to obtain said coins upon said payment, all at one time or at separate times, and in separate amounts, as it may determine.

Issued to American Legion Texas Centennial Committee.

Payment.

SEC. 3. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating the guarding and process of coinage, providing for the purchase of material, and for the transportation, disposition, and redemption of coins, for the prevention of debasement or counterfeiting, for security of the coins, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

Coinage loans applicable.

Proviso.
No expense for dies, etc.

Approved, June 15, 1933.

[CHAPTER 83.]

AN ACT

June 15, 1933.
[S. 1813.]
[Public, No. 60.]

Providing for the sale to Joe Graham Post Numbered 119, American Legion, of the lands lying within the Ship Island Military Reservation in the State of Mississippi.

Ship Island Military Reservation, Miss.
Sales of lands within, to Joe Graham Post, American Legion.
Vol. 45, p. 1556.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Act entitled "An Act transferring a portion of the lighthouse reservation, Ship Island, Mississippi, to the jurisdiction and control of the War Department", approved March 4, 1929, the Secretary of War is authorized and directed to convey by quitclaim deed to Joe Graham Post Numbered 119, of the American Legion, Incorporated, a corporation organized under the laws of the State of Mississippi, all the lands lying within the Ship Island Military Reservation in such State, in consideration of the payment to the United States by such corporation of $15,000; but payment of such sum may be made in equal annual installments over a period of ten years from the date of such conveyance with interest on such deferred payments at the rate of 5 per centum per annum, all interest due to be paid annually. All sums paid to the United States for such land shall be covered into the Treasury to the credit of the military post construction fund. It shall be made a condition of the deed of conveyance herein provided for (1) that the lands so conveyed shall be maintained by such corporation as a national recreational park, (2) that such corporation shall erect and maintain on such lands a suitable monument or other memorial to the veterans of the World War, and (3) that such corporation shall set aside such parcel of land not exceeding one acre in area within such lands as may be selected by the United Daughters of the Confederacy for the sole use of that organization for the erection and maintenance of a memorial to veterans of the Civil War. If the corporation fails to use such lands for the purposes herein provided, or violates any of the conditions of the deed of conveyance or attempts to alienate such lands, title thereto shall revert to the United States.

Payment.

Receipts credited to military construction fund.

Terms and conditions.

Reversionary provisions.

Approved, June 15, 1933.

[CHAPTER 84.]

AN ACT

June 15, 1933.
[H.R. 4872.]
[Public, No. 61.]

Authorizing Farris Engineering Company, its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near California, Pennsylvania.

Monongahela River.
Farris Engineering Company may bridge, at California, Pa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, Farris Engineering Company, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River, at a point suitable to the interests of navigation, at or near California, Pennsylvania, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Construction.
Vol. 34, p. 84.

Pennsylvania may acquire, after completion.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Pennsylvania, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge

and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion cost, not to exceed 10 per centum of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

Compensation, if acquired by condemnation.

Limitation.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Pennsylvania, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this Act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Tolls under State operation.

Rates applied to operation, sinking fund, etc.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

SEC. 4. The Farris Engineering Company, its successors and assigns, shall, within ninety days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of Pennsylvania, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Pennsylvania shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Farris Engineering Company, its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this Act, subject only to review in a court of equity for fraud or gross mistake.

Sworn statement of construction costs, etc., to be filed after completion.

Examination by Secretary of War.

Finding of Secretary conclusive.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to Farris Engineering Company, its successors and assigns; and any

Right to sell, etc., conferred.

corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

Amendment.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 15, 1933.

[CHAPTER 85.]

AN ACT

June 15, 1933.
[H.R. 5091.]
[Public, No. 62.]

To amend section 289 of the Criminal Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 289 of the Criminal Code (U.S.C., title 18, sec. 468) be, and it is hereby, amended to read as follows:

Criminal Code Amendment.
Vol. 35, p. 1145, amended.
U.S.C. p. 499.
Offenses committed in places under Federal jurisdiction.
Punishment for, under State, etc., law when penalty not provided by Federal law.

"SEC. 289. Whoever, within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 272 of the Criminal Code (U.S.C., title 18, sec. 451), shall do or omit the doing of any act or thing which is not made penal by any laws of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof in force on June 1, 1933, and remaining in force at the time of the doing or omitting the doing of such act or thing, would be penal, shall be deemed guilty of a like offense and be subject to a like punishment."

Approved, June 15, 1933.

[CHAPTER 86.]

AN ACT

June 15, 1933.
[H.R. 5589.]
[Public, No. 63.]

Granting the consent of Congress to the city of Washington, Missouri, to construct, maintain, and operate a toll bridge across the Missouri River at or near Washington, Missouri.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the city of Washington, Missouri, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Washington, Missouri, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Missouri River.
Washington, Mo., may bridge.
Post, p. 1015.
Construction.
Vol. 34, p. 84.

Toll rates applied to operation, sinking fund, etc.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under

Maintenance as free bridge after amortizing costs.

economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Record of expenditure and receipts.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 15, 1933.

[CHAPTER 87.]

AN ACT

To amend the National Defense Act of June 3, 1916, as amended.

June 15, 1933.
[H.R. 5645.]
[Public, No. 64.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

National Defense Act amendments.
Vol. 39, p. 166; Vol. 41, p. 759.

"SECTION 1. That the Army of the United States shall consist of the Regular Army, the National Guard of the United States, the National Guard while in the service of the United States, the Officers' Reserve Corps, the Organized Reserves, and the Enlisted Reserve Corps."

Regular Army.
National Guard of the United States, added.

SEC. 2. That the fourth paragraph of section 5 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"All policies and regulations affecting the organization and distribution of the National Guard of the United States, and all policies and regulations affecting the organization, distribution, and training of the National Guard, shall be prepared by committees of appropriate branches or divisions of the War Department General Staff, to which shall be added an equal number of officers from the National Guard of the United States, whose names are borne on lists of officers suitable for such duty, submitted by the governors of their respective States and Territories, and for the District of Columbia by the Commanding General, District of Columbia National Guard.

General Staff Corps.
Vol. 41, p. 763, amended.

Committees of, to prepare policies, etc., affecting National Guard.

Equal number of National Guard of U. S. officers to be added.

"All policies and regulations affecting the organization, distribution, training, appointment, assignment, promotion, and discharge of members of the Officers' Reserve Corps, the Organized Reserves, and the Enlisted Reserve Corps shall be prepared by committees of appropriate branches or divisions of the War Department General Staff to which shall be added an equal number of officers from the Officers' Reserve Corps: *Provided*, That when the subject to be studied affects the National Guard of the United States or the National Guard and the Officers' Reserve Corps, the Organized Reserves or the Enlisted Reserve Corps, such committees shall consist of an equal representation from the Regular Army, the National Guard of the United States, and the Officers' Reserve Corps. There shall be not less than ten officers on duty in the War Department General Staff, one half of whom shall be from the National Guard of the United States and one half from the Officers' Reserve Corps. For the purpose specified herein such officers shall be regarded as additional members of the General Staff while so serving: *Provided further*, That the Chief of Staff shall transmit to the Secretary of War the policies and regulations prepared as hereinbefore prescribed in this paragraph and advise him in regard thereto. After action by the Secretary of War thereon the Chief of Staff shall act as the agent of the Secretary of War in carrying the same into effect.

Reserves, etc.
Reserve officers added, in formulating policies affecting organization.

Provisos.
Representation on committees to study.

Duty in War Department.

Chief of Staff to transmit recommendations to Secretary of War.

Act as agent.

Exercise same powers as over the Army.

The Chief of Staff shall exercise the same supervision and control of the reserve components of the Army of the United States as he does over the Regular Army.

Vol. 41, p. 775; Vol. 42, p. 1033.

SEC. 3. That section 37 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Officers' Reserve Corps.
Composition, grades, etc.
Post, p. 939.

"SEC. 37. OFFICERS' RESERVE CORPS.—For the purpose of providing a reserve of officers available for military service when needed there shall be organized an Officers' Reserve Corps consisting of general officers and officers assigned to sections corresponding to the various branches of the Regular Army and such additional sections as the President may direct. The grades in each section and the number in each grade shall be as the President may prescribe. All persons appointed in the Officers' Reserve Corps are reserve officers and shall be commissioned in the Army of the United States. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate. Appointment in every case in the Officers' Reserve Corps shall be for a period of five years, but an appointment in force at the outbreak of war shall continue in force until six months after its termination: *Provided*, That an officer of the Officers' Reserve Corps shall be entitled to be relieved from active Federal service within six months after its termination if he makes application therefor. Any officer of the Officers' Reserve Corps may be discharged at any time in the discretion of the President. In time of peace an officer of the Officers' Reserve Corps must at the time of his appointment be a citizen of the United States between the ages of twenty-one and sixty years. Any person who has been an officer of the Army of the United States at any time between April 6, 1917, and June 30, 1919, or who has been an officer of the Regular Army at any time, if qualified, may be appointed in the Officers' Reserve Corps in the highest grade which he held or any lower grade. No other person except as herein provided shall in time of peace be originally appointed as a reserve officer of Infantry, Cavalry, Field Artillery, Coast Artillery, or Air Corps in a grade above that of second lieutenant. In time of peace appointments in the Infantry, Cavalry, Field Artillery, Coast Artillery, and Air Corps shall be limited to former officers of the Army, former officers of the National Guard of the United States, graduates of the Reserve Officers' Training Corps, as provided in section 47b hereof; warrant officers, and enlisted men of the Regular Army, National Guard of the United States, and Enlisted Reserve Corps and persons who served in the Army at some time between April 6, 1917, and November 11, 1918. Promotions in all grades of officers who have established, or may hereafter establish, their qualifications for such promotion, and transfer, shall be made under such regulations as may be prescribed by the Secretary of War, and shall be based so far as practicable upon recommendations made in the established chain of command. So far as practicable, in time of peace, officers of the Officers' Reserve Corps shall be assigned to units in the locality of their places of residence. Nothing in this Act shall operate to deprive an officer of the reserve appointment he now holds: *Provided*, That this shall not apply to the discretionary-discharge power of the President previously mentioned. Members of the Officers' Reserve Corps, while not on active duty, shall not, by reason solely of their appointments, oaths, commissions, or status as such, or any duties or functions performed or pay or allowances received as such, be held or deemed to be officers or employees of the United States, or persons holding any office of trust or profit or dis-

Appointments by President alone, except general officers.

Periods.

Proviso.
War-time service.

Discharges.

Citizenship, etc., requirements.
Post, p. 939.

Former service qualifications.

Limitation on peace appointments.

Vol. 41, p. 778.

Promotions and transfers.

Reserve appointments.

Proviso.
Executive power over.
Status of reserve officers not on active duty.

charging any official function under or in connection with any department of the Government of the United States."

Vol. 39, p. 190; Vol. 43, p. 470, amended.

SEC. 4. That section 38 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Officers of the National Guard of the U.S., commissions in Army.

"SEC. 38. OFFICERS, NATIONAL GUARD OF THE UNITED STATES.—All persons appointed officers in the National Guard of the United States are reserve officers and shall be commissioned in the Army of the United States. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate.

Appointments.

Period.

"Officers in the National Guard of the United States shall be appointed for the period during which they are federally recognized in the same grade and branch in the National Guard: *Provided*, That an appointment in force at the outbreak of war shall continue in force until six months after its termination: *And provided further*, That such officer shall be entitled to be relieved from active Federal service within six months after its termination if he makes application therefor.

Provisos.
At outbreak of war.

Relief after close of war.

Active peace duty.

"In time of peace the President may order to active duty, with their consent, officers of the National Guard of the United States for the purposes set forth in sections 5 and 81 of this Act. When on such active duty an officer of the National Guard of the United States shall receive the same pay and allowances as an officer of the Regular Army of the same grade and length of active service and mileage from his home to his first station and from his last station to his home, but shall not be entitled to retirement or retired pay: *Provided*, That such officers ordered to such active duty shall be paid out of the funds appropriated for the pay of the National Guard.

Pay and allowances.

Proviso.
Payment from National Guard appropriations.

Status of while not on active duty.

"Officers of the National Guard of the United States, while not on active duty, shall not, by reason solely of their appointments, oaths, commissions, or status as such, or any duties or functions performed or pay or allowances received as such, be held or deemed to be officers or employees of the United States, or persons holding any office of trust or profit or discharging any official function under or in connection with any department of the Government of the United States."

Vol. 39, p. 197; Vol. 43, p. 1075, amended.

SEC. 5. That section 58 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

National Guard of U.S.; of the several States, etc.

"SEC. 58. COMPOSITION OF THE NATIONAL GUARD AND THE NATIONAL GUARD OF THE UNITED STATES.—The National Guard of each State, Territory, and the District of Columbia shall consist of members of the militia voluntarily enlisted therein, who upon original enlistment shall be not less than eighteen nor more than forty-five years of age, or who in subsequent enlistment shall be not more than sixty-four years of age, organized, armed, equipped, and federally recognized as hereinafter provided, and of commissioned officers and warrant officers who are citizens of the United States between the ages of twenty-one and sixty-four years: *Provided*, That former members of the Regular Army, Navy, or Marine Corps under sixty-four years of age may enlist in said National Guard.

Composition.

Eligible ages.

Proviso.
Enlistment of former members of Army, etc.

National Guard of the United States established.

Status of; composition.

"The National Guard of the United States is hereby established. It shall be a reserve component of the Army of the United States and shall consist of those federally recognized National Guard units, and organizations, and of the officers, warrant officers, and enlisted members of the National Guard of the several States, Territories, and the District of Columbia, who shall have been appointed, enlisted and appointed, or enlisted, as the case may be, in the

Post, p. 160.

National Guard of the United States, as hereinafter provided, and of such other officers and warrant officers as may be appointed therein as provided in section 111 hereof: *Provided*, That the members of the National Guard of the United States shall not be in the active service of the United States except when ordered thereto in accordance with law, and, in time of peace, they shall be administered, armed, uniformed, equipped, and trained in their status as the National Guard of the several States, Territories, and the District of Columbia, as provided in this Act: *And provided further*, That under such regulations as the Secretary of War shall prescribe, noncommissioned officers, first-class privates, and enlisted specialists of the National Guard may be appointed in corresponding grades, ratings, and branches of the National Guard of the United States, without vacating their respective grades and ratings in the National Guard."

Provisos.
Deemed not in active service except when so ordered.

Appointment of noncommissioned National Guard officers.

Vol. 39, p. 197.

SEC. 6. That section 60 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Unit organizations.

"SEC. 60. ORGANIZATION OF NATIONAL GUARD UNITS.—Except as otherwise specifically provided herein, the organization of the National Guard, including the composition of all units thereof, shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general exceptions as may be authorized by the Secretary of War. And the President may prescribe the particular unit or units, as to branch or arm of service, to be maintained in each State, Territory, or the District of Columbia in order to secure a force which, when combined, shall form complete higher tactical units: *Provided*, That no change in allotment, branch, or arm of units or organizations wholly within a single State will be made without the approval of the governor of the State concerned."

President to prescribe.

Proviso.
State approval.

Vol. 39, p. 200; Vol. 43, p. 470.

SEC. 7. That section 69 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Enlistments, National Guard and National Guard of the United States.

"SEC. 69. ENLISTMENTS IN THE NATIONAL GUARD AND IN THE NATIONAL GUARD OF THE UNITED STATES.—Original enlistments in the National Guard and in the National Guard of the United States shall be for a period of three years, and subsequent enlistments for periods of one or three years each: *Provided*, That all enlisted men of the National Guard on the date of approval of this Act may, under such regulations as may be prescribed by the Secretary of War, be enlisted in grade, rating, and branch in the National Guard of the United States for the remaining unexpired portions of their enlistments in the National Guard: *And Provided further*, That in the event of an emergency declared by Congress the period of any enlistment which otherwise would expire may by Presidential proclamation be extended for a period of six months after the termination of the emergency."

Provisos.
Transfers of enlisted men to National Guard of United States for unexpired terms.

Enlistment period may be extended in an emergency.

Vol. 39, p. 201; Vol. 41, p. 781, amended.

SEC. 8 That section 70 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Enlistment contract and oath.

"SEC. 70. Men enlisting in the National Guard of the several States, Territories, and the District of Columbia, and in the National Guard of the United States, shall sign an enlistment contract and subscribe to the following oath or affirmation:

Form.

"I do hereby acknowledge to have voluntarily enlisted this _____ day of _____, 19__, as a soldier in the National Guard of the United States and the State of _____, for the period of three (or one) year__, under the conditions prescribed by law, unless sooner dis-

charged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of _____, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the Governor of the State of _____, and of the officers appointed over me according to law and the rules and Articles of War."

SEC. 9. That said Act be amended by adding section 71 thereto, as follows:

New section.
Vol. 41, p. 781, amended.

"SEC. 71. DEFINITIONS.—In this Act, unless the context or subject matter otherwise requires—

Definitions.

"(a) 'National Guard' or 'National Guard of the several States, Territories, and the District of Columbia' means that portion of the Organized Militia of the several States, Territories, and the District of Columbia, active and inactive, federally recognized as provided in this Act and organized, armed, and equipped in whole or in part at Federal expense and officered and trained under paragraph 16, section 8, article I of the Constitution.

"National Guard."

"(b) 'National Guard of the United States' means a reserve component of the Army of the United States composed of those federally recognized units and organizations and persons duly appointed and commissioned in the active and inactive National Guard of the several States, Territories, and the District of Columbia, who have taken and subscribed to the oath of office prescribed in section 73 of this Act, and who have been duly appointed by the President in the National Guard of the United States, as provided in this Act, and of those officers and warrant officers appointed as prescribed in sections 75 and 111 of this Act, and of those persons duly enlisted in the National Guard of the United States and of the several States, Territories, and the District of Columbia who have taken and subscribed to the oath of enlistment prescribed in section 70 of this Act.

"National Guard of the United States."

Post, pp. 158, 160.

SEC. 10. That section 72 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Vol. 41, p. 781, amended.

"SEC. 72. An enlisted man discharged from service in the National Guard and the National Guard of the United States shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the Secretary of War may prescribe."

Discharges; certificates to be given.

Draft feature eliminated.

SEC. 11. That section 73 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Vol. 39, p. 201.

"SEC. 73. OATHS OF NATIONAL GUARD OFFICERS—APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES.—Commissioned officers and warrant officers of the National Guard of the several States, Territories, and the District of Columbia and in the National Guard of the United States shall take and subscribe to the following oath of office:

Oath of officers.

"I, _____, do solemnly swear that I will support and defend the Constitution of the United States and the constitution of the State of _____ against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the State of _____; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of _____ in the National Guard of the United States and of the State of _____ upon which I am about to enter, so help me God.

Appointment to same grade and branch in the National Guard of the United States.

"The President is authorized to appoint in the same grade and branch in the National Guard of the United States any person who is an officer or warrant officer in the National Guard of any State, Territory, or the District of Columbia and who is federally recognized in that grade and branch: *Provided*, That acceptance of appointment in the same grade and branch in the National Guard of the United States, by an officer of the National Guard of a State, Territory, or the District of Columbia, shall not operate to vacate his State, Territory, or District of Columbia National Guard office.

Proviso.
Not to vacate State, etc., office.

Federally recognized officers of National Guard, appointment, etc.

"Officers or warrant officers of the National Guard who are in a federally recognized status on the date of the approval of this Act shall take the oath of office herein prescribed and shall be appointed in the National Guard of the United States in the same grade and branch without further examination, other than physical, within a time limit to be fixed by the President, and shall in the meantime continue to enjoy all the rights, benefits, and privileges conferred by this Act."

Vol. 39, p. 202.

SEC. 12. That section 75 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Examinations for commissions.

"SEC. 75. The provisions of this Act shall not apply to any person hereafter appointed as an officer of the National Guard unless he first shall have successfully passed such tests as to his physical, moral, and professional fitness as the President shall prescribe.

Board of examiners.

The examination to determine such qualifications for appointment shall be conducted by a board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both. The examination herein provided for may be held prior to the original appointment or promotion of any individual as an officer or warrant officer and

Certificate to issue, if qualified.

if the applicant has been found qualified, he may be issued a certificate of eligibility by the Chief of the National Guard Bureau, which certificate, in the event of appointment or promotion within two years to the office for which he was found qualified, shall entitle the holder to Federal recognition without further examination, except as to his physical condition.

Eligibility for appointment in National Guard of the United States.
Vol. 39, p. 202.

"Upon being federally recognized such officers and warrant officers may be appointed in the National Guard of the United States."

SEC. 13. That section 76 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Withdrawal of Federal recognition.

"SEC. 76. WITHDRAWAL OF FEDERAL RECOGNITION.—Under such regulations as the President shall prescribe the capacity and general fitness of any officer or warrant officer of the National Guard of the several States, Territories, and the District of Columbia for continued Federal recognition may at any time be investigated by an efficiency board of officers senior in rank to the officer under investigation, appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both. If

Absence without leave for 3 months.

the findings of said board be unfavorable to the officer under investigation and be approved by the President, Federal recognition shall be withdrawn and he shall be discharged from the National Guard of the United States. Federal recognition may be withdrawn by the Secretary of War and his appointment in the National Guard of the United States may be terminated when an officer or warrant officer of the National Guard of any State, Territory, or the District of Columbia has been absent without leave for three months."

SEC. 14. That section 77 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof: Vol. 39, p. 202, amended.

"SEC. 77. ELIMINATION AND DISPOSITION OF OFFICERS OF THE NATIONAL GUARD OF THE UNITED STATES.—The appointments of officers and warrant officers of the National Guard may be terminated or vacated in such manner as the several States, Territories, or the District of Columbia shall provide by law. Whenever the appointment of an officer or warrant officer of the National Guard of a State, Territory, or the District of Columbia has been vacated or terminated, or upon reaching the age of sixty-four, the Federal recognition of such officer shall be withdrawn and he shall be discharged from the National Guard of the United States: *Provided*, That under such regulations as the Secretary of War may prescribe upon termination of service in the active National Guard an officer of the National Guard of the United States may, if he makes application therefor, remain in the National Guard of the United States in the same grade and branch of service. When Federal recognition is withdrawn from any officer or warrant officer of the National Guard of any State, Territory, or the District of Columbia, as provided in section 76 of this Act, or upon reaching the age of sixty-four years, he shall thereupon cease to be a member thereof and shall be given a discharge certificate therefrom by the official authorized to appoint such officer."

Vacating, etc., commissions and grounds therefor.

Proviso.
Status of National Guard officer upon termination of service therein.

Discharge on withdrawal of Federal recognition or reaching age limit.
Ante, p. 158.

SEC. 15. That section 78 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof: Vol. 39, p. 202; Vol. 43, p. 1076.

"SEC. 78. Men duly qualified for enlistment in the active National Guard may enlist for one term only in the inactive National Guard and in the National Guard of the United States for a period of one or three years, under such regulations as the Secretary of War shall prescribe, and on so enlisting they shall sign an enlistment contract and subscribe to the oath or affirmation in section 70 of this Act.

National Guard reserve superseded by inactive National Guard.
Term of enlistment, contract, oath, etc.
Ante, p. 156.

"Under such regulations as the Secretary of War may prescribe, enlisted men of the active National Guard, not formerly enlisted in the inactive National Guard or the National Guard of the United States, may be transferred to the inactive National Guard; likewise enlisted men hereafter enlisted in or transferred to the inactive National Guard may be transferred to the active National Guard: *Provided*, That in time of peace no enlisted man shall be required to serve under any enlistment for a longer time than the period for which he enlisted in the active or inactive National Guard, as the case may be. Members of said inactive National Guard, when engaged in field or coast-defense training with the active National Guard, shall receive the same Federal pay and allowances as those occupying like grades on the active list of said National Guard when likewise engaged."

Transfers between active and inactive services.

Proviso.
Peace time service.

Field, etc., service pay.

SEC. 16. That section 81 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof: Vol. 39, p. 203; Vol. 43, p. 1076, amended.

"SEC. 81. THE NATIONAL GUARD BUREAU.—The Militia Bureau of the War Department shall hereafter be known as the National Guard Bureau. The Chief of the National Guard Bureau shall be appointed by the President, by and with the advice and consent of the Senate, by selection from lists of officers of the National Guard of the United States recommended as suitable for such appointment by their respective governors, and who have had ten or more years' commissioned service in the active National Guard, at least five of which have been in the line, and who have attained at least the grade

National Guard Bureau.
Appointment of Chief.

Qualifications.

Term.

Rank.

Pay and allowances.

Assignment of Army officers to, etc.

Detail of National Guard of U. S. officers to.

Filling vacancies.

Payment from National Guard appropriation.

Vol. 39, p. 203, amended.

National Guard, armament, equipment, etc.

Vol. 39, p. 211; Vol. 41, p. 784.

President's order for active military service in national emergency.

Persons so ordered relieved temporarily from State, etc., obligations.

To be subject to Army regulations, etc.

Units to be kept intact.

of colonel. The Chief of the National Guard Bureau shall hold office for four years unless sooner removed for cause, and shall not be eligible to succeed himself, and when sixty-four years of age shall cease to hold such office. Upon accepting his office, the Chief of the National Guard Bureau shall be appointed a major general in the National Guard of the United States, and commissioned in the Army of the United States, and while so serving he shall have the rank, pay, and allowances of a major general, provided by law, but shall not be entitled to retirement or retired pay.

"For duty in the National Guard Bureau and for instruction of the National Guard the President shall assign such number of officers of the Regular Army as he may deem necessary; also, such number of enlisted men of the Regular Army for duty in the instruction of the National Guard. The President may also order, with their consent, to active duty in the National Guard Bureau, not more than four officers who at the time of their initial assignments hold appointments in the National Guard of the United States, and any such officers while so assigned shall receive the pay and allowances provided by law.

"In case the office of the Chief of the National Guard Bureau becomes vacant or the incumbent because of disability is unable to discharge the powers and duties of the office, the senior officer on duty in the National Guard Bureau, appointed from the National Guard of the United States, shall act as chief of said bureau until the incumbent is able to resume his duties or the vacancy in the office is regularly filled. The pay and allowances provided in this section for the Chief of the National Guard Bureau and for the officers ordered to active duty from the National Guard of the United States shall be paid out of the funds appropriated for the pay of the National Guard."

SEC. 17. That section 82 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 82. ARMAMENT, EQUIPMENT, AND UNIFORM OF THE NATIONAL GUARD.—The National Guard shall, as far as practicable, be uniformed, armed, and equipped with the same type of uniforms, arms, and equipments as are or shall be provided for the Regular Army."

SEC. 18. That section 111 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 111. When Congress shall have declared a national emergency and shall have authorized the use of armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination as he may prescribe, order into the active military service of the United States, to serve therein for the period of the war or emergency, unless sooner relieved, any or all units and the members thereof of the National Guard of the United States. All persons so ordered into the active military service of the United States shall from the date of such order stand relieved from duty in the National Guard of their respective States, Territories, and the District of Columbia so long as they shall remain in the active military service of the United States, and during such time shall be subject to such laws and regulations for the government of the Army of the United States as may be applicable to members of the Army whose permanent retention in active military service is not contemplated by law. The organization of said units existing at the date of the

order into active Federal service shall be maintained intact insofar as practicable.

"Commissioned officers and warrant officers appointed in the National Guard of the United States and commissioned or holding warrants in the Army of the United States, ordered into Federal service as herein provided, shall be ordered to active duty under such appointments and commissions or warrants: *Provided*, That those officers and warrant officers of the National Guard who do not hold appointments in the National Guard of the United States and commissions or warrants in the Army of the United States may be appointed and commissioned or tendered warrants therein by the President, in the same grade and branch they hold in the National Guard.

Officers thereof ordered to active duty.

Proviso. National Guard officers not holding appointments in National Guard of United States, etc.

"Officers and enlisted men while in the service of the United States under the terms of this section shall receive the pay and allowances provided by law for officers and enlisted men of the reserve forces when ordered to active duty, except brigadier generals and major generals, who shall receive the same pay and allowances as provided by law for brigadier generals and major generals of the Regular Army, respectively. Upon being relieved from active duty in the military service of the United States all individuals and units shall thereupon revert to their National Guard status.

Pay and allowances.

Units, etc., to revert to State status on relief from active duty, etc.

"In the initial mobilization of the National Guard of the United States, war-strength officer personnel shall be taken from the National Guard as far as practicable, and for the purpose of this expansion warrant officers and enlisted men of the National Guard may, in time of peace, be appointed officers in the National Guard of the United States and commissioned in the Army of the United States."

War strength officer personnel.

SEC. 19. That section 112 of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Vol. 39, p. 211, amended.

"SEC. 112. RIGHTS TO PENSIONS.—When any officer, warrant officer, or enlisted man of the National Guard or the National Guard of the United States called or ordered into the active service of the United States, or when any officer of the Officers' Reserve Corps or any person in the Enlisted Reserve Corps ordered into active service except for training, is disabled by reason of wounds or disability received or incurred while in the active service of the United States, he shall be entitled to all the benefits of the pension laws existing at the time of his active service; and in case such officer or enlisted man dies in the active service of the United States or in returning to his place of residence after being mustered out of active service, or at any other time in consequence of wounds or disabilities received in such active service, his widow and children, if any, shall be entitled to all the benefits of such pension laws."

Pension laws made applicable.

Disabilities incurred in active service.

Death.

SEC. 20. That the seventh paragraph of section 127a of said Act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

Vol. 41, p. 785, amended.

"In time of war any officer of the Regular Army may be appointed to higher temporary grade without vacating his permanent appointment. In time of war any officer of the Regular Army appointed to higher temporary grade, and all other persons appointed, as officers, shall be appointed and commissioned in the Army of the United States. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate: *Provided*, That an appointment, other than that of a member of the Regular Army

Commissions.

Appointments by President alone except general officers.

Proviso. War time service.

made in time of war, shall continue until six months after its termination, and an officer appointed in time of war shall be entitled to be relieved from active Federal service within six months after its termination if he makes application therefor."

Approved, June 15, 1933.

[CHAPTER 88.]

AN ACT

June 15, 1933.
[H.R. 5793.]
[Public, No. 65.]

To revive and reenact the Act entitled "An Act authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain from East Alburg, Vermont, to West Swanton, Vermont", approved March 2, 1929.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress approved March 2, 1929, authorizing Jed P. Ladd, his heirs, legal representatives, and assigns, to construct a bridge across Lake Champlain, between a point at or near East Alburg, Vermont, and a point at or near Swanton, Vermont, be, and the same is hereby, revived and reenacted: *Provided*, That this Act shall be null and void unless the actual construction of the bridge herein referred to be commenced within one year and completed within three years from the date of approval hereof.

Lake Champlain. Construction of bridge across, at East Alburg, Vt. Vol. 45, p. 1506.

Proviso. Commencement of construction.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 15, 1933.

[CHAPTER 89.]

AN ACT

June 16, 1933.
[H.R. 5661.]
[Public, No. 66.]

To provide for the safer and more effective use of the assets of banks, to regulate interbank control, to prevent the undue diversion of funds into speculative operations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the short title of this Act shall be the "Banking Act of 1933."

Banking Act of 1933.
Post, p. 888.

SEC. 2. As used in this Act and in any provision of law amended by this Act—

Terms construed.

(a) The terms "banks", "national bank", "national banking association", "member bank", "board", "district", and "reserve bank" shall have the meanings assigned to them in section 1 of the Federal Reserve Act, as amended.

Vol. 38, p. 251. U.S.C., p. 274.

"Affiliates," organizations included within term.

(b) Except where otherwise specifically provided, the term "affiliate" shall include any corporation, business trust, association, or other similar organization—

Member bank having controlling interest.

(1) Of which a member bank, directly or indirectly, owns or controls either a majority of the voting shares or more than 50 per centum of the number of shares voted for the election of its directors, trustees, or other persons exercising similar functions at the preceding election, or controls in any manner the election of a majority of its directors, trustees, or other persons exercising similar functions; or

Shareholders of member bank control.

(2) Of which control is held, directly or indirectly, through stock ownership or in any other manner, by the shareholders of a member bank who own or control either a majority of the shares of such bank or more than 50 per centum of the number of shares voted for the election of directors of such bank at the preceding election, or by trustees for the benefit of the shareholders of any such bank; or

(3) Of which a majority of its directors, trustees, or other persons exercising similar functions are directors of any one member bank.

Majority directors of, are directors of member bank.

(c) The term "holding company affiliate" shall include any corporation, business trust, association, or other similar organization—

"Holding company affiliate," organizations included within term.

(1) Which owns or controls, directly or indirectly, either a majority of the shares of capital stock of a member bank or more than 50 per centum of the number of shares voted for the election of directors of any one bank at the preceding election, or controls in any manner the election of a majority of the directors of any one bank; or

When majority of shares of capital stock of member bank owned, etc.

(2) For the benefit of whose shareholders or members all or substantially all the capital stock of a member bank is held by trustees.

When capital stock of member bank held in trust.

SEC. 3. (a) The fourth paragraph after paragraph "Eighth" of section 4 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 301), is amended to read as follows:

Vol. 38, p. 255. U.S.C., p. 278.

"Said board of directors shall administer the affairs of said bank fairly and impartially and without discrimination in favor of or against any member bank or banks and may, subject to the provisions of law and the orders of the Federal Reserve Board, extend to each member bank such discounts, advancements, and accommodations as may be safely and reasonably made with due regard for the claims and demands of other member banks, the maintenance of sound credit conditions, and the accommodation of commerce, industry, and agriculture. The Federal Reserve Board may prescribe regulations further defining within the limitations of this Act the conditions under which discounts, advancements, and the accommodations may be extended to member banks. Each Federal reserve bank shall keep itself informed of the general character and amount of the loans and investments of its member banks with a view to ascertaining whether undue use is being made of bank credit for the speculative carrying of or trading in securities, real estate, or commodities, or for any other purpose inconsistent with the maintenance of sound credit conditions; and, in determining whether to grant or refuse advances, rediscounts or other credit accommodations, the Federal reserve bank shall give consideration to such information. The chairman of the Federal reserve bank shall report to the Federal Reserve Board any such undue use of bank credit by any member bank, together with his recommendation. Whenever, in the judgment of the Federal Reserve Board, any member bank is making such undue use of bank credit, the Board may, in its discretion, after reasonable notice and an opportunity for a hearing, suspend such bank from the use of the credit facilities of the Federal Reserve System and may terminate such suspension or may renew it from time to time."

Board of directors. Extension of discounts, advancements, etc., to member banks.

Federal Reserve Board to prescribe conditions.

Reserve bank to keep informed of amount, etc., of loans.

Purpose.

Report by reserve bank.

Suspension of member bank from use of credit facilities.

Hearing and notice.

(b) The paragraph of section 4 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 304), which commences with the words "The Federal Reserve Board shall classify" is amended by inserting before the period at the end thereof a colon and the following: "*Provided*, That whenever any two or more member banks within the same Federal reserve district are affiliated with the same holding company affiliate, participation by such member banks in any such nomination or election shall be confined to one of such banks, which may be designated for the purpose by such holding company affiliate."

Vol. 40, p. 968. U.S.C., p. 278.

Class A and class B directors.

Participation by member banks in elections within district.

SEC. 4. The first paragraph of section 7 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 289), is amended, effective July 1, 1932, to read as follows:

Vol. 38, p. 258; Vol. 40, p. 1314. U.S.C., p. 278.

Effective date of amendment.

"After all necessary expenses of a Federal reserve bank shall have been paid or provided for, the stockholders shall be entitled to receive

Dividend on stock of reserve bank.

Net earnings paid into surplus fund.
Franchise tax payments, eliminated.

an annual dividend of 6 per centum on the paid-in capital stock, which dividend shall be cumulative. After the aforesaid dividend claims have been fully met, the net earnings shall be paid into the surplus fund of the Federal reserve bank."

Vol. 38, p. 259; Vol. 40, p. 232; Vol. 44, p. 1229.
U.S.C., p. 279; Supp. VI, p. 135.
Application of Morris Plan banks to become member banks.

SEC. 5. (a) The first paragraph of section 9 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 321; Supp. VI, title 12, sec. 321), is amended by inserting immediately after the words "United States" a comma and the following: "including Morris Plan banks and other incorporated banking institutions engaged in similar business."

Vol. 40, p. 233; Vol. 44, p. 1229.
U.S.C., p. 279; Supp. VI, p. 135.
State member banks.
Power to establish branches.

(b) The second paragraph of section 9 of the Federal Reserve Act, as amended, is amended by adding at the end thereof the following: "*Provided, however*, That nothing herein contained shall prevent any State member bank from establishing and operating branches in the United States or any dependency or insular possession thereof or in any foreign country, on the same terms and conditions and subject to the same limitations and restrictions as are applicable to the establishment of branches by national banks."

Vol. 40, p. 233.
U.S.C., pp. 279, 280; Supp. VI, p. 135.
Mutual savings banks.
Application of, to become member banks.
Subscription to capital stock of reserve bank required.
Amount of.
Adjustment semiannually under rules of Reserve Board.
Deposit required, if subscription unlawful.
Adjustment of deposit.
Conditions subject to. *Post*, p. 971.
Interest payments.
Application of deposit to subscription, if subscription hereafter legalized.
Termination of savings bank to rights of membership.
When right to subscribe not granted.

(c) Section 9 of the Federal Reserve Act, as amended (U.S.C., title 12, secs. 321–331; Supp. VI, title 12, secs. 321–332), is further amended by adding at the end thereof the following new paragraphs:

"Any mutual savings bank having no capital stock (including any other banking institution the capital of which consists of weekly or other time deposits which are segregated from all other deposits and are regarded as capital stock for the purposes of taxation and the declaration of dividends), but having surplus and undivided profits not less than the amount of capital required for the organization of a national bank in the same place, may apply for and be admitted to membership in the Federal Reserve System in the same manner and subject to the same provisions of law as State banks and trust companies, except that any such savings bank shall subscribe for capital stock of the Federal reserve bank in an amount equal to six-tenths of 1 per centum of its total deposit liabilities as shown by the most recent report of examination of such savings bank preceding its admission to membership. Thereafter such subscription shall be adjusted semiannually on the same percentage basis in accordance with rules and regulations prescribed by the Federal Reserve Board. If any such mutual savings bank applying for membership is not permitted by the laws under which it was organized to purchase stock in a Federal reserve bank, it shall, upon admission to the system, deposit with the Federal reserve bank an amount equal to the amount which it would have been required to pay in on account of a subscription to capital stock. Thereafter such deposit shall be adjusted semiannually in the same manner as subscriptions for stock. Such deposits shall be subject to the same conditions with respect to repayment as amounts paid upon subscriptions to capital stock by other member banks and the Federal reserve bank shall pay interest thereon at the same rate as dividends are actually paid on outstanding shares of stock of such Federal reserve bank. If the laws under which any such savings bank was organized be amended so as to authorize mutual savings banks to subscribe for Federal reserve bank stock, such savings bank shall thereupon subscribe for the appropriate amount of stock in the Federal reserve bank, and the deposit hereinbefore provided for in lieu of payment upon capital stock shall be applied upon such subscription. If the laws under which any such savings bank was organized be not amended at the next session of the legislature following the admission of such savings bank to membership so as to authorize mutual savings banks to purchase

Federal reserve bank stock, or if such laws be so amended and such bank fail within six months thereafter to purchase such stock, all of its rights and privileges as a member bank shall be forfeited and its membership in the Federal Reserve System shall be terminated in the manner prescribed elsewhere in this section with respect to State member banks and trust companies. Each such mutual savings bank shall comply with all the provisions of law applicable to State member banks and trust companies, with the regulations of the Federal Reserve Board and with the conditions of membership prescribed for such savings bank at the time of admission to membership, except as otherwise hereinbefore provided with respect to capital stock.

When granted and failure to purchase stock.

Mutual savings banks to comply with State laws and Reserve Board regulations.

"Each bank admitted to membership under this section shall obtain from each of its affiliates other than member banks and furnish to the Federal reserve bank of its district and to the Federal Reserve Board not less than three reports during each year. Such reports shall be in such form as the Federal Reserve Board may prescribe, shall be verified by the oath or affirmation of the president or such other officer as may be designated by the board of directors of such affiliate to verify such reports, and shall disclose the information hereinafter provided for as of dates identical with those fixed by the Federal Reserve Board for reports of the condition of the affiliated member bank. Each such report of an affiliate shall be transmitted as herein provided at the same time as the corresponding report of the affiliated member bank, except that the Federal Reserve Board may, in its discretion, extend such time for good cause shown. Each such report shall contain such information as in the judgment of the Federal Reserve Board shall be necessary to disclose fully the relations between such affiliate and such bank and to enable the Board to inform itself as to the effect of such relations upon the affairs of such bank. The reports of such affiliates shall be published by the bank under the same conditions as govern its own condition reports.

Reports by admitted banks and affiliates.

Form of reports.

Verification.

Information to be disclosed.

Report of affiliates.

Information required.

Publication of.

"Any such affiliated member bank may be required to obtain from any such affiliate such additional reports as in the opinion of its Federal reserve bank or the Federal Reserve Board may be necessary in order to obtain a full and complete knowledge of the condition of the affiliated member bank. Such additional reports shall be transmitted to the Federal reserve bank and the Federal Reserve Board and shall be in such form as the Federal Reserve Board may prescribe.

Additional report of affiliate may be required.

Transmitted to Federal Reserve Board.

Form.

"Any such affiliated member bank which fails to obtain from any of its affiliates and furnish any report provided for by the two preceding paragraphs of this section shall be subject to a penalty of $100 for each day during which such failure continues, which, by direction of the Federal Reserve Board, may be collected, by suit or otherwise, by the Federal reserve bank of the district in which such member bank is located. For the purposes of this paragraph and the two preceding paragraphs of this section, the term 'affiliate' shall include holding company affiliates as well as other affiliates.

Penalty provision. Failure to furnish reports.

"Affiliate", construed.

"State member banks shall be subject to the same limitations and conditions with respect to the purchasing, selling, underwriting, and holding of investment securities and stock as are applicable in the case of national banks under paragraph 'Seventh' of section 5136 of the Revised Statutes, as amended.

Limitations on State member banks respecting purchasing investment securities. R.S., sec. 5136, p. 993. Vol. 42, p. 767; Vol. 44, p. 1226. U.S.C., p. 260; Supp. VI, p. 129.

"After one year from the date of the enactment of the Banking Act of 1933, no certificate representing the stock of any State member bank shall represent the stock of any other corporation, except a member bank or a corporation existing on the date this paragraph takes effect engaged solely in holding the bank premises of such State

State member bank stock certificate. Not to represent stock of other corporation. Exception.

Transfer of certificate conditioned upon sale, etc., prohibited.

member bank, nor shall the ownership, sale, or transfer of any certificate representing the stock of any such bank be conditioned in any manner whatsoever upon the ownership, sale, or transfer of a certificate representing the stock of any other corporation, except a member bank.

State member banks and holding company affiliates. Agreements required.

"Each State member bank affiliated with a holding company affiliate shall obtain from such holding company affiliate, within such time as the Federal Reserve Board shall prescribe, an agreement that such holding company affiliate shall be subject to the same conditions and limitations as are applicable under section 5144 of the Revised Statutes, as amended, in the case of holding company affiliates of national banks. A copy of each such agreement shall be filed with the Federal Reserve Board. Upon the failure of a State member bank affiliated with a holding company affiliate to obtain such an agreement within the time so prescribed, the Federal Reserve Board shall require such bank to surrender its stock in the Federal reserve bank and to forfeit all rights and privileges of membership in the Federal Reserve System as provided in this section. Whenever the Federal Reserve Board shall have revoked the voting permit of any such holding company affiliate, the Federal Reserve Board may, in its discretion, require any or all State member banks affiliated with such holding company affiliate to surrender their stock in the Federal reserve bank and to forfeit all rights and privileges of membership in the Federal Reserve System as provided in this section.

R.S., sec. 5144, p. 994. U.S.C., p. 262.

Copy of agreement; filing.

Penalty on failure to comply.

Reserve Board may require State member affiliates to surrender stock and rights.

Examinations of State member banks.

Of affiliates.

Relationships to be disclosed.

"In connection with examinations of State member banks, examiners selected or approved by the Federal Reserve Board shall make such examinations of the affairs of all affiliates of such banks as shall be necessary to disclose fully the relations between such banks and their affiliates and the effect of such relations upon the affairs of such banks. The expense of examination of affiliates of any State member bank may, in the discretion of the Federal Reserve Board, be assessed against such bank and, when so assessed, shall be paid by such bank. In the event of the refusal to give any information requested in the course of the examination of any such affiliate, or in the event of the refusal to permit such examination, or in the event of the refusal to pay any expense so assessed, the Federal Reserve Board may, in its discretion, require any or all State member banks affiliated with such affiliate to surrender their stock in the Federal reserve bank and to forfeit all rights and privileges of membership in the Federal Reserve System, as provided in this section."

Assessments for expenses.

Penalty upon failure to permit examination, etc.

Vol. 38, p. 260; Vol. 40, p. 1315; Vol. 42, p. 620. U.S.C., p. 275.

SEC. 6. (a) The second paragraph of section 10 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 242), is amended to read as follows:

Ineligibility to hold office in member banks.

"The Secretary of the Treasury and the Comptroller of the Currency shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any member bank. The appointive members of the Federal Reserve Board shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any member bank, except that this restriction shall not apply to a member who has served the full term for which he was appointed.

Terms of office of members of Federal Reserve Board.

Upon the expiration of the term of any appointive member of the Federal Reserve Board in office when this paragraph as amended takes effect, the President shall fix the term of the successor to such member at not to exceed twelve years, as designated by the President at the time of nomination, but in such manner as to provide for the expiration of the term of not more than one appointive member in any two-year period, and thereafter each appointive member shall

hold office for a term of twelve years from the expiration of the term of his predecessor. Of the six persons thus appointed, one shall be designated by the President as governor and one as vice governor of the Federal Reserve Board. The governor of the Federal Reserve Board, subject to its supervision, shall be its active executive officer. Each member of the Federal Reserve Board shall within fifteen days after notice of appointment make and subscribe to the oath of office."

Designation of governor.

Oath of office.

(b) The fourth paragraph of section 10 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 244), is amended to read as follows:

Vol. 38, p. 261; Vol. 42, p. 621. U.S.C., p. 275.

"The principal offices of the Board shall be in the District of Columbia. At meetings of the Board the Secretary of the Treasury shall preside as chairman, and, in his absence, the governor shall preside. In the absence of both the Secretary of the Treasury and the governor the vice governor shall preside. In the absence of the Secretary of the Treasury, the governor, and the vice governor the Board shall elect a member to act as chairman pro tempore. The Board shall determine and prescribe the manner in which its obligations shall be incurred and its disbursements and expenses allowed and paid, and may leave on deposit in the Federal Reserve banks the proceeds of assessments levied upon them to defray its estimated expenses and the salaries of its members and employees, whose employment, compensation, leave, and expenses shall be governed solely by the provisions of this Act, specific amendments thereof, and rules and regulations of the Board not inconsistent therewith; and funds derived from such assessments shall not be construed to be Government funds or appropriated moneys. No member of the Federal Reserve Board shall be an officer or director of any bank, banking institution, trust company, or Federal Reserve bank or hold stock in any bank, banking institution, or trust company; and before entering upon his duties as a member of the Federal Reserve Board he shall certify under oath that he has complied with this requirement, and such certification shall be filed with the secretary of the Board. Whenever a vacancy shall occur, other than by expiration of term, among the six members of the Federal Reserve Board appointed by the President as above provided, a successor shall be appointed by the President, by and with the advice and consent of the Senate, to fill such vacancy, and when appointed he shall hold office for the unexpired term of his predecessor."

Principal offices of Board.

Chairman.

Chairman pro tempore.

Determination of manner disbursements to be made and obligations incurred.

Salaries, leave, etc.

Qualifications of members.

Vacancies.

SEC. 7. Paragraph (m) of section 11 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 248), is amended to read as follows:

Vol. 39, p. 752; Vol. 41, p. 1146.

"(m) Upon the affirmative vote of not less than six of its members the Federal Reserve Board shall have power to fix from time to time for each Federal reserve district the percentage of individual bank capital and surplus which may be represented by loans secured by stock or bond collateral made by member banks within such district, but no such loan shall be made by any such bank to any person in an amount in excess of 10 per centum of the unimpaired capital and surplus of such bank. Any percentage so fixed by the Federal Reserve Board shall be subject to change from time to time upon ten days' notice, and it shall be the duty of the Board to establish such percentages with a view to preventing the undue use of bank loans for the speculative carrying of securities. The Federal Reserve Board shall have power to direct any member bank to refrain from further increase of its loans secured by stock or bond collateral for any period up to one year under penalty of suspension of all rediscount privileges at Federal reserve banks."

Powers of Board.

Fix percentage of bank capital and surplus represented by loans.

Limitation on amount of loan.

Percentage subject to change.

Power to direct bank from increasing loans.

Vol. 38, p. 263. U.S.C., pp. 277, 281.

SEC. 8. The Federal Reserve Act, as amended, is amended by inserting between sections 12 and 13 (U.S.C., title 12, secs. 261, 262, and 342), thereof the following new sections:

Federal Open Market Committee; created.

"SEC. 12A. (a) There is hereby created a Federal Open Market Committee (hereinafter referred to as the 'committee'), which shall consist of as many members as there are Federal reserve districts. Each Federal reserve bank by its board of directors shall annually select one member of said committee. The meetings of said committee shall be held at Washington, District of Columbia, at least four times each year, upon the call of the governor of the Federal Reserve Board or at the request of any three members of the committee, and, in the discretion of the Board, may be attended by the members of the Board.

Members. Selection of.

Meetings.

Regulations governing open-market operations by Reserve banks. *Ante*, p. 51.

"(b) No Federal reserve bank shall engage in open-market operations under section 14 of this Act except in accordance with regulations adopted by the Federal Reserve Board. The Board shall consider, adopt, and transmit to the committee and to the several Federal reserve banks regulations relating to the open-market transactions of such banks and the relations of the Federal Reserve System with foreign central or other foreign banks.

Adoption of regulations.

Post, p. 183. Vol. 38, p. 264. U. S. C., p. 283.

"(c) The time, character, and volume of all purchases and sales of paper described in section 14 of this Act as eligible for open-market operations shall be governed with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country.

Filing decision not to participate in open-market operations.

"(d) If any Federal reserve bank shall decide not to participate in open-market operations recommended and approved as provided in paragraph (b) hereof, it shall file with the chairman of the committee within thirty days a notice of its decision, and transmit a copy thereof to the Federal Reserve Board.

Federal Deposit Insurance Corporation; created.

"SEC. 12B. (a) There is hereby created a Federal Deposit Insurance Corporation (hereinafter referred to as the 'Corporation'), whose duty it shall be to purchase, hold, and liquidate, as hereinafter provided, the assets of national banks which have been closed by action of the Comptroller of the Currency, or by vote of their directors, and the assets of State member banks which have been closed by action of the appropriate State authorities, or by vote of their directors; and to insure, as hereinafter provided, the deposits of all banks which are entitled to the benefits of insurance under this section.

Duty to liquidate, etc., closed national and State member banks. *Post*, pp. 279, 969.

Insurance of deposits.

Management of Corporation.

"(b) The management of the Corporation shall be vested in a board of directors consisting of three members, one of whom shall be the Comptroller of the Currency, and two of whom shall be citizens of the United States to be appointed by the President, by and with the advice and consent of the Senate. One of the appointive members shall be the chairman of the board of directors of the Corporation and not more than two of the members of such board of directors shall be members of the same political party. Each such appointive member shall hold office for a term of six years and shall receive compensation at the rate of $10,000 per annum, payable monthly out of the funds of the Corporation, but the Comptroller of the Currency shall not receive additional compensation for his services as such member.

Directors, appointment.

Terms of office; compensation.

Appropriation authorized, payment for Corporation capital stock. *Post*, p. 279.

"(c) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $150,000,000, which shall be available for payment by the Secretary of the Treasury for capital stock of the Corporation in an equal amount, which shall be subscribed for by him on behalf of the United

States. Payments upon such subscription shall be subject to call in whole or in part by the board of directors of the Corporation. Such stock shall be in addition to the amount of capital stock required to be subscribed for by Federal reserve banks and member and nonmember banks as hereinafter provided, and the United States shall be entitled to the payment of dividends on such stock to the same extent as member and nonmember banks are entitled to such payment on the class A stock of the Corporation held by them. Receipts for payments by the United States for or on account of such stock shall be issued by the Corporation to the Secretary of the Treasury and shall be evidence of the stock ownership of the United States.

Payments subject to call.
To be additional.

Dividend payments to United States.

Receipts for payments.

"(d) The capital stock of the Corporation shall be divided into shares of $100 each. Certificates of stock of the Corporation shall be of two classes—class A and class B. Class A stock shall be held by member and nonmember banks as hereinafter provided and they shall be entitled to payment of dividends out of net earnings at the rate of 6 per centum per annum on the capital stock paid in by them, which dividends shall be cumulative, or to the extent of 30 per centum of such net earnings in any one year, whichever amount shall be the greater, but such stock shall have no vote at meetings of stockholders. Class B stock shall be held by Federal reserve banks only and shall not be entitled to the payment of dividends. Every Federal reserve bank shall subscribe to shares of class B stock in the Corporation to an amount equal to one half of the surplus of such bank on January 1, 1933, and its subscriptions shall be accompanied by a certified check payable to the Corporation in an amount equal to one half of such subscription. The remainder of such subscription shall be subject to call from time to time by the board of directors upon ninety days' notice.

Capital stock, divided into shares of $100 each.
Stock certificates, classes.
Class A, by which banks to be held.

Dividend payments, amount.

Class B, held by Reserve bank.

Subscription for.

Payments.

"(e) Every bank which is or which becomes a member of the Federal Reserve System on or before July 1, 1934, shall take all steps necessary to enable it to become a class A stockholder of the Corporation on or before July 1, 1934; and thereafter no State bank or trust company or mutual savings bank shall be admitted to membership in the Federal Reserve System until it becomes a class A stockholder of the Corporation, no national bank in the continental United States shall be granted a certificate by the Comptroller of the Currency authorizing it to commence the business of banking until it becomes a member of the Federal Reserve System and a class A stockholder of the Corporation, and no national bank in the continental United States for which a receiver or conservator has been appointed shall be permitted to resume the transaction of its banking business until it becomes a class A stockholder of the Corporation. Every member bank shall apply to the Corporation for class A stock of the Corporation in an amount equal to one half of 1 per centum of its total deposit liabilities as computed in accordance with regulations prescribed by the Federal Reserve Board; except that in the case of a member bank organized after the date this section takes effect, the amount of such class A stock applied for by such member bank during the first twelve months after its organization shall equal 5 per centum of its paid-up capital and surplus, and beginning after the expiration of such twelve months' period the amount of such class A stock of such member bank shall be adjusted annually in the same manner as in the case of other member banks. Upon receipt of such application the Corporation shall request the Federal Reserve Board, in the case of a State member bank, or the Comptroller of the Currency, in the case of a national bank, to certify upon the basis of a thorough examination of such bank whether or not the assets of the applying bank are adequate to enable it to

Subscriptions for class A on or before July 1, 1934.
Post, p. 969.

Admission to membership thereafter; subscription required.

National banks.
Certificate to commence or resume banking business denied unless member and class A stockholder.

Application for class A.

Amount.

Exception; member bank hereafter organized.

Amount.

Certification respecting sufficiency of applying bank's assets.

meet all of its liabilities to depositors and other creditors as shown by the books of the bank; and the Federal Reserve Board or the Comptroller of the Currency shall make such certification as soon as practicable. If such certification be in the affirmative, the Corporation shall grant such application and the applying bank shall pay one half of its subscription in full and shall thereupon become a class A stockholder of the Corporation: *Provided*, That no member bank shall be required to make such payment or become a class A stockholder of the Corporation before July 1, 1934. The remainder of such subscription shall be subject to call from time to time by the board of directors of the Corporation. If such certification be in the negative, the Corporation shall deny such application. If any national bank shall not have become a class A stockholder of the Corporation on or before July 1, 1934, the Comptroller of the Currency shall appoint a receiver or conservator therefor in accordance with the provisions of existing law. Except as provided in subsection (g) of this section, if any State member bank shall not have become a class A stockholder of the Corporation on or before July 1, 1934, the Federal Reserve Board shall terminate its membership in the Federal Reserve System in accordance with the provisions of section 9 of this Act.

Payment if certification affirmative; amount.

Proviso.
Not required before July 1, 1934.

Payment of remainder subject to call.

Denial of application if certification negative.

Receiver or conservator; appointment.

Termination of membership, State member bank not subscribing class A on or before July 1, 1934.

Post, p. 180.

"(f) Any State bank or trust company or mutual savings bank which applies for membership in the Federal Reserve System or for conversion into a national banking association on or after July 1, 1936, may, with the consent of the Corporation, obtain the benefits of this section, pending action on such application, by subscribing and paying for the same amount of stock of the Corporation as it would be required to subscribe and pay for upon becoming a member bank. Thereupon the provisions of this section applicable to member banks shall be applicable to such State bank or trust company or mutual savings bank to the same extent as if it were already a member bank: *Provided*, That if the application of such State bank or trust company or mutual savings bank for membership in the Federal Reserve System or for conversion into a national banking association be approved and it shall not complete its membership in the Federal Reserve System or its conversion into a national banking association within a reasonable time, or if such application shall be disapproved, then the amount paid by such State bank or trust company or mutual savings bank on account of its subscription to the capital stock of the Corporation shall be repaid to it and it shall no longer be subject to the provisions or entitled to the privileges of this section.

Applications for membership on or before July 1, 1936.

Benefits to accrue during pendency of.

Provisions thereafter applicable.

Proviso.
Repayment if membership application not completed or disapproved, etc.

"(g) If any State bank or trust company, or mutual savings bank (referred to in this subsection as 'State bank') which is or which becomes a member of the Federal Reserve System is not permitted by the laws under which it was organized to purchase stock in the Corporation, it shall apply to the Corporation for admission to the benefits of this section and, if such application be granted after appropriate certification in accordance with this section, it shall deposit with the Corporation an amount equal to the amount which it would have been required to pay in on account of a subscription to capital stock of the Corporation. Thereafter such deposit shall be adjusted in the same manner as subscriptions for stock by class A stockholders. Such deposit shall be subject to the same conditions with respect to repayment as amounts paid on subscriptions to class A stock by other member banks and the Corporation shall pay interest thereon at the same rate as dividends are actually paid on outstanding shares of class A stock. As long as such deposit is maintained with the Corporation, such State bank shall,

Deposit by State bank with membership application, when stock purchase unlawful under State laws.

Adjustment of deposit.

Conditions subject to.

Interest payments.

Depositor bank deemed class A stockholder.

for the purposes of this section, be deemed to be a class A stockholder of the Corporation. If the laws under which such State bank was organized be amended so as to authorize State banks to subscribe for class A stock of the Corporation, such State bank shall within six months thereafter subscribe for an appropriate amount of such class A stock and the deposit hereinafter provided for in lieu of payment upon class A stock shall be applied upon such subscription. If the law under which such State bank was organized be not amended at the next session of the State legislature following the admission of such State bank to the benefits of this section so as to authorize State banks to purchase such class A stock, or, if the law be so amended and such State bank shall fail within six months thereafter to purchase such class A stock, the deposit previously made with the Corporation shall be returned to such State bank and it shall no longer be entitled to the benefits of this section, unless it shall have been closed in the meantime on account of inability to meet the demands of its depositors.

Application of deposit to subscription, if subscription hereafter legalized.

Termination of State bank to rights of membership.

When right to subscribe not granted.

When granted and failure to purchase stock.

"(h) The amount of the outstanding class A stock of the Corporation held by member banks shall be annually adjusted as hereinafter provided as of the last preceding call date as member banks increase their time and demand deposits or as additional banks become members or subscribe to the stock of the Corporation, and such stock may be decreased in amount as member banks reduce their time and demand deposits or cease to be members. Shares of the capital stock of the Corporation owned by member banks shall not be transferred or hypothecated. When a member bank increases its time and demand deposits it shall, at the beginning of each calendar year, subscribe for an additional amount of capital stock of the Corporation equal to one half of 1 per centum of such increase in deposits. One half of the amount of such additional stock shall be paid for at the time of the subscription therefor, and the balance shall be subject to call by the board of directors of the Corporation. A bank organized on or before the date this section takes effect and admitted to membership in the Federal Reserve System at any time after the organization of the Corporation shall be required to subscribe for an amount of class A capital stock equal to one half of 1 per centum of the time and demand deposits of the applicant bank as of the date of such admission, paying therefor its par value plus one half of 1 per centum a month from the period of the last dividend on the class A stock of the Corporation. When a member bank reduces its time and demand deposits it shall surrender, not later than the 1st day of January thereafter, a proportionate amount of its holdings in the capital stock of the Corporation, and when a member bank voluntarily liquidates it shall surrender all its holdings of the capital stock of the Corporation and be released from its stock subscription not previously called. The shares so surrendered shall be canceled and the member bank shall receive in payment therefor, under regulations to be prescribed by the Corporation, a sum equal to its cash-paid subscriptions on the shares surrendered and its proportionate share of dividends not to exceed one half of 1 per centum a month, from the period of the last dividend on such stock, less any liability of such member bank to the Corporation.

Annual adjustment, amount of class A.

Decrease authorized.

Transfer, etc., of shares by member banks, denied.

Additional subscription, upon increase of deposits.

Payments.

Amount of subscription for class A; member banks.

Payment.

Proportionate surrender of amount of shares, when deposits decrease.

Total surrender upon liquidation.

Cancellation of shares.

Repayments; amount of.

"(i) If any member or nonmember bank shall be declared insolvent, or shall cease to be a member bank (or in the case of a nonmember bank, shall cease to be entitled to the benefits of insurance under this section), the stock held by it in the Corporation shall be canceled, without impairment of the liability of such bank, and all cash-paid subscriptions on such stock, with its proportionate share of dividends

Cancellation of stock.

Member bank, when insolvent or ceases membership.

Nonmember bank.

Liability not impaired.

Distribution of assets.

not to exceed one half of 1 per centum per month from the period of last dividend on such stock shall be first applied to all debts of the insolvent bank or the receiver thereof to the Corporation, and the balance, if any, shall be paid to the receiver of the insolvent bank.

Federal Deposit Insurance Corporation.
Corporate powers.

"(j) Upon the date of enactment of the Banking Act of 1933, the Corporation shall become a body corporate and as such shall have power—

"First. To adopt and use a corporate seal.

"Second. To have succession until dissolved by an Act of Congress.

"Third. To make contracts.

"Fourth. To sue and be sued, complain and defend, in any court of law or equity, State or Federal.

"Fifth. To appoint by its board of directors such officers and employees as are not otherwise provided for in this section, to define their duties, fix their compensation, require bonds of them and fix the penalty thereof, and to dismiss at pleasure such officers or employees. Nothing in this or any other Act shall be construed to prevent the appointment and compensation as an officer or employee of the Corporation of any officer or employee of the United States in any board, commission, independent establishment, or executive department thereof.

"Sixth. To prescribe by its board of directors, bylaws not inconsistent with law, regulating the manner in which its general business may be conducted, and the privileges granted to it by law may be exercised and enjoyed.

"Seventh. To exercise by its board of directors, or duly authorized officers or agents, all powers specifically granted by the provisions of this section and such incidental powers as shall be necessary to carry out the powers so granted.

Board of directors; administration of corporate affairs.
Determination of manner disbursements made; obligations incurred.
Franking privilege.

"(k) The board of directors shall administer the affairs of the Corporation fairly and impartially and without discrimination. The board of directors of the Corporation shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid. The Corporation shall be entitled to the free use of the United States mails in the same manner as the executive departments of the Government. The Corporation with the consent of any Federal reserve bank or of any board, commission, independent establishment, or executive department of the Government, including any field service thereof, may avail itself of the use of information, services, and facilities thereof in carrying out the provisions of this section.

Cooperation of executive departments.

Insurance of deposits, member banks; effective July 1, 1934.
Post, pp. 969, 970.
President may fix earlier date.
Nonmember banks.

"(l) Effective on and after July 1, 1934 (thus affording ample time for examination and preparation), unless the President shall by proclamation fix an earlier date, the Corporation shall insure as hereinafter provided the deposits of all member banks, and on and after such date and until July 1, 1936, of all nonmember banks, which are class A stockholders of the Corporation. Notwithstanding any other provision of law, whenever any national bank which is a class A stockholder of the Corporation shall have been closed by action of its board of directors or by the Comptroller of the Currency, as the case may be, on account of inability to meet the demands of its depositors, the Comptroller of the Currency shall appoint the Corporation receiver for such bank. As soon as possible thereafter the Corporation shall organize a new national bank to assume the insured deposit liabilities of such closed bank, to receive new deposits and otherwise to perform temporarily the func-

Corporation as receiver of closed national bank.

Organization of new national bank.

tions provided for it in this paragraph. For the purposes of this subsection, the term 'insured deposit liability' shall mean with respect to the owner of any claim arising out of a deposit liability of such closed bank the following percentages of the net amount due to such owner by such closed bank on account of deposit liabilities: 100 per centum of such net amount not exceeding $10,000; and 75 per centum of the amount, if any, by which such net amount exceeds $10,000 but does not exceed $50,000; and 50 per centum of the amount, if any, by which such net amount exceeds $50,000: *Provided*, That, in determining the amount due to such owner for the purpose of fixing such percentage, there shall be added together all net amounts due to such owner in the same capacity or the same right, on account of deposits, regardless of whether such deposits be maintained in his name or in the names of others for his benefit. For the purposes of this subsection, the term 'insured deposit liabilities' shall mean the aggregate amount of all such insured deposit liabilities of such closed bank. The Corporation shall determine as expeditiously as possible the net amounts due to depositors of the closed bank and shall make available to the new bank an amount equal to the insured deposit liabilities of such closed bank, whereupon such new bank shall assume the insured deposit liability of such closed bank to each of its depositors, and the Corporation shall be subrogated to all rights against the closed bank of the owners of such deposits and shall be entitled to receive the same dividends from the proceeds of the assets of such closed bank as would have been payable to each such depositor until such dividends shall equal the insured deposit liability to such depositor assumed by the new bank, whereupon all further dividends shall be payable to such depositor. Of the amount thus made available by the Corporation to the new bank, such portion shall be paid to it in cash as may be necessary to enable it to meet immediate cash demands and the remainder shall be credited to it on the books of the Corporation subject to withdrawal on demand and shall bear interest at the rate of 3 per centum per annum until withdrawn. The new bank may, with the approval of the Corporation, accept new deposits, which, together with all amounts made available to the new bank by the Corporation, shall be kept on hand in cash, invested in direct obligations of the United States, or deposited with the Corporation or with a Federal reserve bank. Such new bank shall maintain on deposit with the Federal reserve bank of its district the reserves required by law of member banks but shall not be required to subscribe for stock of the Federal reserve bank until its own capital stock has been subscribed and paid for in the manner hereinafter provided. The articles of association and organization certificate of such new bank may be executed by such representatives of the Corporation as it may designate; the new bank shall not be required to have any directors at the time of its organization, but shall be managed by an executive officer to be designated by the Corporation; and no capital stock need be paid in by the Corporation; but in other respects such bank shall be organized in accordance with the existing provisions of law relating to the organization of national banks; and, until the requisite amount of capital stock for such bank has been subscribed and paid for in the manner hereinafter provided, such bank shall transact no business except that authorized by this subsection and such business as may be incidental to its organization. When in the judgment of the Corporation it is desirable to do so, the Corporation shall offer capital stock of the new bank for sale on such terms and conditions as the Corporation shall deem advisable, in an amount sufficient in the opinion of the Corporation to make possible the conduct

"Insured deposit liability", construed.

Percentages.

Proviso.
Determination of amounts for fixing percentages.

"Insured deposit liabilities," construed.

Determination of amounts due depositors.

Amounts made available.

Corporation subrogated to rights against closed bank.

Entitlement to dividends.

Payments to be made in cash.

Credits.

Interest rate.

Acceptance of new deposits.

Investments authorized.

Maintenance of reserve with reserve bank.

Subscription for stock not required.

Articles of association and organization.

Management of new bank.

Capital stock payments by corporation.

Transaction of business.

Offers of capital stock of new bank.

Amount.

R. S., sec. 5138, p. 993. U.S.C., p. 261.

of the business of the new bank on a sound basis, but in no event less than that required by section 5138 of the Revised Statutes, as amended (U.S.C., title 12, sec. 51), for the organization of a national bank in the place where such new bank is located, giving the stockholders of the closed bank the first opportunity to purchase such stock. Upon proof that an adequate amount of capital stock of the new bank has been subscribed and paid for in cash by subscribers satisfactory to the Comptroller of the Currency, he shall issue to such bank a certificate of authority to commence business and thereafter it shall be managed by directors elected by its own shareholders and may exercise all of the powers granted by law to national banking associations. If an adequate amount of capital for such new bank is not subscribed and paid in, the Corporation may offer to transfer its business to any other banking institution in the same place which will take over its assets, assume its liabilities, and pay to the Corporation for such business such amount as the Corporation may deem adequate. Unless the capital stock of the new bank is sold or its assets acquired and its liabilities assumed by another banking institution, in the manner herein prescribed, within two years from the date of its organization, the Corporation shall place the new bank in voluntary liquidation and wind up its affairs. The Corporation shall open on its books a deposit insurance account and, as soon as possible after taking possession of any closed national bank, the Corporation shall make an estimate of the amount which will be available from all sources for application in satisfaction of the portion of the claims of depositors to which it has been subrogated and shall debit to such deposit insurance account the excess, if any, of the amount made available by the Corporation to the new bank for depositors over and above the amount of such estimate. It shall be the duty of the Corporation to realize upon the assets of such closed bank, having due regard to the condition of credit in the district in which such closed bank is located; to enforce the individual liability of the stockholders and directors thereof; and to wind up the affairs of such closed bank in conformity with the provisions of law relating to the liquidation of closed national banks, except as herein otherwise provided, retaining for its own account such portion of the amount realized from such liquidation as it shall be entitled to receive on account of its subrogation to the claims of depositors and paying to depositors and other creditors the amount available for distribution to them, after deducting therefrom their share of the costs of the liquidation of the closed bank. If the total amount realized by the Corporation on account of its subrogation to the claims of depositors be less than the amount of the estimate hereinabove provided for, the deposit insurance account shall be charged with the deficiency and, if the total amount so realized shall exceed the amount of such estimate, such account shall be credited with such excess. With respect to such closed national banks, the Corporation shall have all the rights, powers, and privileges now possessed by or hereafter given receivers of insolvent national banks and shall be subject to the obligations and penalties not inconsistent with the provisions of this paragraph to which such receivers are now or may hereafter become subject.

Preemption right of stockholders.

Certificate to commence business; when to issue.

Management thereafter.

Transfer of business, when stock subscription inadequate.

Voluntary liquidation of new bank when not transferred.

Deposit insurance account.

Duty of corporation to open.

Debits to.

Additional duties of corporation; liquidation of closed bank.

Powers and rights of corporation as receiver.

Closed State member banks.

"Whenever any State member bank which is a class A stockholder of the Corporation shall have been closed by action of its board of directors or by the appropriate State authority, as the case may be, on account of inability to meet the demands of its depositors, the Corporation shall accept appointment as receiver thereof, if such appointment be tendered by the appropriate State authority and be

Corporation as receiver of.

authorized or permitted by State law. Thereupon the Corporation shall organize a new national bank, in accordance with the provisions of this subsection, to assume the insured deposit liabilities of such closed State member bank, to receive new deposits and otherwise to perform temporarily the functions provided for in this subsection. Upon satisfactory recognition of the right of the Corporation to receive dividends on the same basis as in the case of a closed national bank under this subsection, such recognition being accorded by State law, by allowance of claims by the appropriate State authority, by assignment of claims by depositors, or by any other effective method, the Corporation shall make available to such new national bank, in the manner prescribed by this subsection, an amount equal to the insured deposit liabilities of such closed State member bank; and the Corporation and such new national bank shall perform all of the functions and duties and shall have all the rights and privileges with respect to such State member bank and the depositors thereof which are prescribed by this subsection with respect to closed national banks holding class A stock in the Corporation: *Provided*, That the rights of depositors and other creditors of such State member bank shall be determined in accordance with the applicable provisions of State law: *And provided further*, That, with respect to such State member bank, the Corporation shall possess the powers and privileges provided by State law with respect to a receiver of such State member bank, except in so far as the same are in conflict with the provisions of this subsection.

Organization of new bank.

Purpose.

Funds to cover insured deposit liabilities made available by Corporation when right to dividends recognized.

Management of new bank.

Provisos.
Determination of rights of depositors, etc.

Powers, etc., of Corporation under State law.

"Whenever any State member bank which is a class A stockholder of the Corporation shall have been closed by action of its board of directors or by the appropriate State authority, as the case may be, on account of inability to meet the demands of its depositors, and the applicable State law does not permit the appointment of the Corporation as receiver of such bank, the Corporation shall organize a new national bank, in accordance with the provisions of this subsection, to assume the insured deposit liabilities of such closed State member bank, to receive new deposits, and otherwise to perform temporarily the functions provided for in this subsection. Upon satisfactory recognition of the right of the Corporation to receive dividends on the same basis as in the case of a closed national bank under this subsection, such recognition being accorded by State law, by allowance of claims by the appropriate State authority, by assignment of claims by depositors, or by any other effective method, the Corporation shall make available to such new bank, in accordance with the provisions of this subsection, the amount of insured deposit liabilities as to which such recognition has been accorded; and such new bank shall assume such insured deposit liabilities and shall in other respects comply with the provisions of this subsection respecting new banks organized to assume insured deposit liabilities of closed national banks. In so far as possible in view of the applicable provisions of State law, the Corporation shall proceed with respect to the receiver of such closed bank and with respect to the new bank organized to assume its insured deposit liabilities in the manner prescribed by this subsection with respect to closed national banks and new banks organized to assume their insured deposit liabilities; except that the Corporation shall have none of the powers, duties, or responsibilities of a receiver with respect to the winding up of the affairs of such closed State member bank. The Corporation, in its discretion, however, may purchase and liquidate any or all of the assets of such bank.

Organization of new bank, when appointment of Corporation as receiver unlawful.

Functions.

Funds to be made available when right of Corporation to receive dividends recognized.

Assumption of insured deposit liabilities.

Levy on class A stockholders.

"Whenever the net debit balance of the deposit insurance account of the Corporation shall equal or exceed one fourth of 1 per centum of the total deposit liabilities of all class A stockholders as of the date of the last preceding call report, the Corporation shall levy upon such stockholders an assessment equal to one fourth of 1 per centum of their total deposit liabilities and shall credit the amount collected from such assessment to such deposit insurance account. No bank which is a holder of class A stock shall pay any dividends until all assessments levied upon it by the Corporation shall have been paid in full; and any director or officer of any such bank who participates in the declaration or payment of any such dividend may, upon conviction, be fined not more than $1,000, or imprisoned for not more than one year, or both.

Credit to insurance account.

Dividend payment by bank denied until assessment paid.

Penalty provision.

"Receiver", construed.

"The term 'receiver' as used in this section shall mean a receiver, liquidating agent, or conservator of a national bank, and a receiver, liquidating agent, conservator, commission, person, or other agency charged by State law with the responsibility and the duty of winding up the affairs of an insolvent State member bank.

"National bank."

"For the purposes of this section only, the term 'national bank' shall include all national banking associations and all banks, banking associations, trust companies, savings banks, and other banking institutions located in the District of Columbia which are members of the Federal Reserve System; and the term 'State member bank' shall include all State banks, banking associations, trust companies, savings banks, and other banking institutions organized under the laws of any State, which are members of the Federal Reserve System.

"State member bank."

Amounts of deposits, payable in foreign country excluded in determining total deposit liabilities.

"In any determination of the insured deposit liabilities of any closed bank or of the total deposit liabilities of any bank which is a holder of class A stock of the Corporation, or a member of the Fund provided for in subsection (y), for the purposes of this section, there shall be excluded the amounts of all deposits of such bank which are payable only at an office thereof located in a foreign country.

Rules, etc., by Corporation.

"The Corporation may make such rules, regulations, and contracts as it may deem necessary in order to carry out the provisions of this section.

Deposit or investment of money by Corporation.

"Money of the Corporation not otherwise employed shall be invested in securities of the Government of the United States, except that for temporary periods, in the discretion of the board of directors, funds of the Corporation may be deposited in any Federal reserve bank or with the Treasurer of the United States.

Designation of Corporation as public moneys depositary.

When designated for that purpose by the Secretary of the Treasury, the Corporation shall be a depositary of public moneys, except receipts from customs, under such regulations as may be prescribed by the said Secretary, and may also be employed as a financial agent of the Government. It shall perform all such reasonable duties as depositary of public moneys and financial agent of the Government as may be required of it.

Authority of Corporation to make loans to national banks, etc.

"(m) Nothing herein contained shall be construed to prevent the Corporation from making loans to national banks closed by action of the Comptroller of the Currency, or by vote of their directors, or to State member banks closed by action of the appropriate State authorities, or by vote of their directors, or from entering into negotiations to secure the reopening of such banks.

Sale of assets of insolvent banks to Corporation.
Permission required.

"(n) Receivers or liquidators of member banks which are now or may hereafter become insolvent or suspended shall be entitled to offer the assets of such banks for sale to the Corporation or as security for loans from the Corporation, upon receiving permission from the appropriate State authority in accordance with express pro-

visions of State law in the case of State member banks, or from the Comptroller of the Currency in the case of national banks. The proceeds of every such sale or loan shall be utilized for the same purposes and in the same manner as other funds realized from the liquidation of the assets of such banks. The Comptroller of the Currency may, in his discretion, pay dividends on proved claims at any time after the expiration of the period of advertisement made pursuant to section 5235 of the Revised Statutes (U.S.C., title 12, sec. 193), and no liability shall attach to the Comptroller of the Currency or to the receiver of any national bank by reason of any such payment for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

Utilization of proceeds.

Payment of dividends on proved claims.
R.S., sec. 5235, p. 1012.
U.S.C., p. 272.

"(o) The Corporation is authorized and empowered to issue and to have outstanding at any one time in an amount aggregating not more than three times the amount of its capital, its notes, debentures, bonds, or other such obligations, to be redeemable at the option of the Corporation before maturity in such manner as may be stipulated in such obligations, and to bear such rate or rates of interest, and to mature at such time or times as may be determined by the Corporation: *Provided*, That the Corporation may sell on a discount basis short-term obligations payable at maturity without interest. The notes, debentures, bonds, and other such obligations of the Corporation may be secured by assets of the Corporation in such manner as shall be prescribed by its board of directors. Such obligations may be offered for sale at such price or prices as the Corporation may determine.

Amount of outstanding corporate obligations.
Redeemable before maturity optional.

Proviso.
Sale of short-term obligations at discount.
Security.

"(p) All notes, debentures, bonds, or other such obligations issued by the Corporation shall be exempt, both as to principal and interest, from all taxation (except estate and inheritance taxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. The Corporation, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to State, Territorial, county, municipal or local taxation to the same extent according to its value as other real property is taxed.

Corporate obligations, tax exemption.
Exception, State and inheritance taxes.

Corporation, including franchise, exempt.

"(q) In order that the Corporation may be supplied with such forms of notes, debentures, bonds, or other such obligations as it may need for issuance under this Act, the Secretary of the Treasury is authorized to prepare such forms as shall be suitable and approved by the Corporation, to be held in the Treasury subject to delivery, upon order of the Corporation. The engraved plates, dies, bed pieces, and other material executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Corporation shall reimburse the Secretary of the Treasury for any expenses incurred in the preparation, custody, and delivery of such notes, debentures, bonds, or other such obligations.

Preparation of note, debenture, etc., forms.

Custody of plates, dies, etc.

Reimbursement for expenses.

"(r) The Corporation shall annually make a report of its operations to the Congress as soon as practicable after the 1st day of January in each year.

Annual report of Corporation.

"(s) Whoever, for the purpose of obtaining any loan from the Corporation, or any extension or renewal thereof, or the acceptance, release, or substitution of security therefor, or for the purpose of inducing the Corporation to purchase any assets, or for the purpose of influencing in any way the action of the Corporation under this sec-

Penalty provisions.
False statement.

Willfull overvaluation of any security.

tion, makes any statement, knowing it to be false, or willfully overvalues any security, shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both.

Counterfeit of corporate obligation, etc.

" (t) Whoever (1) falsely makes, forges, or counterfeits any obligation or coupon, in imitation of or purporting to be an obligation or coupon issued by the Corporation, or (2) passes, utters, or publishes, or attempts to pass, utter, or publish, any false, forged, or counterfeited obligation or coupon purporting to have been issued by the Corporation, knowing the same to be false, forged, or counterfeited, or (3) falsely alters any obligation or coupon issued or purporting to have been issued by the Corporation, or (4) passes, utters, or publishes, or attempts to pass, utter, or publish, as true, any falsely altered or spurious obligation or coupon, issued or purporting to have been issued by the Corporation, knowing the same to be falsely altered or spurious, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or both.

Embezzlement, etc.

" (u) Whoever, being connected in any capacity with the Corporation, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to it or pledged, or otherwise intrusted to it, or (2) with intent to defraud the Corporation or any other body, politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the Corporation, makes any false entry in any book, report, or statement of or to the Corporation, or without being duly authorized draws any order or issues, puts forth, or assigns any note, debenture, bond, or other such obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or both.

Term "Federal Deposit Insurance Corporation."
Exclusive use.
False advertising.
Post, p. 970.

" (v) No individual, association, partnership, or corporation shall use the words 'Federal Deposit Insurance Corporation', or a combination or any three of these four words, as the name or a part thereof under which he or it shall do business. No individual, association, partnership, or corporation shall advertise or otherwise represent falsely by any device whatsoever that his or its deposit liabilities are insured or in anywise guaranteed by the Federal Deposit Insurance Corporation, or by the Government of the United States, or by any instrumentality thereof; and no class A stockholder of the Federal Deposit Insurance Corporation shall advertise or otherwise represent falsely by any device whatsoever the extent to which or the manner in which its deposit liabilities are insured by the Federal Deposit Insurance Corporation. Every individual, partnership, association, or corporation violating this subsection shall be punished by a fine of not exceeding $1,000, or by imprisonment not exceeding one year, or both.

Penalty for violation.

Criminal Code of United States.
Vol. 35, p. 1108.
U.S.C., p. 475.
Applicable to corporate contracts and agreements.

"(w) The provisions of sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United States (U.S.C., title 18, ch. 5, secs. 202 to 207, inclusive), in so far as applicable, are extended to apply to contracts or agreements with the Corporation under this section, which for the purposes hereof shall be held to include loans, advances, extensions, and renewals thereof, and acceptances, releases, and substitutions of security therefor, purchases or sales of assets, and all contracts and agreements pertaining to the same.

Secret Service Division, Treasury Department.
Detection, etc., of persons violating.

"(x) The Secret Service Division of the Treasury Department is authorized to detect, arrest, and deliver into the custody of the United States marshal having jurisdiction any person committing any of the offenses punishable under this section.

"(y) The Corporation shall open on its books a Temporary Federal Deposit Insurance Fund (hereinafter referred to as the 'Fund'), which shall become operative on January 1, 1934, unless the President shall by proclamation fix an earlier date, and it shall be the duty of the Corporation to insure deposits as hereinafter provided until July 1, 1934.

Temporary Federal Deposit Insurance Fund.

To be opened on books of Corporation, operative January 1, 1934.

Post, p. 969.

"Each member bank licensed before January 1, 1934, by the Secretary of the Treasury pursuant to the authority vested in him by the Executive order of the President issued March 10, 1933, shall, on or before January 1, 1934, become a member of the Fund; each member bank so licensed after such date, and each State bank trust company or mutual savings bank (referred to in this subsection as 'State bank', which term shall also include all banking institutions located in the District of Columbia) which becomes a member of the Federal Reserve System on or after such date, shall, upon being so licensed or so admitted to membership, become a member of the Fund; and any State bank which is not a member of the Federal Reserve System, with the approval of the authority having supervision of such State bank and certification to the Corporation by such authority that such State bank is in solvent condition, shall, after examination by, and with the approval of, the Corporation, be entitled to become a member of the Fund and to the privileges of this subsection upon agreeing to comply with the requirements thereof and upon paying to the Corporation an amount equal to the amount that would be required of it under this subsection if it were a member bank. The Corporation is authorized to prescribe rules and regulations for the further examination of such State bank, and to fix the compensation of examiners employed to make examinations of State banks.

Membership of Fund.

Executive Order number 6073.

Post, p. 971.

State banks not members of reserve system.

Examination rules, etc., to be prescribed.

"Each member of the Fund shall file with the Corporation on or before the date of its admission a certified statement under oath showing, as of the fifteenth day of the month preceding the month in which it was so admitted, the number of its depositors and the total amount of its deposits which are eligible for insurance under this subsection, and shall pay to the Corporation an amount equal to one-half of 1 per centum of the total amount of the deposits so certified. One-half of such payment shall be paid in full at the time of the admission of such member to the Fund, and the remainder of such payment shall be subject to call from time to time by the board of directors of the Corporation. Within a reasonable time fixed by the Corporation each such member shall file a similar statement showing, as of June 15, 1934, the number of its depositors and the total amount of its deposits which are eligible for such insurance and shall pay to the Corporation in the same manner an amount equal to one-half of 1 per centum of the increase, if any, in the total amount of such deposits since the date covered by the statement filed upon its admission to membership in the fund.

Certified statement by Fund members.

Contents.

Payments to Corporation.

Manner of making.

Similar statement, as of June 15, 1934, required.

Post, p. 969.

"If at any time prior to July 1, 1934, the Corporation requires additional funds with which to meet its obligations under this subsection, each member of the Fund shall be subject to one additional assessment only in an amount not exceeding the total amount theretofore paid to the Corporation by such member.

Additional assessments authorized.

Post, p. 969.

Amount.

"If any member of the Fund shall be closed on or before June 30, 1934, on account of inability to meet its deposit liabilities, the Corporation shall proceed in accordance with the provisions of subsection (l) of this section to pay the insured deposit liabilities of such member; except that the Corporation shall pay not more than $2,500 on account of the net approved claim of the owner of any deposit.

Payment of insured deposit liabilities, if Fund member closes before June 30, 1934.

Ante, p. 172.

Post, p. 969.

Amount to any depositor.

Application of subsection (l). *Post*, p. 969.

The provisions of such subsection (l) relating to State member banks shall be extended for the purposes of this subsection to members of the Fund which are not members of the Federal Reserve System; and the provisions of this subsection shall apply only to deposits of members of the Fund which have been made available since March 10, 1933, for withdrawal in the usual course of the banking business.

Balance of Fund, July 1, 1934. *Post*, p. 970.

"Before July 1, 1934, the Corporation shall make an estimate of the balance, if any, which will remain in the Fund after providing for all liabilities of the Fund, including expenses of operation thereof under this subsection and allowing for anticipated recoveries.

Refunds to members.

The Corporation shall refund such estimated balance, on such basis as the Corporation shall find to be equitable, to the members of the Fund other than those which have been closed prior to July 1, 1934.

Subscription for class A stock, State bank member of Fund.

"Each State bank which is a member of the Fund, in order to obtain the benefits of this section after July 1, 1934, shall, on or before such date, subscribe and pay for the same amount of class A stock of the Corporation as it would be required to subscribe and pay for upon becoming a member bank, or if such State bank is

Deposit, if subscription unlawful.

not permitted by the laws under which it was organized to purchase such stock, it shall deposit with the Corporation an amount equal to the amount it would have been required to pay in on account of a subscription to such stock; and thereafter such State bank shall be entitled to such benefits until July 1, 1936.

Purpose of section.

"It is not the purpose of this section to discriminate, in any manner, against State nonmember, and in favor of, national or member banks; but the purpose is to provide all banks with the same opportunity to obtain and enjoy the benefits of this section. No bank shall be discriminated against because its capital stock is less than the amount required for eligibility for admission into the Federal Reserve System."

Vol. 39, p. 753, Vol. 47, p. 160. U.S.C., p. 282, Supp. VI, p. 136. *Post*, pp. 348, 646.

SEC. 9. The eighth paragraph of section 13 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 347; Supp. VI, title 12, sec. 347), is amended to read as follows:

Advances to member banks on their notes.

"Any Federal reserve bank may make advances for periods not exceeding fifteen days to its member banks on their promissory notes secured by the deposit or pledge of bonds, notes, certificates of indebtedness, or Treasury bills of the United States, or by the

Debentures of Federal intermediate credit banks. Vol. 42, p. 1479. U.S.C., p. 282.

deposit or pledge of debentures or other such obligations of Federal intermediate credit banks which are eligible for purchase by Federal reserve banks under section 13 (a) of this Act; and any Federal reserve bank may make advances for periods not exceeding ninety days to its member banks on their promissory notes secured by such notes, drafts, bills of exchange, or bankers' acceptances as are eligible for rediscount or for purchase by Federal reserve banks under

Rates of advances. Determined by Reserve Board.

the provisions of this Act. All such advances shall be made at rates to be established by such Federal reserve banks, such rates to be subject to the review and determination of the Federal Reserve Board.

Advances deemed immediately payable, when outstanding loans increased for stock, etc., purchases.

If any member bank to which any such advance has been made shall, during the life or continuance of such advance, and despite an official warning of the reserve bank of the district or of the Federal Reserve Board to the contrary, increase its outstanding loans secured by collateral in the form of stocks, bonds, debentures, or other such obligations, or loans made to members of any organized stock exchange, investment house, or dealer in securities, upon any obligation, note, or bill, secured or unsecured, for the purpose of purchasing and/or carrying stocks, bonds, or other investment securities (except obligations of the United States) such advance shall be deemed immediately due and payable, and such member

bank shall be ineligible as a borrower at the reserve bank of the district under the provisions of this paragraph for such period as the Federal Reserve Board shall determine: *Provided*, That no temporary carrying or clearance loans made solely for the purpose of facilitating the purchase or delivery of securities offered for public subscription shall be included in the loans referred to in this paragraph."

Ineligible as borrower at reserve bank thereafter.

Proviso. Temporary carrying or clearance loans.

SEC. 10. Section 14 of the Federal Reserve Act, as amended (U. S. C., title 12, secs. 353–358), is amended by adding at the end thereof the following new paragraph:

Vol. 38, p. 265. U.S.C., p. 282.

"(g) The Federal Reserve Board shall exercise special supervision over all relationships and transactions of any kind entered into by any Federal reserve bank with any foreign bank or banker, or with any group of foreign banks or bankers, and all such relationships and transactions shall be subject to such regulations, conditions, and limitations as the Board may prescribe. No officer or other representative of any Federal reserve bank shall conduct negotiations of any kind with the officers or representatives of any foreign bank or banker without first obtaining the permission of the Federal Reserve Board. The Federal Reserve Board shall have the right, in its discretion, to be represented in any conference or negotiations by such representative or representatives as the Board may designate. A full report of all conferences or negotiations, and all understandings or agreements arrived at or transactions agreed upon, and all other material facts appertaining to such conferences or negotiations, shall be filed with the Federal Reserve Board in writing by a duly authorized officer of each Federal reserve bank which shall have participated in such conferences or negotiations."

Supervision by Board, foreign transactions of reserve bank.

Regulations.

Permission to conduct foreign negotiations.

Right of Board to representation during conferences.

Report to be filed.

SEC. 11. (a) Section 19 of the Federal Reserve Act, as amended (U.S.C., title 12, secs. 142, 374, 461–466; Supp. VI, title 12, sec. 462a), is amended by inserting after the sixth paragraph thereof the following new paragraph:

Vol. 38, p. 270. U.S.C., pp. 268, 284, 287; Supp. VI, p. 138.

"No member bank shall act as the medium or agent of any nonbanking corporation, partnership, association, business trust, or individual in making loans on the security of stocks, bonds, and other investment securities to brokers or dealers in stocks, bonds, and other investment securities. Every violation of this provision by any member bank shall be punishable by a fine of not more than $100 per day during the continuance of such violation; and such fine may be collected, by suit or otherwise, by the Federal reserve bank of the district in which such member bank is located."

Member bank as agent in making loans to stock brokers prohibited.

Penalty provision.

(b) Such section 19 of the Federal Reserve Act, as amended, is further amended by adding at the end thereof the following new paragraphs:

Vol. 38, p. 270.

"No member bank shall, directly or indirectly by any device whatsoever, pay any interest on any deposit which is payable on demand: *Provided*, That nothing herein contained shall be construed as prohibiting the payment of interest in accordance with the terms of any certificate of deposit or other contract heretofore entered into in good faith which is in force on the date of the enactment of this paragraph; but no such certificate of deposit or other contract shall be renewed or extended unless it shall be modified to conform to this paragraph, and every member bank shall take such action as may be necessary to conform to this paragraph as soon as possible consistently with its contractual obligations: *Provided, however*, That this paragraph shall not apply to any deposit of such bank which is payable only at an office thereof located in a foreign country, and shall not apply to any deposit made by a mutual savings bank, nor to any deposit of public funds made by or on behalf of any State,

Interest payments on demand deposits prohibited.

Provisos. Prior contracts.

Application to deposit payable in foreign country.

Public funds.

county, school district, or other subdivision or municipality, with respect to which payment of interest is required under State law.

Regulation of interest rate, time deposits.

"The Federal Reserve Board shall from time to time limit by regulation the rate of interest which may be paid by member banks on time deposits, and may prescribe different rates for such payment on time and savings deposits having different maturities or subject to different conditions respecting withdrawal or repayment or subject to different conditions by reason of different locations. No member bank shall pay any time deposit before its maturity, or waive any requirement of notice before payment of any savings deposit except as to all savings deposits having the same requirement."

Payment before maturity prohibited.

Postal savings depositories.

(c) Section 8 of the Act entitled "An Act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes", approved June 25, 1910, as amended (U.S.C., title 39, sec. 758), is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "Any depositor may withdraw the whole or any part of the funds deposited to his or her credit with the accrued interest only on notice given sixty days in advance and under such regulations as the Postmaster General may prescribe; but withdrawal of any part of such funds may be made upon demand, but no interest shall be paid on any funds so withdrawn except interest accrued to the date of enactment of the Banking Act of 1933: *Provided*, That Postal Savings depositories may deposit funds in member banks on time under regulations to be prescribed by the Postmaster General."

Vol. 36, p. 816.
U.S.C., p. 1281.

Withdrawals on 60 days' notice.

On demand.

Proviso.
Deposits with member banks.

Vol. 36, p. 816; Vol. 39, p. 159.
U.S.C., p. 1281.
Deposit of funds in banks.

(d) The second sentence of section 9 of the Act entitled "An Act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes", approved June 25, 1910, as amended (U.S.C., title 39, sec. 759), is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: "*Provided*, That no such security shall be required in case of such part of the deposits as are insured under section 12B of the Federal Reserve Act, as amended."

Security, when deposits insured.
Ante, p. 168.

Vol. 38, p. 272.
U.S.C., pp. 284, 288, 291–292; Supp. VI, p. 140.

SEC. 12. Section 22 of the Federal Reserve Act, as amended (U.S.C., title 12, secs. 375, 376, 503, 593–595; Supp. VI, title 12, sec. 593), is further amended by adding at the end thereof the following new paragraph:

Loans to executive officer prohibited.

"(g) No executive officer of any member bank shall borrow from or otherwise become indebted to any member bank of which he is an executive officer, and no member bank shall make any loan or extend credit in any other manner to any of its own executive officers: *Provided*, That loans heretofore made to any such officer may be renewed or extended not more than two years from the date this paragraph takes effect, if in accord with sound banking practice.

Proviso.
Renewal of loans made prior hereto.

Report by officer, when indebted to other member bank.

If any executive officer of any member bank borrow from or if he be or become indebted to any bank other than a member bank of which he is an executive officer, he shall make a written report to the chairman of the board of directors of the member bank of which he is an executive officer, stating the date and amount of such loan or indebtedness, the security therefor, and the purpose for which the proceeds have been or are to be used. Any executive officer of any member bank violating the provisions of this paragraph shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year, or fined not more than $5,000, or both; and any member bank violating the provisions of this paragraph shall be

Penalty provision.

fined not more than $10,000, and may be fined a further sum equal to the amount so loaned or credit so extended."

SEC. 13. The Federal Reserve Act, as amended, is amended by inserting between sections 23 and 24 thereof (U.S.C., title 12, secs. 64 and 371; Supp. VI, title 12, sec. 371) the following new section: Vol. 38, p. 273. U.S.C., pp. 263, 283; Supp. VI, p. 137.

"SEC. 23A. No member bank shall (1) make any loan or any extension of credit to, or purchase securities under repurchase agreement from, any of its affiliates, or (2) invest any of its funds in the capital stock, bonds, debentures, or other such obligations of any such affiliate, or (3) accept the capital stock, bonds, debentures, or other such obligations of any such affiliate as collateral security for advances made to any person, partnership, association, or corporation, if, in the case of any such affiliate, the aggregate amount of such loans, extensions of credit, repurchase agreements, investments, and advances against such collateral security will exceed 10 per centum of the capital stock and surplus of such member bank, or if, in the case of all such affiliates, the aggregate amount of such loans, extensions of credits, repurchase agreements, investments, and advances against such collateral security will exceed 20 per centum of the capital stock and surplus of such member bank. Loans, investments, etc., prohibited by member banks to affiliates. Percentage permitted.

"Within the foregoing limitations, each loan or extension of credit of any kind or character to an affiliate shall be secured by collateral in the form of stocks, bonds, debentures, or other such obligations having a market value at the time of making the loan or extension of credit of at least 20 per centum more than the amount of the loan or extension of credit, or of at least 10 per centum more than the amount of the loan or extension of credit if it is secured by obligations of any State, or of any political subdivision or agency thereof: *Provided*, That the provisions of this paragraph shall not apply to loans or extensions of credit secured by obligations of the United States Government, the Federal intermediate credit banks, the Federal land banks, the Federal Home Loan Banks, or the Home Owners' Loan Corporation, or by such notes, drafts, bills of exchange, or bankers' acceptances as are eligible for rediscount or for purchase by Federal reserve banks. A loan or extension of credit to a director officer, clerk, or other employee or any representative of any such affiliate shall be deemed a loan to the affiliate to the extent that the proceeds of such loan are used for the benefit of, or transferred to, the affiliate. Security. *Proviso.* United States obligations, etc. Loans to officers of affiliate.

"For the purposes of this section the term 'affiliate' shall include holding company affiliates as well as other affiliates, and the provisions of this section shall not apply to any affiliate (1) engaged solely in holding the bank premises of the member bank with which it is affiliated, (2) engaged solely in conducting a safe-deposit business or the business of an agricultural credit corporation or livestock loan company, (3) in the capital stock of which a national banking association is authorized to invest pursuant to section 25 of the Federal Reserve Act, as amended, (4) organized under section 25 (a) of the Federal Reserve Act, as amended, or (5) engaged solely in holding obligations of the United States Government, the Federal intermediate credit banks, the Federal land banks, the Federal Home Loan Banks, or the Home Owners' Loan Corporation; but as to any such affiliate, member banks shall continue to be subject to other provisions of law applicable to loans by such banks and investments by such banks in stocks, bonds, debentures, or other such obligations." "Affiliate", construed. Affiliates not included. Vol. 38, p. 273. U.S.C., p. 292.

SEC. 14. The Federal Reserve Act, as amended, is amended by inserting between section 24 and section 25 thereof (U.S.C., title 12, Vol. 38, p. 273. U.S.C., pp. 263, 283; Supp. VI, p. 137.

secs. 371 and 601–605; Supp. VI, title 12, sec. 371) the following new section:

Investments prohibited to national and State member banks.

"SEC. 24A. Hereafter no national bank, without the approval of the Comptroller of the Currency, and no State member bank, without the approval of the Federal Reserve Board, shall (1) invest in bank premises, or in the stock, bonds, debentures, or other such obligations of any corporation holding the premises of such bank or (2) make loans to or upon the security of the stock of any such corporation, if the aggregate of all such investments and loans will exceed the amount of the capital stock of such bank."

Vol. 41, p. 1145. U.S.C., p. 293–296.

SEC. 15. The Federal Reserve Act, as amended, is further amended by inserting after section 25 (a) thereof (U.S.C., title 12, sec. 611–631) the following new section:

Foreign branches. Suits at law, equity.

"SEC. 25. (b) Notwithstanding any other provision of law all suits of a civil nature at common law or in equity to which any corporation organized under the laws of the United States shall be a party, arising out of transactions involving international or foreign banking, or banking in a dependency or insular possession of the United States, or out of other international or foreign financial operations, either directly or through the agency, ownership, or control of branches or local institutions in dependencies or insular possessions of the United States or in foreign countries, shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of all such suits; and any defendant in any such suit may, at any time before the trial thereof, remove such suits from a State court into the district court of the United States for the proper district by following the procedure for the removal of causes otherwise provided by law. Such removal shall not cause undue delay in the trial of such case and a case so removed shall have a place on the calendar of the United States court to which it is removed relative to that which it held on the State court from which it was removed.

Jurisdiction of United States district courts.

Removal.

When Federal Reserve bank a party.

"Notwithstanding any other provision of law, all suits of a civil nature at common law or in equity to which any Federal Reserve bank shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of all such suits; and any Federal Reserve bank which is a defendant in any such suit may, at any time before the trial thereof, remove such suit from a State court into the district court of the United States for the proper district by following the procedure for the removal of causes otherwise provided by law. No attachment or execution shall be issued against any Federal Reserve bank or its property before final judgment in any suit, action, or proceeding in any State, county, municipal, or United States court."

Attachment before final judgment denied.

R.S., sec. 5136, p. 993. U.S.C., p. 259; Supp. VI, p. 129.

SEC. 16. Paragraph "Seventh" of section 5136 of the Revised Statutes, as amended (U.S.C., title 12, sec. 24; Supp. VI, title 12, sec. 24), is amended to read as follows:

Corporate powers of national banking associations.

"Seventh. To exercise by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of banking; by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; and by obtaining, issuing, and circulating notes according to the provisions of this title. The business of dealing in investment securities by the association shall be limited to purchasing and selling such securities without recourse, solely upon the order, and for the account of, customers, and in no case for its own account, and the association

shall not underwrite any issue of securities: *Provided*, That the association may purchase for its own account investment securities under such limitations and restrictions as the Comptroller of the Currency may by regulation prescribe, but in no event (1) shall the total amount of any issue of investment securities of any one obligor or maker purchased after this section as amended takes effect and held by the association for its own account exceed at any time 10 per centum of the total amount of such issue outstanding, but this limitation shall not apply to any such issue the total amount of which does not exceed $100,000 and does not exceed 50 per centum of the capital of the association, nor (2) shall the total amount of the investment securities of any one obligor or maker purchased after this section as amended takes effect and held by the association for its own account exceed at any time 15 per centum of the amount of the capital stock of the association actually paid in and unimpaired and 25 per centum of its unimpaired surplus fund. As used in this section the term 'investment securities' shall mean marketable obligations evidencing indebtedness of any person, copartnership, association, or corporation in the form of bonds, notes and/or debentures commonly known as investment securities under such further definition of the term 'investment securities' as may by regulation be prescribed by the Comptroller of the Currency. Except as hereinafter provided or otherwise permitted by law, nothing herein contained shall authorize the purchase by the association of any shares of stock of any corporation. The limitations and restrictions herein contained as to dealing in, underwriting and purchasing for its own account, investment securities shall not apply to obligations of the United States, or general obligations of any State or of any political subdivision thereof, or obligations issued under authority of the Federal Farm Loan Act, as amended, or issued by the Federal Home Loan Banks or the Home Owners' Loan Corporation: *Provided*, That in carrying on the business commonly known as the safe-deposit business the association shall not invest in the capital stock of a corporation organized under the law of any State to conduct a safe-deposit business in an amount in excess of 15 per centum of the capital stock of the association actually paid in and unimpaired and 15 per centum of its unimpaired surplus."

Proviso. Purchase of investment securities.

Percentage permitted.

"Investment securities," construed.

Purchase of stock shares.

Obligations of United States, etc.

Proviso. Safe-deposit business.

The restrictions of this section as to dealing in investment securities shall take effect one year after the date of the approval of this Act.

Effective date of restrictions.

SEC. 17. (a) Section 5138 of the Revised Statutes, as amended (U.S.C., title 12, sec. 51; Supp. VI, title 12, sec. 51), is amended to read as follows:

R.S., sec. 5138, p. 993. U.S.C., p. 261; Supp. VI, p. 130.

"SEC. 5138. After this section as amended takes effect, no national banking association shall be organized with a less capital than $100,000, except that such associations with a capital of not less than $50,000 may be organized in any place the population of which does not exceed six thousand inhabitants. No such association shall be organized in a city the population of which exceeds fifty thousand persons with a capital of less than $200,000, except that in the outlying districts of such a city where the State laws permit the organization of State banks with a capital of $100,000 or less, national banking associations now organized or hereafter organized may, with the approval of the Comptroller of the Currency, have a capital of not less than $100,000."

Capital, national banks.
Requisite amount of, on organization.

(b) The tenth paragraph of section 9 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 329), is amended to read as follows:

Vol. 40, p. 234. U.S.C., p. 280.

"No applying bank shall be admitted to membership in a Federal reserve bank unless it possesses a paid-up unimpaired capital suffi-

Admission to membership.
Paid-up capital required.

cient to entitle it to become a national banking association in the place where it is situated under the provisions of the National Bank Act, as amended: *Provided*, That this paragraph shall not apply to State banks and trust companies organized prior to the date this paragraph as amended takes effect and situated in a place the population of which does not exceed three thousand inhabitants and having a capital of not less than $25,000, nor to any State bank or trust company which is so situated and which, while it is entitled to the benefits of insurance under section 12B of this Act, increases its capital to not less than $25,000."

Proviso. State banks organized prior hereto, etc.

Ante, p. 168.

R.S., sec. 5139, p. 993. U.S.C., p. 261; Supp. VI, p. 131.

SEC. 18. Section 5139 of the Revised Statutes, as amended (U.S.C., title 12, sec. 52; Supp. VI, title 12, sec. 52), is amended by adding at the end thereof the following new paragraph:

Stock certificates, banking associations. Use to represent stock in other corporation prohibited.

"After one year from the date of the enactment of the Banking Act of 1933, no certificate representing the stock of any such association shall represent the stock of any other corporation, except a member bank or a corporation existing on the date this paragraph takes effect engaged solely in holding the bank premises of such association, nor shall the ownership, sale, or transfer of any certificate representing the stock of any such association be conditioned in any manner whatsoever upon the ownership, sale, or transfer of a certificate representing the stock of any other corporation, except a member bank."

R.S., sec. 5144, p. 994. U.S.C., p. 262.

SEC. 19. Section 5144 of the Revised Statutes, as amended (U.S.C., title 12, sec. 61), is amended to read as follows:

Shareholder's right to vote.

"SEC. 5144. In all elections of directors, each shareholder shall have the right to vote the number of shares owned by him for as many persons as there are directors to be elected, or to cumulate such shares and give one candidate as many votes as the number of directors multiplied by the number of his shares shall equal, or to distribute them on the same principle among as many candidates as he shall think fit; and in deciding all other questions at meetings of shareholders, each shareholder shall be entitled to one vote on each share of stock held by him; except (1) that shares of its own stock held by a national bank as sole trustee shall not be voted, and shares of its own stock held by a national bank and one or more persons as trustees may be voted by such other person or persons, as trustees, in the same manner as if he or they were the sole trustee, and (2) shares controlled by any holding company affiliate of a national bank shall not be voted unless such holding company affiliate shall have first obtained a voting permit as hereinafter provided, which permit is in force at the time such shares are voted. Shareholders may vote by proxies duly authorized in writing; but no officer, clerk, teller, or bookkeeper of such bank shall act as proxy; and no shareholder whose liability is past due and unpaid shall be allowed to vote.

Nonvoting shares.

Proxies.

Shares deemed controlled by holding company.

"For the purposes of this section shares shall be deemed to be controlled by a holding company affiliate if they are owned or controlled directly or indirectly by such holding company affiliate, or held by any trustee for the benefit of the shareholders or members thereof.

Voting permit, holding company affiliate.

"Any such holding company affiliate may make application to the Federal Reserve Board for a voting permit entitling it to cast one vote at all elections of directors and in deciding all questions at meetings of shareholders of such bank on each share of stock controlled by it or authorizing the trustee or trustees holding the stock for its benefit or for the benefit of its shareholders so to vote the same. The Federal Reserve Board may, in its discretion, grant or withhold such permit as the public interest may require. In acting upon such application, the Board shall consider the financial condition of the applicant, the general character of its management, and the prob-

Application for.

able effect of the granting of such permit upon the affairs of such bank, but no such permit shall be granted except upon the following conditions: Conditions.

" (a) Every such holding company affiliate shall, in making the application for such permit, agree (1) to receive, on dates identical with those fixed for the examination of banks with which it is affiliated, examiners duly authorized to examine such banks, who shall make such examinations of such holding company affiliate as shall be necessary to disclose fully the relations between such banks and such holding company affiliate and the effect of such relations upon the affairs of such banks, such examinations to be at the expense of the holding company affiliate so examined; (2) that the reports of such examiners shall contain such information as shall be necessary to disclose fully the relations between such affiliate and such banks and the effect of such relations upon the affairs of such banks; (3) that such examiners may examine each bank owned or controlled by the holding company affiliate, both individually and in conjunction with other banks owned or controlled by such holding company affiliate; and (4) that publication of individual or consolidated statements of condition of such banks may be required; Agreement required.

" (b) After five years after the enactment of the Banking Act of 1933, every such holding company affiliate (1) shall possess, and shall continue to possess during the life of such permit, free and clear of any lien, pledge, or hypothecation of any nature, readily marketable assets other than bank stock in an amount not less than 12 per centum of the aggregate par value of all bank stocks controlled by such holding company affiliate, which amount shall be increased by not less than 2 per centum per annum of such aggregate par value until such assets shall amount to 25 per centum of the aggregate par value of such bank stocks; and (2) shall reinvest in readily marketable assets other than bank stock all net earnings over and above 6 per centum per annum on the book value of its own shares outstanding until such assets shall amount to such 25 per centum of the aggregate par value of all bank stocks controlled by it; Assets to be maintained. *Post*, p. 195.

" (c) Notwithstanding the foregoing provisions of this section, after five years after the enactment of the Banking Act of 1933, (1) any such holding company affiliate the shareholders or members of which shall be individually and severally liable in proportion to the number of shares of such holding company affiliate held by them respectively, in addition to amounts invested therein, for all statutory liability imposed on such holding company affiliate by reason of its control of shares of stock of banks, shall be required only to establish and maintain out of net earnings over and above 6 per centum per annum on the book value of its own shares outstanding a reserve of readily marketable assets in an amount of not less than 12 per centum of the aggregate par value of bank stocks controlled by it, and (2) the assets required by this section to be possessed by such holding company affiliate may be used by it for replacement of capital in banks affiliated with it and for losses incurred in such banks, but any deficiency in such assets resulting from such use shall be made up within such period as the Federal Reserve Board may by regulation prescribe; Shareholders' liability. *Post*, p. 195.

" (d) Every officer, director, agent, and employee of every such holding company affiliate shall be subject to the same penalties for false entries in any book, report, or statement of such holding company affiliate as are applicable to officers, directors, agents, and employees of member banks under section 5209 of the Revised Statutes, as amended (U.S.C., title 12, sec. 592); and Liability of officers, employees, etc. R.S., sec. 5209, p. 1007. U.S.C., p. 291.

Voting permits, holding company affiliates. Requirements of application.

"(e) Every such holding company affiliate shall, in its application for such voting permit, (1) show that it does not own, control, or have any interest in, and is not participating in the management or direction of, any corporation, business trust, association, or other similar organization formed for the purpose of, or engaged principally in, the issue, flotation, underwriting, public sale, or distribution, at wholesale or retail or through syndicate participation, of stocks, bonds, debentures, notes, or other securities of any sort (hereinafter referred to as 'securities company'); (2) agree that during the period that the permit remains in force it will not acquire any ownership, control, or interest in any such securities company or participate in the management or direction thereof; (3) agree that if, at the time of filing the application for such permit, it owns, controls, or has an interest in, or is participating in the management or direction of, any such securities company, it will, within five years after the filing of such application, divest itself of its ownership, control, and interest in such securities company and will cease participating in the management or direction thereof, and will not thereafter, during the period that the permit remains in force, acquire any further ownership, control, or interest in any such securities company or participate in the management or direction thereof; and (4) agree that thenceforth it will declare dividends only out of actual net earnings.

Agreements.

Revocation of permit, upon violating Banking Act of 1933.

"If at any time it shall appear to the Federal Reserve Board that any holding company affiliate has violated any of the provisions of the Banking Act of 1933 or of any agreement made pursuant to this section, the Federal Reserve Board may, in its discretion, revoke any such voting permit after giving sixty days' notice by registered mail of its intention to the holding company affiliate and affording it an opportunity to be heard. Whenever the Federal Reserve Board shall have revoked any such voting permit, no national bank whose stock is controlled by the holding company affiliate whose permit is so revoked shall receive deposits of public moneys of the United States, nor shall any such national bank pay any further dividend to such holding company affiliate upon any shares of such bank controlled by such holding company affiliate.

Post, p. 195.

Deposits of United States public moneys denied.

Forfeiture of rights, privileges, etc.

"Whenever the Federal Reserve Board shall have revoked any voting permit as hereinbefore provided, the rights, privileges, and franchises of any or all national banks the stock of which is controlled by such holding company affiliate shall, in the discretion of the Federal Reserve Board, be subject to forfeiture in accordance with section 2 of the Federal Reserve Act, as amended."

Vol. 38, p. 251.

Member bank affiliation with stock, etc., sales organization, prohibited.

SEC. 20. After one year from the date of the enactment of this Act, no member bank shall be affiliated in any manner described in section 2 (b) hereof with any corporation, association, business trust, or other similar organization engaged principally in the issue, flotation, underwriting, public sale, or distribution at wholesale or retail or through syndicate participation of stocks, bonds, debentures, notes, or other securities.

Ante, p. 162.

Penalty for violation.

Assessment of.

For every violation of this section the member bank involved shall be subject to a penalty not exceeding $1,000 per day for each day during which such violation continues. Such penalty may be assessed by the Federal Reserve Board, in its discretion, and, when so assessed, may be collected by the Federal reserve bank by suit or otherwise.

National banks. Forfeiture of rights, etc., if violation continues.

If any such violation shall continue for six calendar months after the member bank shall have been warned by the Federal Reserve Board to discontinue the same, (a) in the case of a national bank, all the rights, privileges, and franchises granted to it under the National

Bank Act may be forfeited in the manner prescribed in section 2 of the Federal Reserve Act, as amended (U.S.C., title 12, secs. 141, 222–225, 281–286, and 502), or, (b) in the case of a State member bank, all of its rights and privileges of membership in the Federal Reserve System may be forfeited in the manner prescribed in section 9 of the Federal Reserve Act, as amended (U.S.C., title 12, secs. 321–332).

Vol. 38, p. 251. U.S.C., pp. 268, 275, 277, 288.
State member banks. Forfeiture of membership rights.
Vol. 38, p. 259. U.S.C., p. 279; Supp. VI, p. 135.

SEC. 21. (a) After the expiration of one year after the date of enactment of this Act it shall be unlawful—

Unlawful acts.

(1) For any person, firm, corporation, association, business trust, or other similar organization, engaged in the business of issuing, underwriting, selling, or distributing, at wholesale or retail, or through syndicate participation, stocks, bonds, debentures, notes, or other securities, to engage at the same time to any extent whatever in the business of receiving deposits subject to check or to repayment upon presentation of a passbook, certificate of deposit, or other evidence of debt, or upon request of the depositor; or

Receiving deposits subject to repayment by stock selling, etc., organization.

(2) For any person, firm, corporation, association, business trust, or other similar organization, other than a financial institution or private banker subject to examination and regulation under State or Federal law, to engage to any extent whatever in the business of receiving deposits subject to check or to repayment upon presentation of a passbook, certificate of deposit, or other evidence of debt, or upon request of the depositor, unless such person, firm, corporation, association, business trust, or other similar organization shall submit to periodic examination by the Comptroller of the Currency or by the Federal reserve bank of the district and shall make and publish periodic reports of its condition, exhibiting in detail its resources and liabilities, such examination and reports to be made and published at the same times and in the same manner and with like effect and penalties as are now provided by law in respect of national banking associations transacting business in the same locality.

Receiving deposits without submitting to examination.
Reports required.

(b) Whoever shall willfully violate any of the provisions of this section shall upon conviction be fined not more than $5,000 or imprisoned not more than five years, or both, and any officer, director, employee, or agent of any person, firm, corporation, association, business trust, or other similar organization who knowingly participates in any such violation shall be punished by a like fine or imprisonment or both.

Penalty provisions.

SEC. 22. The additional liability imposed upon shareholders in national banking associations by the provisions of section 5151 of the Revised Statutes, as amended, and section 23 of the Federal Reserve Act, as amended (U.S.C., title 12, secs. 63 and 64), shall not apply with respect to shares in any such association issued after the date of enactment of this Act.

Additional liability, not applicable to shares hereafter issued.
R.S., sec. 5151, p. 995.
Vol. 38, p. 273.
U.S.C., p. 263.

SEC. 23. Paragraph (c) of section 5155 of the Revised Statutes, as amended (U.S.C., title 12, sec. 36), is amended to read as follows:

R.S., sec. 5155, p. 996.
U.S.C., p. 261.

"(c) A national banking association may, with the approval of the Comptroller of the Currency, establish and operate new branches: (1) Within the limits of the city, town or village in which said association is situated, if such establishment and operation are at the time expressly authorized to State banks by the law of the State in question; and (2) at any point within the State in which said association is situated, if such establishment and operation are at the time authorized to State banks by the statute law of the State in question by language specifically granting such authority affirmatively and not merely by implication or recognition, and subject to the restrictions as to location imposed by the law of the State on State banks.

Branches.
Establishment by association, upon approval.

Branch outside of city, etc.

No such association shall establish a branch outside of the city, town, or village in which it is situated unless it has a paid-in and unimpaired capital stock of not less than $500,000: *Provided*, That in States with a population of less than one million, and which have no cities located therein with a population exceeding one hundred thousand, the capital shall be not less than $250,000: *Provided*, That in States with a population of less than one-half million, and which have no cities located therein with a population exceeding fifty thousand, the capital shall not be less than $100,000."

Provisos.
States having population of less than one million.

Less than one half million.

R.S., sec. 5155, p. 996. U.S.C., p. 261.

Paragraph (d) of section 5155 of the Revised Statutes, as amended (U.S.C., title 12, sec. 36), is amended to read as follows:

Aggregate capital of association; amount.

"(d) The aggregate capital of every national banking association and its branches shall at no time be less than the aggregate minimum capital required by law for the establishment of an equal number of national banking associations situated in the various places where such association and its branches are situated."

National banking associations; consolidations.
Vol. 40, p. 1043; Vol. 44, p. 1225. U.S.C., p. 260; Supp. VI, p. 129.
"State", added.

SEC. 24. (a) Sections 1 and 3 of the Act entitled "An Act to provide for the consolidation of national banking associations", approved November 7, 1918, as amended (U.S.C., title 12, secs. 33, 34, and 34a), are amended by striking out the words "county, city, town, or village" wherever they occur in each such section, and inserting in lieu thereof the words "State, county, city, town, or village."

Vol. 44, p. 1225. U.S.C., Supp. VI, p. 129.
Capital of consolidated association.

(b) Section 3 of such Act of November 7, 1918, as amended, is further amended by striking out the second sentence thereof and inserting in lieu thereof the following: "The capital stock of such consolidated association shall not be less than that required under existing law for the organization of a national banking association in the place in which such consolidated association is located.

Merger of corporate existence.

Upon such a consolidation, or upon a consolidation of two or more national banking associations under section 1 of this Act, the corporate existence of each of the constituent banks and national banking associations participating in such consolidation shall be merged into and continued in the consolidated national banking association and the consolidated association shall be deemed to be the same corporation as each of the constituent institutions.

Transfer of rights, property, etc.

All the rights, franchises, and interests of each of such constituent banks and national banking associations in and to every species of property, real, personal, and mixed, and choses in action thereto belonging, shall be deemed to be transferred to and vested in such consolidated national banking association without any deed or other transfer; and such consolidated national banking association, by virtue of such consolidation and without any order or other action on the part of any court or otherwise, shall hold and enjoy the same and all rights of property, franchises, and interests, including appointments, designations, and nominations and all other rights and interests as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics and in every other fiduciary capacity, in the same manner and to the same extent as such rights, franchises, and interests were held or enjoyed by any such constituent institution at the time of such consolidation:

Proviso.
Power of court to remove consolidated association from trusteeship, etc.

Provided, however, That where any such constituent institution at the time of such consolidation was acting under appointment of any court as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics or in any other fiduciary capacity, the consolidated national banking association shall be subject to removal by a court of competent jurisdiction in the same manner and to the same extent as was such constituent corporation prior to the consolidation, and nothing herein contained shall be construed to impair in any manner the right of

any court to remove such a consolidated national banking association and to appoint in lieu thereof a substitute trustee, executor, or other fiduciary, except that such right shall not be exercised in such a manner as to discriminate against national banking associations, nor shall any such consolidated association be removed solely because of the fact that it is a national banking association."

Discrimination not authorized.

SEC. 25. The first two sentences of section 5197 of the Revised Statutes (U.S.C., title 12, sec. 85) are amended to read as follows:

R.S., sec. 5197, p. 1005. U.S.C., p. 264.

"Any association may take, receive, reserve, and charge on any loan or discount made, or upon any notes, bills of exchange, or other evidences of debt, interest at the rate allowed by the laws of the State, Territory, or District where the bank is located, or at a rate of 1 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal reserve bank in the Federal reserve district where the bank is located, whichever may be the greater, and no more, except that where by the laws of any State a different rate is limited for banks organized under State laws, the rate so limited shall be allowed for associations organized or existing in any such State under this title. When no rate is fixed by the laws of the State, or Territory, or District, the bank may take, receive, reserve, or charge a rate not exceeding 7 per centum, or 1 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal reserve bank in the Federal reserve district where the bank is located, whichever may be the greater, and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run."

Right of association to take interest on loans, etc.

Commercial paper.

When no fixed rate.

SEC. 26. (a) The second sentence of the first paragraph of section 5200 of the Revised Statutes, as amended (U.S.C., title 12, sec. 84; Supp. VI, title 12, sec. 84), is amended by inserting before the period at the end thereof the following: " and shall include in the case of obligations of a corporation all obligations of all subsidiaries thereof in which such corporation owns or controls a majority interest."

R.S., sec. 5200, p. 1005. U.S.C., p. 264; Supp. VI, p. 131.

Limit of liability.

(b) The amendment made by this section shall not apply to such obligations of subsidiaries held by such association on the date this section takes effect.

Obligations of subsidiaries.

SEC. 27. Section 5211 of the Revised Statutes, as amended (U.S.C., title 12, sec. 161; Supp. VI, title 12, sec. 161), is amended by adding at the end thereof the following new paragraph:

R.S., sec. 5211, p. 1007. U.S.C., p. 269; Supp. VI, p. 133.

Reports of affiliate banks to association.

"Each national banking association shall obtain from each of its affiliates other than member banks and furnish to the Comptroller of the Currency not less than three reports during each year, in such form as the Comptroller may prescribe, verified by the oath or affirmation of the president or such other officer as may be designated by the board of directors of such affiliate to verify such reports, disclosing the information hereinafter provided for as of dates identical with those for which the Comptroller shall during such year require the reports of the condition of the association. For the purpose of this section the term 'affiliate' shall include holding company affiliates as well as other affiliates. Each such report of an affiliate shall be transmitted to the Comptroller at the same time as the corresponding report of the association, except that the Comptroller may, in his discretion, extend such time for good cause shown. Each such report shall contain such information as in the judgment of the Comptroller of the Currency shall be necessary to disclose fully the relations between such affiliate and such bank and to enable the Comptroller to inform himself as to the effect of such relations upon the affairs of such bank. The reports of such affiliates shall be published by the association under the same conditions as govern its own condition reports. The Comptroller shall also have power to call for additional

Form.

Verification.

"Affiliate", construed.

Report transmitted to Comptroller.

Contents.

Publication.

Additional reports.

reports with respect to any such affiliate whenever in his judgment the same are necessary in order to obtain a full and complete knowledge of the conditions of the association with which it is affiliated. Such additional reports shall be transmitted to the Comptroller of the Currency in such form as he may prescribe. Any such affiliated bank which fails to obtain and furnish any report required under this section shall be subject to a penalty of $100 for each day during which such failure continues."

Penalty provision.

R.S., sec. 5240, p. 1013.
U.S.C., p. 288.

SEC. 28. (a) The first paragraph of section 5240 of the Revised Statutes, as amended (U.S.C., title 12, sec. 481), is amended by inserting before the period at the end thereof a colon and the following proviso: "*Provided*, That in making the examination of any national bank the examiners shall include such an examination of the affairs of all its affiliates other than member banks as shall be necessary to disclose fully the relations between such bank and such affiliates and the effect of such relations upon the affairs of such bank; and in the event of the refusal to give any information required in the course of the examination of any such affiliate, or in the event of the refusal to permit such examination, all the rights, privileges, and franchises of the bank shall be subject to forfeiture in accordance with section 2 of the Federal Reserve Act, as amended (U.S.C., title 12, secs. 141, 222–225, 281–286, and 502). The Comptroller of the Currency shall have power, and he is hereby authorized, to publish the report of his examination of any national banking association or affiliate which shall not within one hundred and twenty days after notification of the recommendations or suggestions of the Comptroller, based on said examination, have complied with the same to his satisfaction. Ninety days' notice prior to such publicity shall be given to the bank or affiliate."

Bank examinations. Affiliates to be included.

Information required.

Forfeiture of rights on refusal.

Vol. 38, p. 251.
U.S.C., pp. 268, 275, 277, 288.

Publication, report of examinations.

Notice of.

R.S., sec. 5240, p. 1013.
U.S.C., p. 288.

(b) Section 5240 of the Revised Statutes, as amended (U.S.C., title 12, sec. 481), is further amended by adding after the first paragraph thereof the following new paragraph:

"The examiner making the examination of any affiliate of a national bank shall have power to make a thorough examination of all the affairs of the affiliate, and in doing so he shall have power to administer oaths and to examine any of the officers, directors, employees, and agents thereof under oath and to make a report of his findings to the Comptroller of the Currency. The expense of examinations of such affiliates may be assessed by the Comptroller of the Currency upon the affiliates examined in proportion to assets or resources held by the affiliates upon the dates of examination of the various affiliates. If any such affiliate shall refuse to pay such expenses or shall fail to do so within sixty days after the date of such assessment, then such expenses may be assessed against the affiliated national bank and, when so assessed, shall be paid by such national bank: *Provided, however*, That, if the affiliation is with two or more national banks, such expenses may be assessed against, and collected from, any or all of such national banks in such proportions as the Comptroller of the Currency may prescribe. The examiners and assistant examiners making the examinations of national banking associations and affiliates thereof herein provided for and the chief examiners, reviewing examiners and other persons whose services may be required in connection with such examinations or the reports thereof, shall be employed by the Comptroller of the Currency with the approval of the Secretary of the Treasury; the employment and compensation of examiners, chief examiners, reviewing examiners, assistant examiners, and of the other employees of the office of the Comptroller of the Currency whose compensation is paid from assessments on banks or affiliates thereof shall be without regard

Powers of examiner.

Expense of examinations.

Assessment on refusal to pay.

Proviso.
Assessment when affiliation of two or more national banks.

Employment of examiners, etc.

Compensation.

to the provisions of other laws applicable to officers or employees of the United States. The funds derived from such assessments may be deposited by the Comptroller of the Currency in accordance with the provisions of section 5234 of the Revised Statutes (U.S.C., title 12, sec. 192) and shall not be construed to be Government funds or appropriated monies; and the Comptroller of the Currency is authorized and empowered to prescribe regulations governing the computation and assessment of the expenses of examinations herein provided for and the collection of such assessments from the banks and/or affiliates examined. If any affiliate of a national bank shall refuse to permit an examiner to make an examination of the affiliate or shall refuse to give any information required in the course of any such examination, the national bank with which it is affiliated shall be subject to a penalty of not more than $100 for each day that any such refusal shall continue. Such penalty may be assessed by the Comptroller of the Currency and collected in the same manner as expenses of examinations."

Status of assessments.

R.S., sec. 5234, p. 1012.
U.S.C., p. 271.

Penalty, affiliate refusing to permit examination.

Assessment of penalty.

SEC. 29. In any case in which, in the opinion of the Comptroller of the Currency, it would be to the advantage of the depositors and unsecured creditors of any national banking association whose business has been closed, for such association to resume business upon the retention by the association, for a reasonable period to be prescribed by the Comptroller, of all or any part of its deposits, the Comptroller is authorized, in his discretion, to permit the association to resume business if depositors and unsecured creditors of the association representing at least 75 per centum of its total deposit and unsecured credit liabilities consent in writing to such retention of deposits. Nothing in this section shall be construed to affect in any manner any powers of the Comptroller under the provisions of law in force on the date of enactment of this Act with respect to the reorganization of national banking associations.

Resumption of business, by closed association.

Consent of depositors, etc.

Powers of Comptroller not affected.

SEC. 30. Whenever, in the opinion of the Comptroller of the Currency, any director or officer of a national bank, or of a bank or trust company doing business in the District of Columbia, or whenever, in the opinion of a Federal reserve agent, any director or officer of a State member bank in his district shall have continued to violate any law relating to such bank or trust company or shall have continued unsafe or unsound practices in conducting the business of such bank or trust company, after having been warned by the Comptroller of the Currency or the Federal reserve agent, as the case may be, to discontinue such violations of law or such unsafe or unsound practices, the Comptroller of the Currency or the Federal reserve agent, as the case may be, may certify the facts to the Federal Reserve Board. In any such case the Federal Reserve Board may cause notice to be served upon such director or officer to appear before such Board to show cause why he should not be removed from office. A copy of such order shall be sent to each director of the bank affected, by registered mail. If after granting the accused director or officer a reasonable opportunity to be heard, the Federal Reserve Board finds that he has continued to violate any law relating to such bank or trust company or has continued unsafe or unsound practices in conducting the business of such bank or trust company after having been warned by the Comptroller of the Currency or the Federal reserve agent to discontinue such violation of law or such unsafe or unsound practices, the Federal Reserve Board, in its discretion, may order that such director or officer be removed from office. A copy of such order shall be served upon such director or officer. A copy of such order shall also be served upon the bank of which he is a director or officer, whereupon such director or officer

Violations of law by officer, etc., of national bank.

When continues unsafe, etc., banking practices.

Certification of facts to Board.

Copy to be transmitted.

Removal authorized, after hearing.

Copy of removal order.

Proviso. Confidential nature of order.

shall cease to be a director or officer of such bank: *Provided*, That such order and the findings of fact upon which it is based shall not be made public or disclosed to anyone except the director or officer involved and the directors of the bank involved, otherwise than in connection with proceedings for a violation of this section. Any such director or officer removed from office as herein provided who thereafter participates in any manner in the management of such bank shall be fined not more than $5,000, or imprisoned for not more than five years, or both, in the discretion of the court.

Removed officer, penalty for further participation in bank management.

Board of directors, etc.

SEC. 31. After one year from the date of enactment of this Act, notwithstanding any other provision of law, the board of directors, board of trustees, or other similar governing body of every national banking association and of every State bank or trust company which is a member of the Federal Reserve System shall consist of not less than five nor more than twenty-five members; and every director, trustee, or other member of such governing body shall be the bona fide owner in his own right of shares of stock of such banking association, State bank or trust company having a par value in the aggregate of not less than $2,500, unless the capital of the bank shall not exceed $50,000, in which case he must own in his own right shares having a par value in the aggregate of not less than $1,500, or unless the capital of the bank shall not exceed $25,000, in which case he must own in his own right shares having a par value in the aggregate of not less than $1,000. If any national banking association violates the provisions of this section and continues such violation after thirty days' notice from the Comptroller of the Currency, the said Comptroller may appoint a receiver or conservator therefor, in accordance with the provisions of existing law. If any State bank or trust company which is a member of the Federal Reserve System violates the provisions of this section and continues such violation after thirty days' notice from the Federal Reserve Board, it shall be subject to the forfeiture of its membership in the Federal Reserve System in accordance with the provisions of section 9 of the Federal Reserve Act, as amended.

Number of members.

Stock ownership requirement.

Post, p. 971.

Appointment of receiver, when violation by national bank.

Forfeiture of membership, State member bank.

Member bank officers, directors, etc. Engaging in securities transactions prohibited.

SEC. 32. From and after January 1, 1934, no officer or director of any member bank shall be an officer, director, or manager of any corporation, partnership, or unincorporated association engaged primarily in the business of purchasing, selling, or negotiating securities, and no member bank shall perform the functions of a correspondent bank on behalf of any such individual, partnership, corporation, or unincorporated association and no such individual, partnership, corporation, or unincorporated association shall perform the functions of a correspondent for any member bank or hold on deposit any funds on behalf of any member bank, unless in any such case there is a permit therefor issued by the Federal Reserve Board; and the Board is authorized to issue such permit if in its judgment it is not incompatible with the public interest, and to revoke any such permit whenever it finds after reasonable notice and opportunity to be heard, that the public interest requires such revocation.

Member bank not to act as correspondent bank.

Permit issued by Board.

Revocation.

Vol. 38, p. 732; Vol. 39, p. 121; Vol. 41, p. 626. U.S.C., p. 353.

SEC. 33. The Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, as amended (U.S.C., title 15, sec. 19), is hereby amended by adding after section 8 thereof the following new section:

Clayton Act, amendment. Interlocking directorates and officers.

"SEC. 8A. That from and after the 1st day of January 1934, no director, officer, or employee of any bank, banking association, or trust company, organized or operating under the laws of the United States shall be at the same time a director, officer, or employee of a

corporation (other than a mutual savings bank) or a member of a partnership organized for any purpose whatsoever which shall make loans secured by stock or bond collateral to any individual, association, partnership, or corporation other than its own subsidiaries."

Amendment.

SEC. 34. The right to alter, amend, or repeal this Act is hereby expressly reserved. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Separability of provisions.

Approved, June 16, 1933, 11:45 a.m.

[CHAPTER 90.]

AN ACT

June 16, 1933.
[H.R. 5755.]
[Public, No. 67.]

To encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes.

National Industrial Recovery Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—INDUSTRIAL RECOVERY

TITLE I—INDUSTRIAL RECOVERY.

DECLARATION OF POLICY

Appropriation for. *Post*, p. 275.

Declaration of policy.

SECTION 1. A national emergency productive of widespread unemployment and disorganization of industry, which burdens interstate and foreign commerce, affects the public welfare, and undermines the standards of living of the American people, is hereby declared to exist. It is hereby declared to be the policy of Congress to remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; and to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, to induce and maintain united action of labor and management under adequate governmental sanctions and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industries, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing purchasing power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and to conserve natural resources.

ADMINISTRATIVE AGENCIES

Administrative agencies.

President authorized to establish.

Appointments.

Cooperation of Federal and State officers, etc.

SEC. 2. (a) To effectuate the policy of this title, the President is hereby authorized to establish such agencies, to accept and utilize such voluntary and uncompensated services, to appoint, without regard to the provisions of the civil service laws, such officers and employees, and to utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees, as he may find necessary, to prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any officers and employees so appointed.

Delegation of functions.

Industrial planning and research agency.

Establishment authorized.

(b) The President may delegate any of his functions and powers under this title to such officers, agents, and employees as he may designate or appoint, and may establish an industrial planning and research agency to aid in carrying out his functions under this title.

Termination of agencies, etc.

(c) This title shall cease to be in effect and any agencies established hereunder shall cease to exist at the expiration of two years after the date of enactment of this Act, or sooner if the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by section 1 has ended.

Codes of fair competition.

CODES OF FAIR COMPETITION

Approval by the President.

SEC. 3. (a) Upon the application to the President by one or more trade or industrial associations or groups, the President may approve a code or codes of fair competition for the trade or industry or subdivision thereof, represented by the applicant or applicants, if the President finds (1) that such associations or groups impose no inequitable restrictions on admission to membership therein and are truly representative of such trades or industries or subdivisions thereof, and (2) that such code or codes are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of this title: *Provided*, That such code or codes shall not permit monopolies or monopolistic practices: *Provided further*, That where such code or codes affect the services and welfare of persons engaged in other steps of the economic process, nothing in this section shall deprive such persons of the right to be heard prior to approval by the President of such code or codes. The President may, as a condition of his approval of any such code, impose such conditions (including requirements for the making of reports and the keeping of accounts) for the protection of consumers, competitors, employees, and others, and in furtherance of the public interest, and may provide such exceptions to and exemptions from the provisions of such code, as the President in his discretion deems necessary to effectuate the policy herein declared.

Provisos.
Monopolies, etc., not permitted.
Right of persons affected to be heard.

Imposition of conditions for protection of consumers, etc.

Exceptions and exemptions.

Approved code to be standard of fair competition.
Violations deemed unfair practice.

(b) After the President shall have approved any such code, the provisions of such code shall be the standards of fair competition for such trade or industry or subdivision thereof. Any violation of such standards in any transaction in or affecting interstate or foreign commerce shall be deemed an unfair method of competition in commerce within the meaning of the Federal Trade Commission Act, as amended; but nothing in this title shall be construed to impair the powers of the Federal Trade Commission under such Act, as amended.

Vol. 39, p. 717.

Jurisdiction of district courts to restrain violations.

(c) The several district courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of any code of fair competition approved under this title; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations.

Establishment of compulsory code by President.

Notice and hearing required.

(d) Upon his own motion, or if complaint is made to the President that abuses inimical to the public interest and contrary to the policy herein declared are prevalent in any trade or industry or subdivision thereof, and if no code of fair competition therefor has theretofore been approved by the President, the President, after such public notice and hearing as he shall specify, may prescribe and approve a code of fair competition for such trade or industry or subdivision thereof, which shall have the same effect as a code of fair competition approved by the President under subsection (a) of this section.

Effect of code.

Importation of competitive articles affecting maintenance of code.

(e) On his own motion, or if any labor organization, or any trade or industrial organization, association, or group, which has complied with the provisions of this title, shall make complaint to the President

that any article or articles are being imported into the United States in substantial quantities or increasing ratio to domestic production of any competitive article or articles and on such terms or under such conditions as to render ineffective or seriously to endanger the maintenance of any code or agreement under this title, the President may cause an immediate investigation to be made by the United States Tariff Commission, which shall give precedence to investigations under this subsection, and if, after such investigation and such public notice and hearing as he shall specify, the President shall find the existence of such facts, he shall, in order to effectuate the policy of this title, direct that the article or articles concerned shall be permitted entry into the United States only upon such terms and conditions and subject to the payment of such fees and to such limitations in the total quantity which may be imported (in the course of any specified period or periods) as he shall find it necessary to prescribe in order that the entry thereof shall not render or tend to render ineffective any code or agreement made under this title. In order to enforce any limitations imposed on the total quantity of imports, in any specified period or periods, of any article or articles under this subsection, the President may forbid the importation of such article or articles unless the importer shall have first obtained from the Secretary of the Treasury a license pursuant to such regulations as the President may prescribe. Upon information of any action by the President under this subsection the Secretary of the Treasury shall, through the proper officers, permit entry of the article or articles specified only upon such terms and conditions and subject to such fees, to such limitations in the quantity which may be imported, and to such requirements of license, as the President shall have directed. The decision of the President as to facts shall be conclusive. Any condition or limitation of entry under this subsection shall continue in effect until the President shall find and inform the Secretary of the Treasury that the conditions which led to the imposition of such condition or limitation upon entry no longer exists.

Investigation by Tariff Commission.

Notice and hearing.

President to prescribe terms, etc., for admission of articles.

Limitation of total admitted quantity.

President may forbid importations unless importer license obtained.

Administration of terms, etc., imposed by President.

Decision conclusive.

Conditions and limitations, effective period.

(f) When a code of fair competition has been approved or prescribed by the President under this title, any violation of any provision thereof in any transaction in or affecting interstate or foreign commerce shall be a misdemeanor and upon conviction thereof an offender shall be fined not more than $500 for each offense, and each day such violation continues shall be deemed a separate offense.

Violations of provisions of code.

Penalty.

AGREEMENTS AND LICENSES

Agreements and licenses.

SEC. 4. (a) The President is authorized to enter into agreements with, and to approve voluntary agreements between and among, persons engaged in a trade or industry, labor organizations, and trade or industrial organizations, associations, or groups, relating to any trade or industry, if in his judgment such agreements will aid in effectuating the policy of this title with respect to transactions in or affecting interstate or foreign commerce, and will be consistent with the requirements of clause (2) of subsection (a) of section 3 for a code of fair competition.

Authority of President to enter trade agreements.

Ante, p. 196.

(b) Whenever the President shall find that destructive wage or price cutting or other activities contrary to the policy of this title are being practiced in any trade or industry or any subdivision thereof, and, after such public notice and hearing as he shall specify, shall find it essential to license business enterprises in order to make effective a code of fair competition or an agreement under this title or otherwise to effectuate the policy of this title, and shall publicly

Licenses.
Issue of, to business enterprises when unfair practices in trade or industry.

Engaging in business without license prohibited.

so announce, no person shall, after a date fixed in such announcement, engage in or carry on any business, in or affecting interstate or foreign commerce, specified in such announcement, unless he shall have first obtained a license issued pursuant to such regulations as the President shall prescribe. The President may suspend or revoke any such license, after due notice and opportunity for hearing, for violations of the terms or conditions thereof. Any order of the President suspending or revoking any such license shall be final if in accordance with law. Any person who, without such a license or in violation of any condition thereof, carries on any such business for which a license is so required, shall, upon conviction thereof, be fined not more than $500, or imprisoned not more than six months, or both, and each day such violation continues shall be deemed a separate offense. Notwithstanding the provisions of section 2 (c), this subsection shall cease to be in effect at the expiration of one year after the date of enactment of this Act or sooner if the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by section 1 has ended.

Revocation of license.

Finality of revoking order.

Penalty for violation.

Expiration of authority.

Ante, p. 196.

Antitrust laws not applicable to codes, agreements, etc.

SEC. 5. While this title is in effect (or in the case of a license, while section 4 (a) is in effect) and for sixty days thereafter, any code, agreement, or license approved, prescribed, or issued and in effect under this title, and any action complying with the provisions thereof taken during such period, shall be exempt from the provisions of the antitrust laws of the United States.

Businesses exempt. Limitations upon application of title.

Nothing in this Act, and no regulation thereunder, shall prevent an individual from pursuing the vocation of manual labor and selling or trading the products thereof; nor shall anything in this Act, or regulation thereunder, prevent anyone from marketing or trading the produce of his farm.

LIMITATIONS UPON APPLICATION OF TITLE

Statements of trade, etc., associations before benefits to accrue.

SEC. 6. (a) No trade or industrial association or group shall be eligible to receive the benefit of the provisions of this title until it files with the President a statement containing such information relating to the activities of the association or group as the President shall by regulation prescribe.

Rules and regulations.

(b) The President is authorized to prescribe rules and regulations designed to insure that any organization availing itself of the benefits of this title shall be truly representative of the trade or industry or subdivision thereof represented by such organization. Any organization violating any such rule or regulation shall cease to be entitled to the benefits of this title.

Investigations by Federal Trade Commission.

(c) Upon the request of the President, the Federal Trade Commission shall make such investigations as may be necessary to enable the President to carry out the provisions of this title, and for such purposes the Commission shall have all the powers vested in it with respect of investigations under the Federal Trade Commission Act, as amended.

Conditions required in codes, agreements, and licenses.

SEC. 7. (a) Every code of fair competition, agreement, and license approved, prescribed, or issued under this title shall contain the following conditions: (1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any

company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

Employer-employee wage and hours of work agreements.

(b) The President shall, so far as practicable, afford every opportunity to employers and employees in any trade or industry or subdivision thereof with respect to which the conditions referred to in clauses (1) and (2) of subsection (a) prevail, to establish by mutual agreement, the standards as to the maximum hours of labor, minimum rates of pay, and such other conditions of employment as may be necessary in such trade or industry or subdivision thereof to effectuate the policy of this title; and the standards established in such agreements, when approved by the President, shall have the same effect as a code of fair competition, approved by the President under subsection (a) of section 3.

Effectiveness of approved agreements.
Ante, p. 196.

Code authorized, when mutual agreement not approved.

(c) Where no such mutual agreement has been approved by the President he may investigate the labor practices, policies, wages, hours of labor, and conditions of employment in such trade or industry or subdivision thereof; and upon the basis of such investigations, and after such hearings as the President finds advisable, he is authorized to prescribe a limited code of fair competition fixing such maximum hours of labor, minimum rates of pay, and other conditions of employment in the trade or industry or subdivision thereof investigated as he finds to be necessary to effectuate the policy of this title, which shall have the same effect as a code of fair competition approved by the President under subsection (a) of section 3. The President may differentiate according to experience and skill of the employees affected and according to the locality of employment; but no attempt shall be made to introduce any classification according to the nature of the work involved which might tend to set a maximum as well as a minimum wage.

Effectiveness.

Terms construed.
"Person."
"Interstate and foreign commerce"; "interstate or foreign commerce."

(d) As used in this title, the term "person" includes any individual, partnership, association, trust, or corporation; and the terms "interstate and foreign commerce" and "interstate or foreign commerce" include, except where otherwise indicated, trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States.

Application of Agricultural Adjustment Act.

APPLICATION OF AGRICULTURAL ADJUSTMENT ACT

Provisions not repealed.

SEC. 8. (a) This title shall not be construed to repeal or modify any of the provisions of title I of the Act entitled "An Act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes", approved May 12, 1933; and such title I of said Act approved May 12, 1933, may for all purposes be hereafter referred to as the "Agricultural Adjustment Act."

Citation.
Ante, p. 31.

Delegation of functions authorized.

(b) The President may, in his discretion, in order to avoid conflicts in the administration of the Agricultural Adjustment Act and this title, delegate any of his functions and powers under this title

with respect to trades, industries, or subdivisions thereof which are engaged in the handling of any agricultural commodity or product thereof, or of any competing commodity or product thereof, to the Secretary of Agriculture.

Oil regulation.

OIL REGULATION

Regulation of oil-pipe lines.
Executive Orders Nos. 6199, July 11, 1933; 6204, July 14, 1933.
Transportation rates to be fixed.

SEC. 9. (a) The President is further authorized to initiate before the Interstate Commerce Commission proceedings necessary to prescribe regulations to control the operations of oil pipe lines and to fix reasonable, compensatory rates for the transportation of petroleum and its products by pipe lines, and the Interstate Commerce Commission shall grant preference to the hearings and determination of such cases.

Transportation monopolies.
Proceedings against.

(b) The President is authorized to institute proceedings to divorce from any holding company any pipe-line company controlled by such holding company which pipe-line company by unfair practices or by exorbitant rates in the transportation of petroleum or its products tends to create a monopoly.

Prohibition on transportation of oil in interstate, etc., commerce of quantity in excess of State, etc., limitation.
Post, p. 1057.

(c) The President is authorized to prohibit the transportation in interstate and foreign commerce of petroleum and the products thereof produced or withdrawn from storage in excess of the amount permitted to be produced or withdrawn from storage by any State law or valid regulation or order prescribed thereunder, by any board, commission, officer, or other duly authorized agency of a State. Any violation of any order of the President issued under the provisions of this subsection shall be punishable by fine of not to exceed $1,000, or imprisonment for not to exceed six months, or both.

Penalty.

Rules and regulations.

RULES AND REGULATIONS

Prescribed by President.

SEC. 10. (a) The President is authorized to prescribe such rules and regulations as may be necessary to carry out the purposes of this title, and fees for licenses and for filing codes of fair competition and agreements, and any violation of any such rule or regulation shall be punishable by fine of not to exceed $500, or imprisonment for not to exceed six months, or both.

Penalty for violations.

Amendment of orders.

(b) The President may from time to time cancel or modify any order, approval, license, rule, or regulation issued under this title; and each agreement, code of fair competition, or license approved, prescribed, or issued under this title shall contain an express provision to that effect.

TITLE II—PUBLIC WORKS AND CONSTRUCTION PROJECTS.

TITLE II—PUBLIC WORKS AND CONSTRUCTION PROJECTS

FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS

Federal Emergency Administration of Public Works.
Establishment authorized.
Post, p. 351.

SECTION 201. (a) To effectuate the purposes of this title, the President is hereby authorized to create a Federal Emergency Administration of Public Works, all the powers of which shall be exercised by a Federal Emergency Administrator of Public Works (hereafter referred to as the "Administrator"), and to establish such agencies, to accept and utilize such voluntary and uncompensated services, to appoint, without regard to the civil service laws, such officers and employees, and to utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees as he may find necessary, to prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any officers and employees so appointed. The President may dele-

Appointments.

Duties to be prescribed.

gate any of his functions and powers under this title to such officers, agents, and employees as he may designate or appoint.

Appointment of experts.

(b) The Administrator may, without regard to the civil service laws or the Classification Act of 1923, as amended, appoint and fix the compensation of such experts and such other officers and employees as are necessary to carry out the provisions of this title; and may make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for law books and books of reference, and for paper, printing and binding) as are necessary to carry out the provisions of this title.

Compensation.

Expenditures.

Printing and binding.

Funds available.

(c) All such compensation, expenses, and allowances shall be paid out of funds made available by this Act.

Termination of power.

(d) After the expiration of two years after the date of the enactment of this Act, or sooner if the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by section 1 has ended, the President shall not make any further loans or grants or enter upon any new construction under this title, and any agencies established hereunder shall cease to exist and any of their remaining functions shall be transferred to such departments of the Government as the President shall designate: *Provided*, That he may issue funds to a borrower under this title prior to January 23, 1939, under the terms of any agreement, or any commitment to bid upon or purchase bonds, entered into with such borrower prior to the date of termination, under this section, of the power of the President to make loans.

Transfer of agencies.

Proviso.
Issue of funds prior to January 23, 1939.

Program of public works to be prepared.
Projects included.

SEC. 202. The Administrator, under the direction of the President, shall prepare a comprehensive program of public works, which shall include among other things the following: (a) Construction, repair, and improvement of public highways and park ways, public buildings, and any publicly owned instrumentalities and facilities; (b) conservation and development of natural resources, including control, utilization, and purification of waters, prevention of soil or coastal erosion, development of water power, transmission of electrical energy, and construction of river and harbor improvements and flood control and also the construction of any river or drainage improvement required to perform or satisfy any obligation incurred by the United States through a treaty with a foreign Government heretofore ratified and to restore or develop for the use of any State or its citizens water taken from or denied to them by performance on the part of the United States of treaty obligations heretofore assumed: *Provided*, That no river or harbor improvements shall be carried out unless they shall have heretofore or hereafter been adopted by the Congress or are recommended by the Chief of Engineers of the United States Army; (c) any projects of the character heretofore constructed or carried on either directly by public authority or with public aid to serve the interests of the general public; (d) construction, reconstruction, alteration, or repair under public regulation or control of low-cost housing and slum-clearance projects; (e) any project (other than those included in the foregoing classes) of any character heretofore eligible for loans under subsection (a) of section 201 of the Emergency Relief and Construction Act of 1932, as amended, and paragraph (3) of such subsection (a) shall for such purposes be held to include loans for the construction or completion of hospitals the operation of which is partly financed from public funds, and of reservoirs and pumping plants and for the construction of dry docks; and if in the opinion of the President it seems desirable, the construction of naval vessels within the terms and/or limits established by the London Naval Treaty of 1930 and of aircraft required therefor and construction of heavier-than-air

Construction under treaty obligations.

Provisos.
River and harbor improvements.

Approval required.

Vol. 47, p. 711.

Construction of naval vessels.

Vol. 46, p. 2858.

Aircraft.
Army housing projects, etc.

aircraft and technical construction for the Army Air Corps and such Army housing projects as the President may approve, and provision of original equipment for the mechanization or motorization of such Army tactical units as he may designate: *Provided, however*, That in the event of an international agreement for the further limitation of armament, to which the United States is signatory, the President is hereby authorized and empowered to suspend, in whole or in part, any such naval or military construction or mechanization and motorization of Army units: *Provided further*, That this title shall not be applicable to public works under the jurisdiction or control of the Architect of the Capitol or of any commission or committee for which such Architect is the contracting and/or executive officer.

Provisos.
Suspension of naval and military construction.

Construction under Architect of the Capitol.

Unemployment relief.

Agencies to be created.

Construction of public works project.

Grants to States.

Limit.

Acquisition of property.

Sales.

Provisos.
Use of proceeds.

Post, p. 206.

Railroad maintenance.

SEC. 203. (a) With a view to increasing employment quickly (while reasonably securing any loans made by the United States) the President is authorized and empowered, through the Administrator or through such other agencies as he may designate or create, (1) to construct, finance, or aid in the construction or financing of any public-works project included in the program prepared pursuant to section 202; (2) upon such terms as the President shall prescribe, to make grants to States, municipalities, or other public bodies for the construction, repair, or improvement of any such project, but no such grant shall be in excess of 30 per centum of the cost of the labor and materials employed upon such project; (3) to acquire by purchase, or by exercise of the power of eminent domain, any real or personal property in connection with the construction of any such project, and to sell any security acquired or any property so constructed or acquired or to lease any such property with or without the privilege of purchase: *Provided*, That all moneys received from any such sale or lease or the repayment of any loan shall be used to retire obligations issued pursuant to section 209 of this Act, in addition to any other moneys required to be used for such purpose; (4) to aid in the financing of such railroad maintenance and equipment as may be approved by the Interstate Commerce Commission as desirable for the improvement of transportation facilities; and (5) to advance, upon request of the Commission having jurisdiction of the project, the unappropriated balance of the sum authorized for carrying out the provisions of the Act entitled "An Act to provide for the construction and equipment of an annex to the Library of Congress", approved June 13, 1930 (46 Stat. 583); such advance to be expended under the direction of such Commission and in accordance with such Act: *Provided*, That in deciding to extend any aid or grant hereunder to any State, county, or municipality the President may consider whether action is in process or in good faith assured therein reasonably designed to bring the ordinary current expenditures thereof within the prudently estimated revenues thereof. The provisions of this section and section 202 shall extend to public works in the several States, Hawaii, Alaska, the District of Columbia, Puerto Rico, the Canal Zone, and the Virgin Islands.

Library of Congress. Annex construction. Vol. 46, p. 583.

Balance of State, etc., revenues and expenditures.

Applicability of provisions.

Travel expenses.

(b) All expenditures for authorized travel by officers and employees, including subsistence, required on account of any Federal public-works projects, shall be charged to the amounts allocated to such projects, notwithstanding any other provisions of law; and there is authorized to be employed such personal services in the District of Columbia and elsewhere as may be required to be engaged upon such work and to be in addition to employees otherwise provided for, the compensation of such additional personal services to be a charge against the funds made available for such construction work.

Personal services.

(c) In the acquisition of any land or site for the purposes of Federal public buildings and in the construction of such buildings provided for in this title, the provisions contained in sections 305 and 306 of the Emergency Relief and Construction Act of 1932, as amended, shall apply.

Provisions applicable to site acquisitions for public buildings.
Vol. 47, pp. 722, 724.

(d) The President, in his discretion, and under such terms as he may prescribe, may extend any of the benefits of this title to any State, county, or municipality notwithstanding any constitutional or legal restriction or limitation on the right or power of such State, county, or municipality to borrow money or incur indebtedness.

Extension of benefits to States, etc.

SEC. 204. (a) For the purpose of providing for emergency construction of public highways and related projects, the President is authorized to make grants to the highway departments of the several States in an amount not less than $400,000,000, to be expended by such departments in accordance with the provisions of the Federal Highway Act, approved November 9, 1921, as amended and supplemented, except as provided in this title, as follows:

Grants to State highway departments.
Post, p. 993.
Limit.
Vol. 42, p. 212.

(1) For expenditure in emergency construction on the Federal aid highway system and extensions thereof into and through municipalities. The amount apportioned to any State under this paragraph may be used to pay all or any part of the cost of surveys, plans, and of highway and bridge construction including the elimination of hazards to highway traffic, such as the separation of grades at crossing, the reconstruction of existing railroad grade crossing structures, the relocation of highways to eliminate railroad crossings, the widening of narrow bridges and roadways, the building of footpaths, the replacement of unsafe bridges, the construction of routes to avoid congested areas, the construction of facilities to improve accessibility and the free flow of traffic, and the cost of any other construction that will provide safer traffic facilities or definitely eliminate existing hazards to pedestrian or vehicular traffic. No funds made available by this title shall be used for the acquisition of any land, right of way, or easement in connection with any railroad grade elimination project.

Emergency construction on Federal aid highway systems.
Apportionment of amount.
Post, pp. 996, 1057.

Use of funds for land acquisitions, etc., denied.

(2) For expenditure in emergency construction on secondary or feeder roads to be agreed upon by the State highway departments and the Secretary of Agriculture: *Provided*, That the State or responsible political subdivision shall provide for the proper maintenance of said roads. Such grants shall be available for payment of the full cost of surveys, plans, improvement, and construction of secondary or feeder roads, on which projects shall be submitted by the State highway department and approved by the Secretary of Agriculture.

Emergency construction feeder roads.
Proviso.
Maintenance to be provided.
Availability of funds.

(b) Any amounts allocated by the President for grants under subsection (a) of this section shall be apportioned among the several States seven-eighths in accordance with the provisions of section 21 of the Federal Highway Act, approved November 9, 1921, as amended and supplemented (which Act is hereby further amended for the purposes of this title to include the District of Columbia), and one-eighth in the ratio which the population of each State bears to the total population of the United States, according to the latest decennial census and shall be available on July 1, 1933, and shall remain available until expended; but no part of the funds apportioned to any State need be matched by the State, and such funds may also be used in lieu of State funds to match unobligated balances of previous apportionments of regular Federal-aid appropriations.

Apportionment of funds among States.
Vol. 42, p. 217.
Amended to include the District of Columbia.
Matching of funds by States not required.

Provisions of contracts involving expenditure of funds.

(c) All contracts involving the expenditure of such grants shall contain provisions establishing minimum rates of wages, to be predetermined by the State highway department, which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals for bids for the work.

Limitations of Federal Highway Act not applicable.

(d) In the expenditure of such amounts, the limitations in the Federal Highway Act, approved November 9, 1921, as amended and supplemented, upon highway construction, reconstruction, and bridges within municipalities and upon payments per mile which may be made from Federal funds, shall not apply.

Terms construed.
"State."
"Highway."
Vol. 42, p. 212.

(e) As used in this section the term "State" includes the Territory of Hawaii and the District of Columbia. The term "highway" as defined in the Federal Highway Act approved November 9, 1921, as amended and supplemented, for the purposes of this section, shall be deemed to include such main parkways as may be designated by the State and approved by the Secretary of Agriculture as part of the Federal-aid highway system.

Agreement for rights of way over Federal property.

(f) Whenever, in connection with the construction of any highway project under this section or section 202 of this Act, it is necessary to acquire rights of way over or through any property or tracts of land owned and controlled by the Government of the United States, it shall be the duty of the proper official of the Government of the United States having control of such property or tracts of land with

Approval of President and Attorney General.

the approval of the President and the Attorney General of the United States, and without any expense whatsoever to the United States, to perform any acts and to execute any agreements necessary to grant the rights of way so required, but if at any time the land

Reversion for nonuser.

or the property the subject of the agreement shall cease to be used for the purposes of the highway, the title in and the jurisdiction over the land or property shall automatically revert to the Government of the United States and the agreement shall so provide.

Tolls.
Vol. 42, p. 214.
Collection of, authorized.

(g) Hereafter in the administration of the Federal Highway Act, and Acts amendatory thereof or supplementary thereto, the first paragraph of section 9 of said Act shall not apply to publicly owned toll bridges or approaches thereto, operated by the highway department of any State, subject, however, to the condition that all tolls

Condition.

Tolls to be applied to repayment of construction costs.

received from the operation of any such bridge, less the actual cost of operation and maintenance, shall be applied to the repayment of the cost of its construction or acquisition, and when the cost of its construction or acquisition shall have been repaid in full, such bridge thereafter shall be maintained and operated as a free bridge.

Amount available for national forest highways, trails, etc.

SEC. 205. (a) Not less than $50,000,000 of the amount made available by this Act shall be allotted for (A) national forest highways, (B) national forest roads, trails, bridges, and related projects, (C)

National park roads.
Roads on Indian reservations.
Through public lands.
Expenditures.
Vol. 47, p. 717.

national park roads and trails in national parks owned or authorized, (D) roads on Indian reservations, and (E) roads through public lands, to be expended in the same manner as provided in paragraph (2) of section 301 of the Emergency Relief and Construction Act of 1932, in the case of appropriations allocated for such purposes, respectively, in such section 301, to remain available until expended.

Construction, Territories and Insular possessions.

(b) The President may also allot funds made available by this Act for the construction, repair, and improvement of public highways in Alaska, the Canal Zone, Puerto Rico, and the Virgin Islands.

Contract provisions.

SEC. 206. All contracts let for construction projects and all loans and grants pursuant to this title shall contain such provisions as are necessary to insure (1) that no convict labor shall be employed on any such project; (2) that (except in executive, administrative,

Convict labor.

Thirty-hour week.

and supervisory positions), so far as practicable and feasible, no individual directly employed on any such project shall be permitted to work more than thirty hours in any one week; (3) that all employees shall be paid just and reasonable wages which shall be compensation sufficient to provide, for the hours of labor as limited, a standard of living in decency and comfort; (4) that in the employment of labor in connection with any such project, preference shall be given, where they are qualified, to ex-service men with dependents, and then in the following order: (A) To citizens of the United States and aliens who have declared their intention of becoming citizens, who are bona fide residents of the political subdivision and/or county in which the work is to be performed, and (B) to citizens of the United States and aliens who have declared their intention of becoming citizens, who are bona fide residents of the State, Territory, or district in which the work is to be performed: *Provided*, That these preferences shall apply only where such labor is available and qualified to perform the work to which the employment relates; and (5) that the maximum of human labor shall be used in lieu of machinery wherever practicable and consistent with sound economy and public advantage.

Wage scales.

Preferences.

Proviso. When preferences applicable.

Use of human labor.

SEC. 207. (a) For the purpose of expediting the actual construction of public works contemplated by this title and to provide a means of financial assistance to persons under contract with the United States to perform such construction, the President is authorized and empowered, through the Administrator or through such other agencies as he may designate or create, to approve any assignment executed by any such contractor, with the written consent of the surety or sureties upon the penal bond executed in connection with his contract, to any national or State bank, or his claim against the United States, or any part of such claim, under such contract; and any assignment so approved shall be valid for all purposes, notwithstanding the provisions of sections 3737 and 3477 of the Revised Statutes, as amended.

Assignments by contractor authorized.

Approval required.

Consent of sureties.

R.S., secs. 3477, 3737, pp. 689, 737. U.S.C., pp. 987, 1310.

(b) The funds received by a contractor under any advances made in consideration of any such assignment are hereby declared to be trust funds in the hands of such contractor to be first applied to the payment of claims of subcontractors, architects, engineers, surveyors, laborers, and material men in connection with the project, to the payment of premiums on the penal bond or bonds, and premiums accruing during the construction of such project on insurance policies taken in connection therewith. Any contractor and any officer, director, or agent of any such contractor, who applies, or consents to the application of, such funds for any other purpose and fails to pay any claim or premium hereinbefore mentioned, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than $1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Funds received in consideration of assignment to be trust funds.

Penalty for misapplication.

(c) Nothing in this section shall be considered as imposing upon the assignee any obligation to see to the proper application of the funds advanced by the assignee in consideration of such assignment.

Assignee not liable.

SUBSISTENCE HOMESTEADS

Subsistence homesteads.

Executive Order number 6209, July 21, 1933.

SEC. 208. To provide for aiding the redistribution of the overbalance of population in industrial centers $25,000,000 is hereby made available to the President, to be used by him through such agencies as he may establish and under such regulations as he may make, for making loans for and otherwise aiding in the purchase of subsistence homesteads. The moneys collected as repayment of said loans shall

Loans for purchase of, authorized. Amount available.

Repayments to constitute revolving fund.

constitute a revolving fund to be administered as directed by the President for the purposes of this section.

RULES AND REGULATIONS

Rules and regulations to be prescribed. Penalty for violations.

SEC. 209. The President is authorized to prescribe such rules and regulations as may be necessary to carry out the purposes of this title, and any violation of any such rule or regulation shall be punishable by fine of not to exceed $500 or imprisonment not to exceed six months, or both.

Issue of securities and sinking fund.

ISSUE OF SECURITIES AND SINKING FUND

Power of Secretary of Treasury to borrow. Vol. 40, p. 288.

SEC. 210. (a) The Secretary of the Treasury is authorized to borrow, from time to time, under the Second Liberty Bond Act, as amended, such amounts as may be necessary to meet the expenditures authorized by this Act, or to refund any obligations previously issued under this section, and to issue therefor bonds, notes, certificates of indebtedness, or Treasury bills of the United States.

Additional amount annually appropriated. Vol. 40, p. 1311.

(b) For each fiscal year beginning with the fiscal year 1934 there is hereby appropriated, in addition to and as part of, the cumulative sinking fund provided by section 6 of the Victory Liberty Loan Act, as amended, out of any money in the Treasury not otherwise appropriated, for the purpose of such fund, an amount equal to 2½ per centum of the aggregate amount of the expenditures made out of appropriations made or authorized under this Act as determined by the Secretary of the Treasury.

Reemployment and relief taxes.

REEMPLOYMENT AND RELIEF TAXES

Revenue Act of 1932. Vol. 47, p. 266. Gasoline tax.

SEC. 211. (a) Effective as of the day following the date of the enactment of this Act, section 617 (a) of the Revenue Act of 1932 is amended by striking out "1 cent" and inserting in lieu thereof "1½ cents".

Terms construed. "Benzol."

(b) Effective as of the day following the date of the enactment of this Act, section 617 (c) (2) of such Act is amended by adding at the end thereof a new sentence to read as follows: "As used in this paragraph the term 'benzol' does not include benzol sold for use otherwise than as a fuel for the propulsion of motor vehicles, motor boats, or airplanes, and otherwise than in the manufacture or production of such fuel."

Title IV—Manufacturers' excise tax. Vol. 47, p. 259. Title V—Miscellaneous taxes. Vol. 47, p. 270.

SEC. 212. Titles IV and V of the Revenue Act of 1932 are amended by striking out "1934" wherever appearing therein and by inserting in lieu thereof "1935". Section 761 of the Revenue Act of 1932 is further amended by striking out "and on July 1, 1933" and inserting in lieu thereof "and on July 1, 1933, and on July 1, 1934,".

Tax on dividends. Vol. 47, p. 178.

SEC. 213. (a) There is hereby imposed upon the receipt of dividends (required to be included in the gross income of the recipient under the provisions of the Revenue Act of 1932) by any person other than a domestic corporation, an excise tax equal to 5 per centum of the amount thereof, such tax to be deducted and withheld from such dividends by the payor corporation. The tax imposed by this section shall not apply to dividends declared before the date of the enactment of this Act.

Returns of withholding corporation.

(b) Every corporation required to deduct and withhold any tax under this section shall, on or before the last day of the month following the payment of the dividend, make return thereof and pay the tax to the collector of the district in which its principal place of business is located, or, if it has no principal place of business in the United States, to the collector at Baltimore, Maryland.

(c) Every such corporation is hereby made liable for such tax and is hereby indemnified against the claims and demands of any person for the amount of any payment made in accordance with the provisions of this section. Liability of corporation.

(d) The provisions of sections 115, 771 to 774, inclusive, and 1111 of the Revenue Act of 1932 shall be applicable with respect to the tax imposed by this section. Provisions of Revenue Act of 1932, applicable. Vol. 47, pp. 203, 277, 289.

(e) The taxes imposed by this section shall not apply to the dividends of any corporation enumerated in section 103 of the Revenue Act of 1932. Dividends not taxed. Vol. 47, p. 193. Vol. 47, p. 195.

SEC. 214. Section 104 of the Revenue Act of 1932 is amended by striking out the words "the surtax" wherever occurring in such section and inserting in lieu thereof "any internal-revenue tax." The heading of such section is amended by striking out "surtaxes" and inserting in lieu thereof "internal-revenue taxes." Section 13(c) of such Act is amended by striking out "surtax" and inserting in lieu thereof "internal-revenue tax." Accumulation of surplus to evade any internal-revenue tax. Vol. 47, p. 177.

SEC. 215. (a) For each year ending June 30 there is hereby imposed upon every domestic corporation with respect to carrying on or doing business for any part of such year an excise tax of $1 for each $1,000 of the adjusted declared value of its capital stock. Tax on domestic corporations. *Post*, p. 771.

(b) For each year ending June 30 there is hereby imposed upon every foreign corporation with respect to carrying on or doing business in the United States for any part of such year an excise tax equivalent to $1 for each $1,000 of the adjusted declared value of capital employed in the transaction of its business in the United States. Foreign corporations.

(c) The taxes imposed by this section shall not apply— Corporations to which not applicable. Vol. 47, p. 193.

(1) to any corporation enumerated in section 103 of the Revenue Act of 1932;

(2) to any insurance company subject to the tax imposed by section 201 or 204 of such Act; Vol. 47, pp. 223, 225.

(3) to any domestic corporation in respect of the year ending June 30, 1933, if it did not carry on or do business during a part of the period from the date of the enactment of this Act to June 30, 1933, both dates inclusive; or

(4) to any foreign corporation in respect of the year ending June 30, 1933, if it did not carry on or do business in the United States during a part of the period from the date of the enactment of this Act to June 30, 1933, both dates inclusive.

(d) Every corporation liable for tax under this section shall make a return under oath within one month after the close of the year with respect to which such tax is imposed to the collector for the district in which is located its principal place of business or, if it has no principal place of business in the United States, then to the collector at Baltimore, Maryland. Such return shall contain such information and be made in such manner as the Commissioner with the approval of the Secretary may by regulations prescribe. The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector before the expiration of the period for filing the return. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 1 per centum a month from the time when the tax became due until paid. All provisions of law (including penalties) applicable in respect of the taxes imposed by section 600 of the Revenue Act of 1926 shall, in so far as not inconsistent with this section, be applicable in respect of the taxes imposed by this section. The Commissioner may extend the time for making the returns and paying the taxes Returns of corporations. Contents. When tax payable. Interest rate, if not paid when due. Penalty provisions. Vol. 44, p. 93. Extension of time for making returns.

Limit.

imposed by this section, under such rules and regulations as he may prescribe with the approval of the Secretary, but no such extension shall be for more than sixty days.

Inspection of returns.

(e) Returns required to be filed for the purpose of the tax imposed by this section shall be open to inspection in the same manner, to the same extent, and subject to the same provisions of law, including penalties, as returns made under title II of the Revenue Act of 1926.

Vol. 44, p. 10.

Adjusted declared value.
Computation of, first year.

(f) For the first year ending June 30 in respect of which a tax is imposed by this section upon any corporation, the adjusted declared value shall be the value, as declared by the corporation in its first return under this section (which declaration of value cannot be amended), as of the close of its last income-tax taxable year ending at or prior to the close of the year for which the tax is imposed by this section (or as of the date of organization in the case of a corporation having no income-tax taxable year ending at or prior to the close of the year for which the tax is imposed by this section). For any subsequent year ending June 30, the adjusted declared value in the case of a domestic corporation shall be the original declared value plus (1) the cash and fair market value of property paid in for stock or shares, (2) paid-in surplus and contributions to capital, and (3) earnings and profits, and minus (A) the value of property distributed in liquidation to shareholders, (B) distributions of earnings and profits, and (C) deficits, whether operating or nonoperating; each adjustment being made for the period from the date as of which the original declared value was declared to the close of its last income-tax taxable year ending at or prior to the close of the year for which the tax is imposed by this section. For any subsequent year ending June 30, the adjusted declared value in the case of a foreign corporation shall be the original declared value adjusted, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, to reflect increases or decreases (for the period specified in the preceding sentence) in the capital employed in the transaction of its business in the United States.

Subsequent years.
Domestic corporation.

Adjusted declared value, foreign corporations.

Meaning of terms.

(g) The terms used in this section shall have the same meaning as when used in the Revenue Act of 1932.

Tax on net income of corporations.
Computation of.

SEC. 216. (a) There is hereby imposed upon the net income of every corporation, for each income-tax taxable year ending after the close of the first year in respect of which it is taxable under section 215, an excess-profits tax equivalent to 5 per centum of such portion of its net income for such income-tax taxable year as is in excess of 12½ per centum of the adjusted declared value of its capital stock (or in the case of a foreign corporation the adjusted declared value of capital employed in the transaction of its business in the United States) as of the close of the preceding income-tax taxable year (or as of the date of organization if it had no preceding income-tax taxable year) determined as provided in section 215. The terms used in this section shall have the same meaning as when used in the Revenue Act of 1932.

Post, p. 771.

Ante, p. 207.

Meaning of terms.

Assessment and collection of taxes.
Vol. 47, p. 173.

(b) The tax imposed by this section shall be assessed, collected, and paid in the same manner, and shall be subject to the same provisions of law (including penalties), as the taxes imposed by title I of the Revenue Act of 1932.

Proclamations.
Revenues of United States exceed expenditures.

SEC. 217. (a) The President shall proclaim the date of—

(1) the close of the first fiscal year ending June 30 of any year after the year 1933, during which the total receipts of the United States (excluding public-debt receipts) exceed its total expenditures (excluding public-debt expenditures other than those chargeable against such receipts), or

Post, p. 1720.

(2) the repeal of the eighteenth amendment to the Constitution, Repeal of eighteenth amendment. *Post*, p. 1720.

whichever is the earlier.

(b) Effective as of the 1st day of the calendar year following the date so proclaimed section 617(a) of the Revenue Act of 1932, as amended, is amended by striking out "1½ cents" and inserting in lieu thereof "1 cent". Tax reductions. Vol. 47, p. 266.

(c) The tax on dividends imposed by section 213 shall not apply to any dividends declared on or after the 1st day of the calendar year following the date so proclaimed. *Ante*, p. 206.

(d) The capital-stock tax imposed by section 215 shall not apply to any taxpayer in respect of any year beginning on or after the 1st day of July following the date so proclaimed. *Ante*, p. 207; *post*, p. 771.

(e) The excess-profits tax imposed by section 216 shall not apply to any taxpayer in respect of any taxable year after its taxable year during which the date so proclaimed occurs. *Ante*, p. 208; *post*, p. 771.

SEC. 218. (a) Effective as of January 1, 1933, sections 117, 23(i), 169, 187, and 205 of the Revenue Act of 1932 are repealed. Sections repealed. Vol. 47, pp. 180, 207, 222, 223, 227.

(b) Effective as of January 1, 1933, section 23(r)(2) of the Revenue Act of 1932 is repealed. Vol. 47, p. 183.

(c) Effective as of January 1, 1933, section 23(r)(3) of the Revenue Act of 1932 is amended by striking out all after the word "Territory" and inserting a period. Section amended. Vol. 47, p. 183.

(d) Effective as of January 1, 1933, section 182(a) of the Revenue Act of 1932 is amended by inserting at the end thereof a new sentence as follows: "No part of any loss disallowed to a partnership as a deduction by section 23(r) shall be allowed as a deduction to a member of such partnership in computing net income." Vol. 47, p. 222. Vol. 47, p. 183.

(e) Effective as of January 1, 1933, section 141(c) of the Revenue Act of 1932 is amended by striking out "except that for the taxable years 1932 and 1933 there shall be added to the rate of tax prescribed by sections 13(a), 201(b), and 204(a), a rate of three fourths of 1 per centum" and inserting in lieu thereof the following: "except that for the taxable years 1932 and 1933 there shall be added to the rate of tax prescribed by sections 13(a), 201(b), and 204(a), a rate of three fourths of 1 per centum and except that for the taxable years 1934 and 1935 there shall be added to the rate of tax prescribed by sections 13(a), 201(b), and 204(a), a rate of 1 per centum". Vol. 47, p. 213. Consolidated returns of corporations.

(f) No interest shall be assessed or collected for any period prior to September 15, 1933, upon such portion of any amount determined as a deficiency in income taxes as is attributable solely to the amendments made to the Revenue Act of 1932 by this section. Assessment, etc., of interest prior to September 15, 1933.

(g) In cases where the effect of this section is to require for a taxable year ending prior to June 30, 1933, the making of an income-tax return not otherwise required by law, the time for making the return and paying the tax shall be the same as if the return was for a fiscal year ending June 30, 1933. Time for making return hereunder.

(h) Section 55 of the Revenue Act of 1932 is amended by inserting before the period at the end thereof a semicolon and the following: "and all returns made under this Act after the date of enactment of the National Industrial Recovery Act shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President". Revenue Act of 1932, amendment. Vol. 47, p. 189. Inspection of returns.

SEC. 219. Section 500 (a) (1) of the Revenue Act of 1926, as amended, is amended by striking out the period at the end of the second sentence thereof and inserting in lieu thereof a comma and the following: "except that no tax shall be imposed in the case of persons admitted free to any spoken play (not a mechanical repro- Vol. 44, p. 91; Vol. 45, p. 863. Tax on admissions and dues.

duction), whether or not set to music or with musical parts or accompaniments, which is a consecutive narrative interpreted by a single set of characters, all necessary to the development of the plot, in two or more acts, the performance consuming more than 1 hour and 45 minutes of time."

APPROPRIATION

Appropriations.
Post, pp. 275, 1055.

SEC. 220. For the purposes of this Act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,300,000,000. The President is authorized to allocate so much of said sum, not in excess of $100,000,000, as he may determine to be necessary for expenditures in carrying out the Agricultural Adjustment Act and the purposes, powers, and functions heretofore and hereafter conferred upon the Farm Credit Administration.

Amount.
Allocation.

Agricultural Adjustment Act.
Ante, p. 34.

SEC. 221. Section 7 of the Agricultural Adjustment Act, approved May 12, 1933, is amended by striking out all of its present terms and provisions and substituting therefor the following:

Cotton sales.
Provisos.
Total disposition by March 1, 1936.

"SEC. 7. The Secretary shall sell the cotton held by him at his discretion, but subject to the foregoing provisions: *Provided*, That he shall dispose of all cotton held by him by March 1, 1936: *Provided further*, That notwithstanding the provisions of section 6, the Secretary shall have authority to enter into option contracts with producers of cotton to sell to the producers such cotton held by him, in such amounts and at such prices and upon such terms and conditions as the Secretary may deem advisable, in combination with rental or benefit payments provided for in part 2 of this title.

Option contracts of sale authorized.

Information pertaining to administration of Act.

"Notwithstanding any provisions of existing law, the Secretary of Agriculture may in the administration of the Agricultural Adjustment Act make public such information as he deems necessary in order to effectuate the purposes of such Act."

TITLE III—AMENDMENTS TO EMERGENCY RELIEF AND CONSTRUCTION ACT—MISCELLANEOUS PROVISIONS.

TITLE III—AMENDMENTS TO EMERGENCY RELIEF AND CONSTRUCTION ACT AND MISCELLANEOUS PROVISIONS

Applications for loans to Reconstruction Finance Corporation.
Vol. 47, p. 711.
Administrator to have access to files, etc.
Post, p. 1110.

SECTION 301. After the expiration of ten days after the date upon which the Administrator has qualified and taken office, (1) no application shall be approved by the Reconstruction Finance Corporation under the provisions of subsection (a) of section 201 of the Emergency Relief and Construction Act of 1932, as amended, and (2) the Administrator shall have access to all applications, files, and records of the Reconstruction Finance Corporation relating to loans and contracts and the administration of funds under such subsection: *Provided*, That the Reconstruction Finance Corporation may issue funds to a borrower under such subsection (a) prior to January 23, 1939, under the terms of any agreement or any commitment to bid upon or purchase bonds entered into with such borrower pursuant to an application approved prior to the date of termination, under this section, of the power of the Reconstruction Finance Corporation to approve applications.

Proviso.
Issue of funds to borrower.

DECREASE OF BORROWING POWER OF RECONSTRUCTION FINANCE CORPORATION

Decrease of borrowing power of Reconstruction Finance Corporation.
Vol. 47, p. 9.

SEC. 302. The amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered under section 9 of the Reconstruction Finance Corporation Act, as amended, to have outstanding at any one time is decreased by $400,000,000.

SEPARABILITY CLAUSE

SEC. 303. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby. Separability clause.

SHORT TITLE

SEC. 304. This Act may be cited as the "National Industrial Recovery Act." Short title.

Approved, June 16, 1933, 11:55 a.m.

[CHAPTER 91.]

AN ACT

To relieve the existing national emergency in relation to interstate railroad transportation, and to amend sections 5, 15a, and 19a of the Interstate Commerce Act, as amended. June 16, 1933. [S. 1580.] [Public, No. 68.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Railroad Transportation Act, 1933." Emergency Railroad Transportation Act, 1933.

TITLE I—EMERGENCY POWERS

TITLE I—Emergency powers.

SECTION 1. As used in this title— Definitions.

(a) The term "Commission" means the Interstate Commerce Commission. "Commission."

(b) The term "Coordinator" means the Federal Coordinator of Transportation hereinafter provided for. "Coordinator."

(c) The term "committee" means any one of the regional coordinating committees hereinafter provided for. "Committee."

(d) The term "carrier" means any common carrier by railroad subject to the provisions of the Interstate Commerce Act, as amended, including any receiver or trustee thereof. "Carrier."

(e) The term "subsidiary" means any company which is directly or indirectly controlled by, or affiliated with, any carrier or carriers. For the purpose of the foregoing definition a company shall be deemed to be affiliated with a carrier if so affiliated within the meaning of paragraph (8) of section 5 of the Interstate Commerce Act, as amended by this Act. "Subsidiary."

(f) The term "employee" includes every person in the service of a carrier (subject to its continuing authority to supervise and direct the manner of rendition of his service) who performs any work defined as that of an employee or subordinate official in accordance with the provisions of the Railway Labor Act. "Employee."

(g) The term "State commission" means the commission, board, or official, by whatever name designated, exercising power to regulate the rates or service of common carriers by railroad under the laws of any State. "State commission."

SEC. 2. In order to foster and protect interstate commerce in relation to railroad transportation by preventing and relieving obstructions and burdens thereon resulting from the present acute economic emergency, and in order to safeguard and maintain an adequate national system of transportation, there is hereby created the office of Federal Coordinator of Transportation, who shall be appointed by the President, by and with the advice and consent of the Senate, or be designated by the President from the membership of the Commission. If so designated, the Coordinator shall be relieved from other duties as Commissioner during his term of service to such extent as the Objects of title declared. Office of Federal Coordinator of Transportation; created.

Not to serve on Commission of review.

Powers and duties of Coordinator.

Appointment of assistants.

Location, etc., of office.

Compensation; restriction.

President may direct; except that the Coordinator shall not sit as a member of the Commission in any proceedings for the review or suspension of any order issued by him as Coordinator. The Coordinator shall have such powers and duties as are hereinafter set forth and prescribed, and may, with the approval of the President, and without regard to the civil service laws and the Classification Act of 1923, as amended, appoint and fix the compensation of such assistants and agents, in addition to the assistance provided by the Commission, as may be necessary to the performance of his duties under this Act. The office of the Coordinator shall be in Washington, District of Columbia, and the Commission shall provide such office space, facilities, and assistance as he may request and it is able to furnish. The Coordinator shall receive such compensation as the President shall fix, except that if designated from the Commission, he shall receive no compensation in addition to that which he receives as a member of the Commission.

Coordinator to divide carriers into three regional groups.
Post, p. 974.

SEC. 3. The Coordinator shall divide the lines of the carriers into three groups, to wit, an eastern group, a southern group, and a western group, and may from time to time make such changes or subdivisions in such groups as he may deem to be necessary or desirable. At the earliest practicable date after the Coordinator shall have initially designated such groups, three regional coordinating committees shall be created, one for each group, and each committee shall consist of five regular members and two special members. The carriers in each group, acting each through its board of directors or its receiver or receivers or trustee or trustees or through an officer or officers designated for the purpose by such board, shall select the regular members of the committee representing that group, and shall prescribe the rules under which such committee shall operate; but no railroad system shall have more than one representative on any such committee. In such selection each carrier shall have a vote in proportion to its mileage lying within the group. The two special members of each committee shall be selected in such manner as the Coordinator may approve, one to represent the steam railroads within the group which had in 1932 railway operating revenues of less than $1,000,000 and the other to represent electric railways within the group not owned by a steam railroad or operated as a part of a general steam railroad system of transportation. Each such special member shall have reasonable notice of all meetings of his committee at which any matter affecting any carrier which he represents is to be considered, and may participate in the consideration and disposition of such matter. Members of the committees may be removed from office and vacancies may be filled in like manner.

Regional coordinating committees to be created.
Membership.

Selection by carriers; rules governing operation.

Railroad system limited to one representative.

Vote.

Selection of two special members; to represent steam and electric railroads.

Notice of meetings, etc.

Removals and vacancies.

Purposes of title.

SEC. 4. The purposes of this title are (1) to encourage and promote or require action on the part of the carriers and of subsidiaries subject to the Interstate Commerce Act, as amended, which will (a) avoid unnecessary duplication of services and facilities of whatsoever nature and permit the joint use of terminals and trackage incident thereto or requisite to such joint use: *Provided*, That no routes now existing shall be eliminated except with the consent of all participating lines or upon order of the Coordinator, (b) control allowances, accessorial services and the charges therefor, and other practices affecting service or operation, to the end that undue impairment of net earnings may be prevented, and (c) avoid other wastes and preventable expense; (2) to promote financial reorganization of the carriers, with due regard to legal rights, so as to reduce fixed charges to the extent required by the public inter-

Avoid unnecessary duplication, etc.; joint use of tracks and terminals.
Proviso.
Restriction on eliminating existing routes.
Control allowances and accessorial services.

Promote economies.
Financial reorganization of carriers.

est and improve carrier credit; and (3) to provide for the immediate study of other means of improving conditions surrounding transportation in all its forms and the preparation of plans therefor.

Study of conditions for improving transportation.

Post, p. 216.

SEC. 5. It shall be the duty of the committees on their own initiative, severally within each group and jointly where more than one group is affected, to carry out the purposes set forth in subdivision (1) of section 4, so far as such action can be voluntarily accomplished by the carriers. In such instances as the committees are unable, for any reason, legal or otherwise, to carry out such purposes by such voluntary action, they shall recommend to the Coordinator that he give appropriate directions to the carriers or subsidiaries subject to the Interstate Commerce Act, as amended, by order; and the Coordinator is hereby authorized and directed to issue and enforce such orders if he finds them to be consistent with the public interest and in furtherance of the purposes of this title.

Provisions of title to be executed by regional committees, etc.

Ante, p. 212.

Authority of Coordinator when committee reports inability to perform.

SEC. 6. (a) The Coordinator shall confer freely with the committees and give them the benefit of his advice and assistance. At his request, the committees, the carriers, the subsidiaries, and the Commission shall furnish him, or his assistants and agents, such information and reports as he may desire in investigating any matter within the scope of his duties under this title; and the Coordinator, his assistants, and agents, and the Commission, shall at all times have access to all accounts, records, and memoranda of the carriers and subsidiaries. If, in any instance, a committee has not acted with respect to any matter which the Coordinator has brought to its attention and upon which he is of the opinion that it should have acted, under the provisions of section 5, he is hereby authorized and directed to issue and enforce such order, giving appropriate directions to the carriers and subsidiaries subject to the Interstate Commerce Act, as amended, with respect to such matter, as he shall find to be consistent with the public interest.

Committee conferences.

Reports, etc., to be submitted.

Access to accounts, records, etc., of carriers.

Coordinator may act on his own initiative, if committee fails.

(b) Insofar as may be necessary for the purposes of this title, the Commission and the members and examiners thereof shall have the same power to administer oaths and require by subpena the attendance and testimony of witnesses and the production of books, papers, tariffs, contracts, agreements, and documents and to take testimony by deposition, relating to any matter under investigation, as though such matter arose under the Interstate Commerce Act, as amended and supplemented; and any person subpenaed or testifying in connection with any matter under investigation under this title shall have the same rights, privileges, and immunities and be subject to the same duties, liabilities, and penalties as are provided in the case of persons subpenaed or testifying in connection with any matter under investigation under the Interstate Commerce Act, as amended.

Proceedings before Commission.

Attendance of witnesses; production of books, etc.

Penalty provisions.

SEC. 7. (a) A labor committee for each regional group of carriers may be selected by those railroad labor organizations which, as representatives duly designated and authorized to act in accordance with the requirements of the Railway Labor Act, entered into the agreements of January 31, 1932, and December 21, 1932, with duly authorized representatives of the carriers, determining the wage payments of the employees of the carriers. A similar labor committee for each regional group of carriers may be selected by such other railroad labor organizations as may be duly designated and authorized to represent employees in accordance with the requirements of the Railway Labor Act. It shall be the duty of the regional coordinating committees and the Coordinator to give reasonable notice to, and to confer with, the appropriate regional labor committee or committees upon the subject matter prior to taking any

Labor committees; selection.

Railway labor organizations to represent.

Vol. 44, p. 577.

Committee to represent other organizations.

Labor conferences.

Notice to regional labor committee.

action or issuing any order which will affect the interest of the employees, and to afford the said labor committee or committees reasonable opportunity to present views upon said contemplated action or order.

Reduction in number of employees restricted.

(b) The number of employees in the service of a carrier shall not be reduced by reason of any action taken pursuant to the authority of this title below the number as shown by the pay rolls of employees in service during the month of May, 1933, after deducting the number who have been removed from the pay rolls after the effective date of this Act by reason of death, normal retirements, or resignation, but not more in any one year than 5 per centum of said number in service during May, 1933; nor shall any employee in such service be deprived of employment such as he had during said month of May or be in a worse position with respect to his compensation for such employment, by reason of any action taken pursuant to the authority conferred by this title.

Vacancies caused by death, etc.

Regional boards of adjustment, establishment.

(c) The Coordinator is authorized and directed to establish regional boards of adjustment whenever and wherever action taken pursuant to the authority conferred by this title creates conditions that make necessary such boards of adjustment to settle controversies between carriers and employees. Carriers and their employees shall have equal representation on such boards of adjustment for settlement of such controversies, and said boards shall exercise the functions of boards of adjustment provided for by the Railway Labor Act.

Equality of representation, etc.

Carriers to pay property losses of employees incident to transfers of work.

(d) The Coordinator is authorized and directed to provide means for determining the amount of, and to require the carriers to make just compensation for, property losses and expenses imposed upon employees by reason of transfers of work from one locality to another in carrying out the purposes of this title.

Compliance with Railway Labor and Bankruptcy Acts by carriers required.

(e) Carriers, whether under control of a judge, trustee, receiver, or private management, shall be required to comply with the provisions of the Railway Labor Act and with the provisions of section 77, paragraphs (o), (p), and (q), of the Act approved March 3, 1933, entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of bankruptcy throughout the United States', approved July 1, 1898, and Acts amendatory thereof and supplementary thereto."

Vol. 44, p. 577; Vol. 47, p. 1481.

Orders of Coordinator to be made public.

SEC. 8. Any order issued by the Coordinator pursuant to this title shall be made public in such reasonable manner as he may determine and shall become effective as of such date, not less than twenty days from the date of such publication, as the Coordinator shall prescribe in the order; and such order shall remain in effect until it is vacated by him or suspended or set aside by the Commission or other lawful authority, as hereinafter provided, and such order may include provision for the creation and administration of such just pooling arrangements or for such just compensation for the use of property or for carrier services as he may deem necessary or desirable and in furtherance of the purposes of this title.

Effective date, etc.

Pooling arrangements, etc.

Appeals to Commission.

SEC. 9. Any interested party, including, among others, any carrier, subsidiary, shipper, or employee, or any group of carriers, shippers, or employees, or any State commission, or the Governor of any State, or the official representative or representatives of any political subdivision thereof, dissatisfied with any order of the Coordinator may, at any time prior to the effective date of the order, file a petition with the Commission asking that such order be reviewed and suspended pending such review, and stating fully the reasons therefor. Such petitions shall be governed by such general rules as the Commission may establish. If the Commission, upon considering such

Rules governing.

petition and any answer or answers thereto, finds reason to believe that the order may be unjust to the petitioner or inconsistent with the public interest, the Commission is hereby authorized to grant such review and, in its discretion, the Commission may suspend the order if it finds immediate enforcement thereof would result in irreparable damage to the petitioner or work grave injury to the public interest, but if the Commission suspends an order, it shall expedite the hearing and decision on that order as much as possible. Thereupon the Commission shall, after due notice and a public hearing, review the order and take such action in accord with the purposes of this title as it finds to be just and consistent with the public interest, either confirming the order or setting it aside or reissuing it in modified form, and any order so confirmed or reissued shall thereafter remain in effect until vacated or modified by the Commission.

Review by commission; suspension of order.

SEC. 10. (a) The carriers or subsidiaries subject to the Interstate Commerce Act, as amended, affected by any order of the Coordinator or Commission made pursuant to this title shall, so long as such order is in effect, be, and they are hereby, relieved from the operation of the antitrust laws, as designated in section 1 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, and of all other restraints or prohibitions by law, State or Federal, other than such as are for the protection of the public health or safety, in so far as may be necessary to enable them to do anything authorized or required by such order made pursuant to this title: *Provided, however*, That nothing herein shall be construed to repeal, amend, suspend, or modify any of the requirements of the Railway Labor Act or the duties and obligations imposed thereunder or through contracts entered into in accordance with the provisions of said Act.

Suspension of the antitrust laws, etc. Vol. 38, p. 730.

Protection of public health or safety excepted.

Proviso. Railway Labor Act not affected. Vol. 44, p. 577.

(b) The Coordinator shall issue no order which shall have the effect of relieving any carrier or subsidiary from the operation of the law of any State or of any order of any State commission until he has advised the State commission of said State, or the Governor of said State if there be no such commission, that such order is in contemplation, and shall afford the State commission or Governor so notified reasonable opportunity to present views and information bearing upon such contemplated order, nor unless such order is necessary, in his opinion, to prevent or remove an obstruction to or a burden upon interstate commerce.

Notification to State of intention to relieve carrier from operation of State law.

Hearings.

SEC. 11. Nothing in this title shall be construed to relieve any carrier from any contractual obligation which it may have assumed, prior to the enactment of this Act, with regard to the location or maintenance of offices, shops, or roundhouses at any point.

Prior contractual obligations continued in force.

SEC. 12. The willful failure or refusal of any carrier or subsidiary or of any officer or employee of any carrier or subsidiary to comply with the terms of any order of the Coordinator or of the Commission made pursuant to this title shall be a misdemeanor, and upon conviction thereof the carrier, subsidiary, or person offending shall be subject to a fine of not less than $1,000 or more than $20,000 for each offense, and each day during which such carrier, subsidiary, or person shall willfully fail or refuse to comply with the terms of such order shall constitute a separate offense. It shall be the duty of any district attorney of the United States to whom the Coordinator or the Commission may apply to institute in the proper court and to prosecute under the direction of the Attorney General of the United States all necessary proceedings for the enforcement of the provisions of this title and for the punishment

Penal provisions. Violation of Coordinator's, etc., order.

Penalty. Each day a separate offense.

Prosecution proceedings.

Payment of expenses.

of all violations thereof, and the costs and expenses of such prosecution shall be paid out of the appropriation for the expense of the courts of the United States: *Provided*, That nothing in this title shall be construed to require any employee or officer of any carrier to render labor or service without his consent, or to authorize the issuance of any orders requiring such service, or to make illegal the failure or refusal of any employee individually, or any number of employees collectively, to render labor or services.

Proviso.
Employee's right to refuse to render services, etc.

Study of means of improvement, etc., to be made.

SEC. 13. It shall further be the duty of the Coordinator, and he is hereby authorized and directed, forthwith to investigate and consider means, not provided for in this title, of improving transportation conditions throughout the country, including cost finding in rail transportation and the ability, financial or otherwise, of the carriers to improve their properties and furnish service and charge rates which will promote the commerce and industry of the country and including, also, the stability of railroad labor employment and other improvement of railroad labor conditions and relations; and from time to time he shall submit to the Commission such recommendations calling for further legislation to these ends as he may deem necessary or desirable in the public interest. The Commission shall promptly transmit such recommendations, together with its comments thereon, to the President and to the Congress.

Recommendations to be submitted.

Transmission to President, etc.

Expenses of Coordinator.
Ante, p. 211.

SEC. 14. The expenses of the Coordinator except so far as they are borne by the Commission in accordance with the provisions of section 2, but not including the expenses of the coordinating committees, shall be allowed and paid, on the presentation of itemized vouchers therefor approved by the Coordinator, out of a fund obtained from assessments on the carriers, and said fund is hereby appropriated for the payment of such expenses. It shall be the duty of each carrier, within thirty days after the date of enactment of this Act, to pay into this fund, for the first year of the operation of this title, one and one-half dollars for every mile of road operated by it on December 31, 1932, as reported to the Commission, and to pay into said fund within thirty days after the expiration of such year a proportional amount covering any period of extension of this title by proclamation of the President under section 17, and it shall be the duty of the Secretary of the Treasury to collect such assessments. Any amount remaining in the fund when this title ceases to have effect shall be returned by the Secretary of the Treasury to the carriers in proportion to their contributions. The carriers and the Pullman Company shall be permitted, anything in the Interstate Commerce Act, as amended, to the contrary notwithstanding, to provide free transportation and other carrier service to the Coordinator and his assistants and agents and to the employees of the Commission when engaged in the service of the Coordinator.

Fund, obtained from assessments on carriers.

Basis of computation.

Post, p. 954.

Post, p. 217.

Pro rata return of any balance.

Free transportation, etc., provided Coordinator, assistants, etc.
Vol. 35, p. 60, waived.

Loans to carriers denied when financial reorganization essential.
Vol. 47, p. 7.

SEC. 15. The Commission shall not approve a loan to a carrier under the Reconstruction Finance Corporation Act, as amended, if it is of the opinion that such carrier is in need of financial reorganization in the public interest: *Provided, however*, That the term "carrier" as used in this section shall not include a receiver or trustee.

Proviso.
"Carrier" not to include receiver, etc.

Court review of orders.

SEC. 16. Any final order made under this title shall be subject to the same right of relief in court by any party in interest as is now provided in respect to orders of the Commission made under the Interstate Commerce Act, as amended. The provisions of the Urgent Deficiencies Appropriation Act of October 22, 1913 (38 Stat.L. 219), shall be applicable to any proceeding in court brought to suspend or set aside any order of the Coordinator or of the Commission entered pursuant to the provisions of this title.

Venue of suits on orders of Coordinator or Commission.
Vol. 38, p. 219, amended.

SEC. 17. This title shall cease to have effect at the end of one year after the effective date, unless extended by a proclamation of the President for one year or any part thereof, but orders of the Coordinator or of the Commission made thereunder shall continue in effect until vacated by the Commission or set aside by other lawful authority, but notwithstanding the provisions of section 10 no such order shall operate to relieve any carrier from the effect of any State law or of any order of a State commission enacted or made after this title ceases to have effect.

Duration of title.
Extension by proclamation.
Post, p. 1740.
Continuing effectiveness of Coordinator's orders.

TITLE II—AMENDMENTS TO INTERSTATE COMMERCE ACT

TITLE II—Interstate Commerce Act amendments.

SECTION 201. Section 5 of the Interstate Commerce Act, as amended (U.S.C., title 49, sec. 5), is amended by striking out paragraphs (2) and (3) and by renumbering paragraphs (4) and (5) as paragraphs (2) and (3), respectively, and by striking out the last sentence of the paragraph so renumbered as paragraph (3).

Vol. 24, p. 380.
U. S. C., p. 1655.

SEC. 202. Such section 5 is further amended by striking out paragraphs (6), (7), and (8), and by inserting in lieu thereof the following paragraphs:

Combination, consolidation, etc.

"(4) (a) It shall be lawful, with the approval and authorization of the Commission, as provided in subdivision (b), for two or more carriers to consolidate or merge their properties, or any part thereof, into one corporation for the ownership, management, and operation of the properties theretofore in separate ownership; or for any carrier, or two or more carriers jointly, to purchase, lease, or contract to operate the properties, or any part thereof, of another; or for any carrier, or two or more carriers jointly, to acquire control of another through purchase of its stock; or for a corporation which is not a carrier to acquire control of two or more carriers through ownership of their stock; or for a corporation which is not a carrier and which has control of one or more carriers to acquire control of another carrier through ownership of its stock.

Mergers authorized.
Contract to operate another's properties.
Acquire control, through purchase of stock.
Holding companies, etc.

"(b) Whenever a consolidation, merger, purchase, lease, operating contract, or acquisition of control is proposed under subdivision (a), the carrier or carriers or corporation seeking authority therefor shall present an application to the Commission, and thereupon the Commission shall notify the Governor of each State in which any part of the properties of the carriers involved in the proposed transaction is situated, and also such carriers and the applicant or applicants, of the time and place for a public hearing. If after such hearing the Commission finds that, subject to such terms and conditions and such modifications as it shall find to be just and reasonable, the proposed consolidation, merger, purchase, lease, operating contract, or acquisition of control will be in harmony with and in furtherance of the plan for the consolidation of railway properties established pursuant to paragraph (3), and will promote the public interest, it may enter an order approving and authorizing such consolidation, merger, purchase, lease, operating contract, or acquisition of control, upon the terms and conditions and with the modifications so found to be just and reasonable.

Application for authority to be made to Commission.
Notices to governors of States, etc.
Approval, if in harmony with Commission's plan, and in public interest.
Terms and conditions.

"(5) Whenever a corporation which is not a carrier is authorized, by an order entered under paragraph (4), to acquire control of any carrier or of two or more carriers, such corporation thereafter shall, to the extent provided by the Commission, for the purposes of paragraphs (1) to (10), inclusive, of section 20 (relating to reports, accounts, and so forth, of carriers), including the penalties applicable in the case of violations of such paragraphs, be considered as

Holding company acquiring control of carriers.
Supervision of Commission.

a common carrier subject to the provisions of this Act, and for the purposes of paragraphs (2) to (11), inclusive, of section 20a (relating to issues of securities and assumptions of liability of carriers), including the penalties applicable in the case of violations of such paragraphs, be considered as a 'carrier' as such term is defined in paragraph (1) of such section, and be treated as such by the Commission in the administration of the paragraphs specified. In the application of such provisions of section 20a in the case of any such corporation the Commission shall authorize the issue or assumption applied for only if it finds that such issue or assumption is consistent with the proper performance by each carrier which is under the control of such corporation of its service to the public as a common carrier, will not impair the ability of any such carrier to perform such service, and is otherwise compatible with the public interest.

As to issues of securities, liabilities, etc.

To be treated as a "carrier."

Assumption of obligations.

Control or management unification of two or more carriers.

"(6) It shall be unlawful for any person, except as provided in paragraph (4), to accomplish or effectuate, or to participate in accomplishing or effectuating, the control or management in a common interest of any two or more carriers, however such result is attained, whether directly or indirectly, by use of common directors, officers, or stockholders, a holding or investment company or companies, a voting trust or trusts, or in any other manner whatsoever. It shall be unlawful to continue to maintain control or management accomplished or effectuated after the enactment of this amendatory paragraph and in violation of its provisions. As used in this paragraph and paragraph (7), the words 'control or management' shall be construed to include the power to exercise control or management.

"Control or management", construed.

Transactions deemed effecting control or management.

"(7) For the purposes of paragraphs (6) and (11), but not in anywise limiting the application thereof, any transaction shall be deemed to accomplish or effectuate the control or management in a common interest of two carriers—

"(a) If such transaction is by a carrier, and if the effect of such transaction is to place such carrier and persons affiliated with it, taken together, in control of another carrier.

"(b) If such transaction is by a person affiliated with a carrier, and if the effect of such transaction is to place such carrier and persons affiliated with it, taken together, in control of another carrier.

"(c) If such transaction is by two or more persons acting together, one of whom is a carrier or is affiliated with a carrier, and if the effect of such transaction is to place such persons and carriers and persons affiliated with any one of them and persons affiliated with any such affiliated carrier, taken together, in control of another carrier.

"Affiliated person", defined.

"(8) For the purposes of paragraph (7) a person shall be held to be affiliated with a carrier if, by reason of the relationship of such person to such carrier (whether by reason of the method of, or circumstances surrounding organization or operation, or whether established through common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or any other direct or indirect means), it is reasonable to believe that the affairs of any carrier of which control may be acquired by such person will be managed in the interest of such other carrier.

Immaterial whether references to control relate to direct or indirect.

Control construed.

"(9) For the purposes of paragraphs (6), (7), (8), and (11), wherever reference is made to control it is immaterial whether such control is direct or indirect. As used in this paragraph and paragraphs (7), (8), and (11) the term 'control' shall be construed to include the power to exercise control.

Investigations authorized.

"(10) The Commission is hereby authorized, upon complaint or upon its own initiative without complaint, but after notice and hearing, to investigate and determine whether any person is violating

the provisions of paragraph (6). If the Commission finds after such investigation that such person is violating the provisions of such paragraph, it shall by order require such person to take such action as may be necessary, in the opinion of the Commission, to prevent continuance of such violation.

Commission to order discontinuance of violations.

"(11) For the proper protection and in furtherance of the plan for the consolidation of railway properties established pursuant to paragraph (3) and the regulation of interstate commerce in accordance therewith, the Commission is hereby authorized, upon complaint or upon its own initiative without complaint, but after notice and hearing, to investigate and determine whether the holding by any person of stock or other share capital of any carrier (unless acquired with the approval of the Commission) has the effect (a) of subjecting such carrier to the control of another carrier or to common control with another carrier, and (b) of preventing or hindering the carrying out of any part of such plan or of impairing the independence, one of another, of the systems provided for in such plan. If the Commission finds after such investigation that such holding has the effects described, it shall by order provide for restricting the exercise of the voting power of such person with respect to such stock or other share capital (by requiring the deposit thereof with a trustee, or by other appropriate means) to the extent necessary to prevent such holding from continuing to have such effects.

Control, interfering with Commission's consolidation plan or carrier's independence to be investigated.

Restricting voting power of controlling stock.

"(12) If in the course of any proceeding under this section before the Commission, or of any proceeding before a court in enforcement of an order entered by the Commission under this section, it appears that since the beginning of such proceeding the plan for consolidation has been reopened under paragraph (3) for changes or modifications with respect to the allocation of the properties of any carrier involved in such proceeding, then such proceeding may be suspended.

Suspension of proceeding in certain cases.

"(13) The district courts of the United States shall have jurisdiction upon the application of the Commission, alleging a violation of any of the provisions of this section or disobedience of any order issued by the Commission thereunder by any person, to issue such writs of injunction or other proper process, mandatory or otherwise, as may be necessary to restrain such person from violation of such provision or to compel obedience to such order.

Jurisdiction of district courts.

"(14) The Commission may from time to time, for good cause shown, make such orders, supplemental to any order made under paragraph (1), (4), (10), or (11), as it may deem necessary or appropriate.

Supplemental orders authorized.

"(15) The carriers and any corporation affected by any order made under the foregoing provisions of this section shall be, and they are hereby, relieved from the operation of the antitrust laws as designated in section 1 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, and of all other restraints or prohibitions by or imposed under authority of law, State or Federal, insofar as may be necessary to enable them to do anything authorized or required by such order.

Carriers affected relieved from operation of antitrust laws.
Vol. 38, p. 730.
U.S.C., p. 352.

"(16) If any provision of the foregoing paragraphs of this section, or the application thereof to any person or circumstances, is held invalid, the other provisions of such paragraphs, and the application of such provision to any other person or circumstances, shall not be affected thereby.

Separability provisions.

"(17) As used in paragraphs (4) to (16), inclusive, the term 'person' includes an individual, partnership, association, joint-stock

"Person" defined.

"Carrier."

company, or corporation, and the term 'carrier' means a carrier by railroad subject to this Act."

Designated paragraphs renumbered. Vol. 42, p. 27. U.S.C., p. 1655.

SEC. 203. Such section 5 is further amended by renumbering as paragraph (18) the paragraph added by the Act entitled "An Act to amend section 407 of the Transportation Act of 1920", approved June 10, 1921, and by renumbering the remaining three paragraphs as paragraphs (19), (20), and (21), respectively.

Interstate Commerce Act. Provisions, as amended, to remain in force.

SEC. 204. The provisions of the Interstate Commerce Act, as amended, and of all other applicable Federal statutes, as in force prior to the enactment of this title, shall remain in force, as though this title had not been enacted, with respect to the acquisition by any carrier, prior to the enactment of this title, of the control of any other carrier or carriers.

Vol. 41, p. 488, amended. U.S.C., p. 1663.

SEC. 205. Section 15a of the Interstate Commerce Act, as amended (U.S.C., title 49, sec. 15a), is amended to read as follows:

"Rates" defined.

"SEC. 15a. (1) When used in this section, the term 'rates' means rates, fares, and charges, and all classifications, regulations, and practices relating thereto.

Fair return for carriers; factors in determining.

"(2) In the exercise of its power to prescribe just and reasonable rates the Commission shall give due consideration, among other factors, to the effect of rates on the movement of traffic; to the need, in the public interest, of adequate and efficient railway transportation service at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable the carriers, under honest, economical, and efficient management, to provide such service."

Sums heretofore paid by carriers to Commission under section 15a (6) to be returned. U.S.C., p. 1663.

SEC. 206. (a) All moneys which were recoverable by and payable to the Interstate Commerce Commission, under paragraph (6) of section 15a of the Interstate Commerce Act, as in force prior to the enactment of this title, shall cease to be so recoverable and payable; and all proceedings pending for the recovery of any such moneys shall be terminated. The general railroad contingent fund established under such section shall be liquidated and the Secretary of the Treasury shall distribute the moneys in such fund among the carriers which have made payments under such section, so that each such carrier shall receive an amount bearing the same ratio to the total amount in such fund that the total of amounts paid under such section by such carrier bears to the total of amounts paid under such section by all carriers; except that if the total amount in such fund exceeds the total of amounts paid under such section by all carriers such excess shall be distributed among such carriers upon the basis of the average rate of earnings (as determined by the Secretary of the Treasury) on the investment of the moneys in such fund and differences in dates of payments by such carriers.

Liquidation of general railroad contingent fund.

Distribution among carriers.

Tax liabilities for periods after February 28, 1920; computation.

(b) The income, war-profits, and excess-profits tax liabilities for any taxable period ending after February 28, 1920, of the carriers and corporations whose income, war-profits, or excess-profits tax liabilities were affected by section 15a of the Interstate Commerce Act, as in force prior to the enactment of this Act, shall be computed as if such section had never been enacted, except that, in the case of carriers or corporations which have made payments under paragraph (6) of such section, an amount equal to such payments shall be excluded from gross income for the taxable periods with respect to which they were made. All distributions made to carriers in accordance with subdivision (a) of this section shall be included in the gross income of the carriers for the taxable period in which this Act is enacted. The provisions of this subdivision shall not be held to affect (1) the statutes of limitations with respect

Sums excluded from gross income.

Distributions included.

Restriction on affect of provisions.

to the assessment, collection, refund, or credit of income, war-profits or excess-profits taxes or (2) the liabilities for such taxes of any carriers or corporations if such liabilities were determined prior to the enactment of this Act in accordance with section 1106 (b) of the Revenue Act of 1926 or section 606 of the Revenue Act of 1928, or in accordance with a final judgment of a court, an order of the Board of Tax Appeals which had become final, or an offer in compromise duly accepted in accordance with law.

Vol. 44, p. 113; Vol. 45, p. 874.

Physical valuation of property.

Vol. 37, p. 701; Vol. 40, p. 271, amended. *Post*, p. 515.

SEC. 207. Paragraph (a) of section 19a of the Interstate Commerce Act, as amended (U.S.C., title 49, sec. 19a (a)), is amended to read as follows:

"(a) That the Commission shall, as hereinafter provided, investigate, ascertain, and report the value of all the property owned or used by every common carrier subject to the provisions of this Act, except any street, suburban, or interurban electric railway which is not operated as a part of a general steam railroad system of transportation; but the Commission may in its discretion investigate, ascertain, and report the value of the property owned or used by any such electric railway subject to the provisions of this Act whenever in its judgment such action is desirable in the public interest. To enable the Commission to make such investigation and report, it is authorized to employ such experts and other assistants as may be necessary. The Commission may appoint examiners who shall have power to administer oaths, examine witnesses, and take testimony. The Commission shall, subject to the exception hereinbefore provided for in the case of electric railways, make an inventory which shall list the property of every common carrier subject to the provisions of this Act in detail, and show the value thereof as hereinafter provided, and shall classify the physical property, as nearly as practicable, in conformity with the classification of expenditures for road and equipment, as prescribed by the Interstate Commerce Commission."

Street, etc., railways, not a part of railroad system excluded.

Discretionary inclusion in separate valuation report.

Employment of experts.

Examiners.

Classification and inventory.

SEC. 208. Paragraphs (f) and (g) of such section 19a, as amended (U.S.C., title 49, sec. 19a (f), (g)), are amended to read as follows:

U.S.C., p. 1667.

"(f) Upon completion of the original valuations herein provided for, the Commission shall thereafter keep itself informed of all new construction, extensions, improvements, retirements, or other changes in the condition, quantity, use, and classification of the property of all common carriers as to which original valuations have been made, and of the cost of all additions and betterments thereto and of all changes in the investment therein, and may keep itself informed of current changes in costs and values of railroad properties, in order that it may have available at all times the information deemed by it to be necessary to enable it to revise and correct its previous inventories, classifications, and values of the properties; and when deemed necessary, may revise, correct, and supplement any of its inventories and valuations.

Valuations; current maintenance of.

New construction, etc., to be added.

Revision and inventories.

"(g) To enable the Commission to carry out the provisions of the preceding paragraph, every common carrier subject to the provisions of this Act shall make such reports and furnish such information as the Commission may require."

Duty of carriers to make reports.

SEC. 209. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the other provisions of this Act or the application of such provision to any other person or circumstances shall not be affected thereby.

Saving provisions.

Approved, June 16, 1933, 12:05 p.m.

[CHAPTER 92.]

AN ACT

June 16, 1933.
[S. 1872.]
[Public, No. 69.]

To extend the times for commencing and completing the construction of a bridge across the French Broad River on the proposed Morristown-Newport Road between Jefferson and Cocke Counties, Tennessee.

French Broad River. Time extended for bridging, Jefferson and Cocke Counties, Tenn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the French Broad River on the proposed Morristown-Newport Road between Jefferson and Cocke Counties, Tennessee, authorized to be built by the Highway Department of the State of Tennessee, by an Act of Congress approved February 6, 1931, are hereby extended one and three years, respectively, from February 6, 1933.

Vol. 46, p. 1064.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 16, 1933, 12:45 p.m.

[CHAPTER 93.]

AN ACT

June 16, 1933.
[H.R. 4589.]
[Public, No. 70.]

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1934, and for other purposes.

District of Columbia. Appropriations for expenses of, fiscal year 1934, from District revenues and $5,700,000 from the Treasury.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1934, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and, in addition $5,700,000 is appropriated, out of any money in the Treasury not otherwise appropriated, to be advanced July 1, 1933, and all the remainder out of the combined revenues of the District of Columbia, namely:

General expenses.

GENERAL EXPENSES

Executive Office.

EXECUTIVE OFFICE

Office personnel. Additional, for Engineer Commissioner.

For personal services, $38,794, plus so much as may be necessary to compensate the Engineer Commissioner at such rate in grade 8 of the professional and scientific service of the Classification Act of 1923, as amended, as may be determined by the Board of Commissioners: *Provided*, That in expending appropriations or portions of appropriations contained in this Act for the payment of personal services in accordance with the Classification Act of 1923, as amended, with the exception of the two civilian Commissioners the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service; (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act; (3) to

Provisos.
Salaries limited to average rates under Classification Act; exceptions.

Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1093.

U.S.C., p. 65; Supp. VI, p. 31.

Restriction not applicable to clerical-mechanical services.

No reduction in fixed salaries.

Vol. 42, p. 1490; Vol. 46, p. 1095.

require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit; (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated;

Transfer to another position without pay reduction.

Higher rates permitted.

If only one position in a grade.

Purchasing division: For personal services, $48,793;

Purchasing division.

Building inspection division: For personal services, $97,846;

Building inspection division.

Plumbing inspection division: For personal services, $31,783; two members of plumbing board at $127.50 each; in all, $32,038.

Plumbing inspection division.

PUBLIC CONVENIENCE STATIONS

Public convenience stations.

For maintenance of public convenience stations, including compensation of necessary employees, $12,500.

Maintenance.

CARE OF DISTRICT BUILDING

Care of District Building.

Operating force.

For personal services, including temporary labor, and service of cleaners as necessary at not to exceed 48 cents per hour, $81,000: *Provided*, That no other appropriation made in this Act shall be available for the employment of additional assistant engineers or watchmen for the care of the District Building.

Proviso.
Employment of assistant engineers or watchmen.

For fuel, light, power, repairs, laundry, and miscellaneous supplies, $28,300.

Operating supplies.

ASSESSOR'S OFFICE

Assessor's office.

For personal services, $193,000.

Personal services.

COLLECTOR'S OFFICE

Collector's office.

For personal services, $39,000.

Personal services.

AUDITOR'S OFFICE

Auditor's office.

For personal services, $106,000; and the compensation of the present incumbent of the position of disbursing officer of the District of Columbia shall be exclusive of his compensation as United States property and disbursing officer for the National Guard of the District of Columbia.

Personal services.
Present disbursing officer permitted other duties.

OFFICE OF CORPORATION COUNSEL

Corporation Counsel's office.

For the corporation counsel, including extra compensation as general counsel of the Public Utilities Commission, and other personal services, $75,400.

Extra pay, Public Utilities Commission.

CORONER'S OFFICE

Coroner's office.

For personal services, including deputy coroners, in accordance with the Classification Act of 1923, as amended, $8,651.

Services, including deputies.
Vol. 46, p. 1003.

For the maintenance of a non-passenger-carrying motor wagon for the morgue, jurors' fees, witness fees, ice, disinfectants, telephone service, and other necessary supplies, repairs to the morgue, and the necessary expenses of holding inquests, including stenographic services in taking testimony, and photographing unidentified bodies, $3,750.

Morgue, etc., expenses.

Office of Superintendent of Weights, etc.

OFFICE OF SUPERINTENDENT OF WEIGHTS, MEASURES, AND MARKETS

Personal service, etc.

For personal services, $37,500.

Inspection, etc.

For purchase of commodities, including personal services, in connection with investigation and detection of sales of short weight and measure, $300.

Markets.

For maintenance and repairs to markets, $5,500.

Motor vehicles.

For maintenance and repair of non-passenger-carrying motor vehicles, $1,750.

Engineer department.

OFFICE OF CHIEF CLERK, ENGINEER DEPARTMENT

Chief Clerk's office.

For personal services, $24,935.

CENTRAL GARAGE

Central garage.

For personal services, $4,539.

Municipal Architect's office.

MUNICIPAL ARCHITECT'S OFFICE

Personal services.

For personal services, $40,000.

Apportionments.

All apportionments of appropriations for the use of the municipal architect in payment of personal services employed on construction work provided for by said appropriations shall be based on an amount not exceeding 3 per centum of a total of not more than $2,000,000 of appropriations made for such construction projects and not exceeding 2¾ per centum of a total of the appropriations in excess of $2,000,000.

Public Utilities Commission.

PUBLIC UTILITIES COMMISSION

Commissioners, people's counsel, etc.

For two commissioners, people's counsel, and for other personal services, $82,000, of which amount not to exceed $5,000 may be used

Experts.

for the employment of expert services by contract or otherwise and without reference to the Classification Act of 1923, as amended, and of which amount not to exceed $688 shall be immediately available.

Incidental expenses.

For incidental and all other general necessary expenses authorized by law, including the purchase of newspapers, $1,500.

Issuance of orders requiring meters in taxicabs forbidden.

No part of the appropriations contained in this Act shall be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Utilities Commission requiring the installation of meters in taxicabs until such

Proviso.
Other orders not affected.

regulation or order shall have been approved by Congress: *Provided*, That this prohibition shall not be construed to affect any order or part of an order of such Public Utilities Commission other than with respect to the requirement of the installation of such meters.

BOARD OF EXAMINERS, STEAM ENGINEERS

Examiners, steam engineers.

Salaries: Three members, at $127.50 each, $382.

DEPARTMENT OF INSURANCE

Insurance department.

For personal services, $17,702.

SURVEYOR'S OFFICE

Surveyor's office.

For personal services, $68,000.

Employees' Compensation fund.

DISTRICT OF COLUMBIA EMPLOYEES' COMPENSATION FUND

Payment for injuries.
Vol. 41, p. 104.

For carrying out the provisions of section 11 of the District of Columbia Appropriation Act approved July 11, 1919, extending to the employees of the government of the District of Columbia the provisions of the Act entitled "An Act to provide compensation for

employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, $30,000. Vol. 39, p. 742.

Administrative Expenses, Compensation to Injured Employees of the District of Columbia: For the enforcement of the Act entitled "An Act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes", approved May 17, 1928 (U.S.C., Supp. V, title 33, sec. 901), $50,750, for transfer to and expenditure by the Employees' Compensation Commission under its appropriations " Salaries and expenses ", $50,000, and " Printing and binding ", $750. Administrative expenses, compensation to injured employees. Vol. 45, p. 600. U.S.C., Supp. VI, p. 664. Transfer to Employees' Compensation Commission.

For financing of the liability of the government of the District of Columbia, created by the Act entitled "An Act for the retirement of employees in the classified civil service, and for other purposes", approved May 22, 1920, and Acts amendatory thereof (U.S.C., title 5, sec. 707a), $150,000, which amount shall be placed to the credit of the " civil service retirement and disability fund." Retirement Act. Contribution to from District revenues. Vol. 41, p. 619; Vol. 44, p. 912; Vol. 46, p. 468. U.S.C., Supp. VI, p. 46.

DEPARTMENT OF VEHICLES AND TRAFFIC Vehicles and traffic department.

For personal services, $60,000. Personal services.

For purchase, installation, and modification of electric traffic lights, signals and controls, markers, painting white lines, labor, maintenance of nonpassenger-carrying motor vehicles and such other expenses as may be necessary in the judgment of the Commissioners, $45,000: *Provided*, That no part of this or any other appropriation contained in this Act shall be expended for building, installing, and maintaining street-car loading platforms and lights of any description employed to distinguish same. Expenses, etc. *Proviso.* Not available for street-car loading platforms.

For the purchase of motor vehicle identification number plates, $20,000. Identification plates.

FREE PUBLIC LIBRARY Public Library.

For personal services, and for substitutes and other special and temporary services, including extra services on Sundays, holidays, and Saturday half holidays, at the discretion of the librarian, $265,000. Personal services.

Miscellaneous: For books, periodicals, newspapers, and other printed material, including payment in advance for subscription books, and society publications, $40,000: *Provided*, That the disbursing officer of the District of Columbia is authorized to advance to the librarian of the free Public Library, upon requisition previously approved by the auditor of the District of Columbia, sums of money not exceeding $25 at the first of each month, to be expended for the purchase of certain books, pamphlets, numbers of periodicals or newspapers, or other printed material, and to be accounted for on itemized vouchers. Miscellaneous. *Proviso.* Advances for books purchased, etc.

For binding, including necessary personal services, $18,452. Binding.

For maintenance, alterations, repairs, fuel, lighting, fitting up buildings, care of grounds, maintenance of motor delivery vehicles, and other contingent expenses, $25,000. Contingent expenses.

For rent of suitable quarters for branch libraries in Chevy Chase and Woodridge, $4,800. Chevy Chase and Woodridge branches.

REGISTER OF WILLS Register of Wills.

For personal services, $60,000. Personal services.

For miscellaneous and contingent expenses, telephone bills, printing, typewriters, photostat paper and supplies, including laboratory Contingent expenses

coats and photographic developing room equipment, towels, towel service, window washing, street-car tokens, furniture and equipment and repairs thereto, and purchase of books of reference, law books, and periodicals, $9,000.

Recorder of Deeds.

RECORDER OF DEEDS

Personal services. Recopying old land records.

For personal services, $80,000, of which $6,000 shall be available only for recopying old land records of the District of Columbia.

Contingent expenses.

For miscellaneous and contingent expenses, including telephone service, printing, binding, rebinding, repairing, and preservation of records; typewriters, towels, towel service, furniture and equipment and repairs thereto; books of reference, law books and periodicals, street-car tokens, postage, not exceeding $100 for rest room for sick and injured employees and the equipment of and medical supplies for said rest room, and all other necessary incidental expenses, $10,000.

Rent.

For rent of offices of the recorder of deeds, $10,000.

Contingent expenses.

CONTINGENT AND MISCELLANEOUS EXPENSES

Objects specified.

For checks, books, law books, books of reference, periodicals, newspapers, stationery; surveying instruments and implements; drawing materials; binding, rebinding, repairing, and preservation of records; ice; repairs to pound and vehicles, not to exceed $500; traveling expenses not to exceed $1,000, including payment of dues and traveling expenses in attending conventions when authorized by the Commissioners of the District of Columbia; expenses authorized by law in connection with the removal of dangerous or unsafe and insanitary buildings, including payment of a fee of $6 per diem to each member of board of survey, other than the inspector of buildings, while actually employed on surveys of dangerous or unsafe buildings; and other general necessary expenses of District offices; $28,000: *Provided*, That no part of this or any other appropriation contained in this Act shall be expended for printing or binding a schedule or list of supplies and materials for the furnishing of which contracts have been or may be awarded.

Removing unsafe, etc., buildings.

Proviso. Printing, etc., of list of supplies forbidden.

Printing and binding.

For printing and binding, including the printing of the report on the power needs of the District of Columbia, $55,000.

Automobiles, maintenance, etc.

For maintenance, care, repair, and operation of passenger-carrying automobiles owned by the District of Columbia, including personal services, $50,000.

Restriction on use of District-owned vehicles.

All motor-propelled passenger-carrying vehicles owned by the District of Columbia shall be used exclusively for "official purposes" directly pertaining to the public services of said District, and shall be under the direction and control of the Commissioners, who may from time to time alter or change the assignment for use thereof or direct the joint or interchangeable use of any of the same by officials and employees of the District, except as otherwise provided in this Act; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment, except as to the Commissioners of the District of Columbia and in cases of officers and employees the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the Commissioners: *Provided*, That no passenger-carrying automobile, except busses, patrol wagons, and ambulances, and except as otherwise specifically authorized in this Act, shall be acquired under any provision of this Act, by purchase or exchange, at a cost, including the value of a vehicle exchanged, exceeding $650. No motor vehicles

Under control of Commissioners.

Transportation between domicile and place of employment.

Proviso. Purchase price restriction.

Transfer forbidden.

shall be transferred from the police or fire departments to any other branch of the government of the District of Columbia.

Fire insurance premiums forbidden.

Appropriations in this Act shall not be used for the payment of premiums or other cost of fire insurance.

Telephones allowed at residences of designated officials.

Telephones may be maintained in the residences of the superintendent of the water department, sanitary engineer, chief inspector of the street-cleaning division, assistant superintendent of the street-cleaning divison, inspector of plumbing, Director of Public Welfare, health officer, assistant health officer, chief of the bureau of preventable diseases, chief engineer of the fire department, superintendent of police, electrical inspector in charge of the fire-alarm system, one fire-alarm operator, and two fire-alarm repair men, the superintendent of machinery, and the fire marshal, under appropriations contained in this Act. The commissioners may connect any or all of these telephones either to the system of the Chesapeake and Potomac Telephone Company or the telephone system maintained by the District of Columbia, or to both of such systems. Telephones may also be maintained in the residences of the general superintendent of penal institutions and such other officials of the workhouse and reformatory as may be approved by the Commissioners.

Connections permitted.

Postage.

For postage for strictly official mail matter, including the rental of postage meter equipment, $40,000.

Car fare, etc.

The Commissioners are authorized, in their discretion, to furnish necessary transportation in connection with strictly official business of the District of Columbia by the purchase of street car and bus fares from appropriations contained in this Act: *Provided*, That the expenditures herein authorized shall be so apportioned as not to exceed a total of $9,500: *Provided further*, That the provisions of this paragraph shall not include the appropriations herein made for the fire and police departments.

Provisos.
Limitation.

Fire and police departments excepted.

Judicial expenses.

For judicial expenses, including witness fees, and expert services in District cases before the Supreme Court of said District, $1,500: *Provided*, That the Commissioners of the District of Columbia are authorized, when in their judgment such action be deemed in the public interest, to contract for stenographic reporting services without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) under available appropriations contained in this Act.

Proviso.
Contracts for reporting permitted.
R.S., sec. 3709, p. 733, waived.
U.S.C., p. 1309.

General advertising.

For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, $4,000: *Provided*, That this appropriation shall not be available for the payment of advertising in newspapers published outside of the District of Columbia, notwithstanding the requirement for such advertising provided by existing law.

Proviso.
Outside advertising.

Taxes in arrears.
Vol. 30, p. 250.

For advertising notice of taxes in arrears July 1, 1933, as required to be given by the Act of February 28, 1898, as amended, to be reimbursed by a charge of 50 cents for each lot or piece of property advertised, $8,000.

EMPLOYMENT SERVICE

Employment service.

For personal services and miscellaneous and contingent expenses required for maintaining a public employment service for the District of Columbia, $9,435.

Emergency fund.

EMERGENCY FUND

Expenses; restriction.

To be expended only in case of emergency, such as riot, pestilence, public insanitary conditions, calamity by flood or fire or storm, and of like character, and in all other cases of emergency not otherwise sufficiently provided for, in the discretion of the Commissioners,

Proviso. Voucher for expenses.

$1,000: *Provided*, That the certificate of the Commissioners shall be sufficient voucher for the expenditure of not to exceed $1,000 for such investigations as they may deem necessary.

Refund of erroneous collections.

REFUND OF ERRONEOUS COLLECTIONS

Payments authorized. Vol. 36, p. 967.

To enable the Commissioners, in any case where special assessments, school tuition charges, payments for lost library books, rents, fees, or collections of any character have been erroneously covered into the Treasury, to refund such erroneous payments, wholly or in part, including the refunding of fees paid for building permits authorized by the District of Columbia Appropriation Act approved March 2, 1911 (36 Stat., p. 967), $4,000: *Provided*, That this appropriation shall be available for such refunds of payments made within the past three years.

Building permits.

Proviso. Refunds of prior years.

Conference on Uniform State Laws.

To aid in support of the National Conference of Commissioners on Uniform State Laws, $250.

Street, etc., improvement and repair.

STREET AND ROAD IMPROVEMENT AND REPAIR

Highways department, salaries. Assessment and permit work.

Salaries, Highways Department: For personal services, $155,000.

For assessment and permit work, paving of roadways under the permit system, and construction and repair of sidewalks and curbs around public reservations and municipal and United States buildings, including purchase or condemnation of streets, roads, and alleys, and of areas less than two hundred and fifty square feet at the intersection of streets, avenues, or roads in the District of Columbia, to be selected by the Commissioners, and including maintenance of nonpassenger-carrying motor vehicles, $150,000

Gasoline tax road and street fund.

GASOLINE TAX, ROAD AND STREET IMPROVEMENTS AND REPAIRS

Paving, etc., streets and roads from.

For paving, repaving, grading, and otherwise improving streets, avenues, and roads, including personal services and the maintenance of motor vehicles used in this work, and including curbing and gutters and replacement of curb-line trees where necessary, as follows, to be paid from the special fund created by section 1 of the Act entitled "An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes", approved April 23, 1924 (43 Stat., p. 106), and accretions by repayment of assessments:

Vol. 43, p. 106.

Designated streets to be improved.

For paving, repaving, and surfacing, including curbing and gutters where necessary, the following:

Northwest: Thirty-first Street, Chesapeake and Ohio Canal to K Street and South Street, Thirty-first Street to Wisconsin Avenue, $7,400;

Grading streets, alleys, and roads.

For grading streets, alleys, and roads, including construction of necessary culverts and retaining walls, $50,000;

Surfacing block pavements, etc.

For surfacing block pavements and paving the unpaved center strips of paved roadways, $25,000;

Minor changes in roadways, etc.

For minor changes in roadway and sidewalks on plans to be approved by the Commissioners of the District of Columbia to facilitate vehicular and pedestrian traffic, $5,000;

Curbs and gutters, shoulders, etc.

For construction of curbs and gutters, or concrete shoulders in connection with all forms of macadam roadways and adjustment of roadways thereto, together with resurfacing and replacing of base of such roadways where necessary, $175,000;

Surfacing, etc., pavements.

For the surfacing and resurfacing or replacement of asphalt, granite block, or concrete pavements with the same or other approved material, $375,000;

For construction, maintenance, operation, and repair of bridges, including $45,000, or so much thereof as may be necessary, for replacement of the fender pile system of the Highway Bridge, and not to exceed $7,500 for surveys, engineering investigations, and preparation of plans for a viaduct or bridge in the line of New Hampshire Avenue over the tracks of the Baltimore and Ohio Railroad, and including maintenance of nonpassenger-carrying motor vehicles, $100,000.

Bridges, construction, repair, etc.

Highway bridge, improvements.

Plans for New Hampshire Avenue viaduct.

Motor vehicles.

For current work of repairs to streets, avenues, roads, and alleys, including the reconditioning of existing gravel streets and roads, and including the purchase, exchange, maintenance, and operation of non-passenger-carrying motor vehicles used in this work, $500,000: *Provided*, That the Commissioners of the District of Columbia, should they deem such action to be to the advantage of the District of Columbia, are hereby authorized to purchase a municipal asphalt plant at a cost not to exceed $30,000;

Repairs, etc.

Proviso.
Purchase of asphalt plant authorized.

This appropriation shall be available for repairing pavements of street railways when necessary; the amounts thus expended shall be collected from such railroad companies as provided by section 5 of "An Act providing a permanent form of government for the District of Columbia," approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected;

Street railways, pavements.
Vol. 20, p. 105.

In all, not to exceed $1,237,400, to be immediately available; to be disbursed and accounted for as "Gasoline tax, road and street improvements and repairs," and for that purpose shall constitute one fund: *Provided*, That assessments in accordance with existing law shall be made for paving and repaving roadways where such roadways are paved or repaved with funds derived from the collection of the tax on motor-vehicle fuels and accretions by repayment of assessments.

Disbursements, etc.

Proviso.
Assessments under existing law.

For additional street and road improvements and repairs to aid in the relief of unemployment, to be allotted for such projects and purposes and in such amounts as the Director of the Bureau of the Budget may approve (including the allocation of additional sums to any or all of the general items herein chargeable to the gasoline tax fund), there is hereby appropriated out of the gasoline tax fund and to be immediately available, such sums (not to exceed in the aggregate $1,500,000) as may be deemed surplus in such fund: *Provided*, That of said amount the sum of $575,000 is hereby made available for the construction of a bridge to replace the Calvert Street Bridge over Rock Creek, including necessary changes in water and sewer mains, and including the employment of engineering or other professional services by contract or otherwise, without reference to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5), or the Classification Act of 1923, as amended, and engineering and incidental expenses, and the Commissioners are authorized to enter into contract or contracts for construction of said bridge at a cost not to exceed $1,250,000; but no part of said sum shall be available for expenditure in connection with the construction of said Calvert Street Bridge until the Commissioners of the District of Columbia shall have made a restudy and reinvestigation to determine which particular type of bridge is most economical and serviceable, and best suited to the proposed location; and the Commission of Fine Arts shall have approved the type of bridge decided upon, and any street railway company using said bridge shall install thereon, at its own expense, an approved underground system of street-car propulsion and, at its own expense, shall thereafter maintain such underground construction, and bear the cost of surfacing and resurfacing and main-

Street improvements, etc., for unemployment relief.

Allocations from gasoline, etc., fund.

Proviso.
Calvert Street Bridge to be replaced.
Post, p. 853.

Employment of engineers.
R.S., sec. 3709, p. 733.
U.S.C., p. 1309.
Vol. 42, p. 1488.
U.S.C., p. 65; Supp. VI, p. 31.

Contracts authorized.

Limit of cost.

Study of suitable type.

Approval by Fine Arts Commission.

Street railway using bridge to install electric system at its expense; other items.

Relocating, etc., plow pit.

taining in good condition the space between the railway tracks and two feet exterior thereto as provided by law, and shall defray the cost of excess construction occasioned by such use including the relocation and construction of closed plow pits at the west approach to the bridge in accordance with plans to be approved by the Commissioners of the District of Columbia: *Provided further*, That of said amount of $1,500,000, the sum of $45,741 is hereby made available for widening to seventy-three feet and repaving the roadway of Constitution Avenue northwest, North Capitol to First Street, and for widening to eighty feet and repaving the roadway of Constitution Avenue northwest, First Street to Second Street, in accordance with plans therefor to be jointly approved by the National Capitol Park and Planning Commission and the Commissioners of the District of Columbia, including the necessary reconstruction, relocation, changes, and adjustments of all water mains, sewers in advance of paving, trees, sidewalks, lamp posts, fire hydrants or other structures affected, and including personal services and all necessary incidental expenses, and the total cost of said work shall not exceed $76,235, of which sum not to exceed $30,494 shall be transferred from and in accordance with the appropriation in the Independent Offices Appropriation Act, 1934, for the construction of the Arlington Memorial Bridge.

Widening, etc., designated roadways.

Transfer from Arlington Memorial Bridge, construction appropriation.
Post, p. 285.

MISCELLANEOUS ROAD AND STREET IMPROVEMENTS AND REPAIRS

Opening streets, etc., permanent highway system.
Vol. 37, p. 950.

To carry out the provisions of existing law which authorize the Commissioners of the District of Columbia to open, extend, straighten, or widen any street, avenue, road, or highway, except Fourteenth Street extension beyond the southern boundary of Walter Reed Hospital Reservation, in accordance with the plan of the permanent system of highways for the District of Columbia, there is appropriated such sum as is necessary for said purpose, including the procurement of chains of title, during the fiscal year 1934, to be paid wholly out of the revenues of the District of Columbia: *Provided*, That this appropriation shall be available to carry out the provisions of existing law for the opening, extension, widening, or straightening of alleys and minor streets and for the establishment of building lines in the District of Columbia: *Provided further*, That the amount expended hereunder shall not exceed $25,000.

Indefinite appropriation for, from District revenues.

Provisos.
Alley improvements, building lines, etc.

Limitation.

Changing sidewalk widths, etc.

The Commissioners of the District of Columbia are authorized and empowered, in their discretion, to fix or alter the respective widths of sidewalks and roadways (including tree spaces and parking) of all highways that may be improved under appropriations contained in this Act.

Open competition for street repair, etc., contracts.

No part of any appropriation contained in this Act shall be available for repairing, resurfacing, or newly paving any street, avenue, or roadway by private contract unless the specifications for such work shall be so prepared as to permit of fair and open competition in paving material as well as in price.

Repairs, due to inferior work by contractor.

In addition to the provision of existing law requiring contractors to keep new pavements in repair for a period of one year from the date of the completion of the work, the Commissioners of the District of Columbia shall further require that where repairs are necessary during the four years following the said one-year period, due to inferior work or defective materials, such repairs shall be made at the expense of the contractor, and the bond furnished by the contractor shall be liable for such expense.

Repayment.

Laboratory tests.

No part of the appropriations contained in this Act shall be used for the operation of a testing laboratory of the highways department for making tests of materials in connection with any activity of the District government.

BRIDGES AND WHARVES

Bridges and wharves.

Benning Bridge over the Anacostia River: For completing the construction of a bridge to replace the bridge and trestle in line of Benning Road over the Anacostia River in accordance with the provisions and conditions contained in the District of Columbia Appropriation Act for the fiscal year 1933, $148,500.

Benning, over Anacostia River. Completing construction.

For reconstruction, where necessary, and for maintenance and repair of wharves under the control of the Commissioners of the District of Columbia, in the Washington Channel of the Potomac River, $5,000.

Reconstructing, etc., wharves.

TREES AND PARKINGS

Trees and parkings.

For personal services, $22,000.

Personal services.

For contingent expenses, including laborers, trimmers, nurserymen, repairmen, teamsters, hire of carts, wagons, or motor trucks, trees, tree boxes, tree stakes, tree straps, tree labels, planting and care of trees on city and suburban streets, care of trees, tree spaces, purchase and maintenance of nonpassenger-carrying motor vehicles, and miscellaneous items, $84,000.

Contingent expenses.

SEWERS

Sewers.

Salaries, sewer department: For personal services, $160,000.

Personal services.

For cleaning and repairing sewers and basins, including the replacement of the following motor trucks: One at not to exceed $650; one at not to exceed $750; one at not to exceed $2,000; for operation and maintenance of the sewage pumping service, including repairs to boilers, machinery, and pumping stations, and employment of mechanics and laborers, purchase of coal, oil, waste, and other supplies, and for the maintenance of nonpassenger-carrying motor vehicle used in this work, $195,000.

Cleaning, repair, etc.

For main and pipe sewers and receiving basins, $100,000.

Main and pipe.

For suburban sewers, including the maintenance of nonpassenger-carrying motor vehicles used in this work, and the replacement of the following motor trucks: Three at not to exceed $650 each; one at not to exceed $3,500; $175,000.

Suburban.

For assessment and permit work, sewers, including not to exceed $1,000 for purchase or condemnation of rights of way for construction, maintenance, and repair of public sewers, $75,000.

Assessment and permit work.

COLLECTION AND DISPOSAL OF REFUSE

City refuse.

For personal services, $120,000.

Personal services.

For dust prevention, sweeping, and cleaning streets, avenues, alleys, and suburban streets, under the immediate direction of the Commissioners, and for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters in the discretion of the Commissioners, including services and purchase and maintenance of equipment, rent of storage rooms; maintenance and repair of stables; hire and maintenance of horses; hire, purchase, maintenance, and repair of wagons, harness, and other equipment; maintenance and repair of nonpassenger-carrying motor-propelled vehicles necessary in cleaning streets and purchase of motor-propelled street-cleaning equipment; and necessary incidental expenses, $375,000.

Sweeping, cleaning, snow and ice removal, etc.

To enable the Commissioners to carry out the provisions of existing law governing the collection and disposal of garbage, dead animals, night soil, and miscellaneous refuse and ashes in the District of Columbia, including inspection; fencing of public and private property designated by the Commissioners as public dumps; and

Garbage, dead animals, ashes, etc.

Reduction plant.

incidental expenses, $800,000, including not to exceed $14,000 for repair and improvement of the garbage-reduction plant: *Provided*, That any proceeds received from the disposal of city refuse or garbage shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in the manner provided by law: *Provided further*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business or from apartment houses of four or more apartments in which the landlord furnishes heat to tenants.

Provisos.
Proceeds covered in; division of.

Collections restricted.

Incinerator in southeast section forbidden.

No part of the funds appropriated in this Act shall be available for the operation of a high-temperature incinerator for the disposal of combustible refuse in the southeast section of the District of Columbia.

Public playgrounds.

PUBLIC PLAYGROUNDS

Personal services.

For personal services, $97,167: *Provided*, That employments hereunder, except directors who shall be employed for twelve months, shall be distributed as to duration in accordance with corresponding employments provided for in the District of Columbia Appropriation Act for the fiscal year 1924.

Proviso.
Employments restricted.

Maintenance, etc.

For general maintenance, repairs and improvements, equipment, supplies, incidental and contingent expenses of playgrounds, including labor and maintenance of one motor truck, $30,000, of which $5,000 shall be available for putting the Northeast Playground in condition for play purposes.

Public school playgrounds during summer.

For the maintenance and contingent expenses of keeping open during the summer months the public-school playgrounds, under the direction and supervision of the Commissioners; for special and temporary services, directors, assistants, and janitor service during the summer vacation, and, in the larger yards, daily after school hours during the school term, $25,000.

Swimming pools.

For supplies, repairs, maintenance, and necessary expenses of operating three swimming pools, $2,568.

Bathing pools.

Bathing pools: For superintendence, $510; for temporary services, supplies, and maintenance, $3,500; for repairs to buildings, pools, and upkeep of grounds, $1,215; in all, $5,225.

Electrical department.

ELECTRICAL DEPARTMENT

Personal services.

For personal services, $115,000.

Supplies, contingent expenses, etc.

For general supplies, repairs, new batteries and battery supplies, telephone rental and purchase, telephone service charges, wire and cable for extension of telegraph and telephone service, repairs of lines and instruments, purchase of poles, tools, insulators, brackets, pins, hardware, cross arms, ice, record book, stationery, livery, blacksmithing, extra labor, new boxes, maintenance of motor trucks and other necessary items, $29,000.

Placing wires underground.
Police patrol and fire alarm systems, etc.

For placing wires of fire alarm, police patrol, and telephone services underground, extension and relocation of police-patrol and fire-alarm systems, purchase and installing additional lead-covered cables, labor, material, appurtenances, and other necessary equipment and expenses, $15,000.

Lighting, etc.

Lighting: For purchase, installation, and maintenance of public lamps, lampposts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and public spaces, part cost of maintenance of airport and airway lights necessary for operation of the air mail, and for all necessary expenses in connection therewith, including rental of storerooms, extra labor, operation, maintenance, and repair of motor trucks, this sum to be expended in accord-

Air mail lights.

ance with the provisions of sections 7 and 8 of the District of Columbia Appropriation Act for the fiscal year 1912 (36 Stat., pp. 1008–1011, sec. 7), and with the provisions of the District of Columbia Appropriation Act for the fiscal year 1913 (37 Stat., pp. 181–184, sec. 7), and other laws applicable thereto, and including not to exceed $26,000 for operation and maintenance of electric traffic lights, signals, and controls, $800,000, together with $25,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1933: *Provided*, That this appropriation shall not be available for the payment of rates for electric street lighting in excess of those authorized to be paid in the fiscal year 1927, and payment for electric current for new forms of street lighting shall not exceed 2 cents per kilowatt-hour for current consumed: *Provided further*, That no part of this appropriation shall be available for the payment on any contract required by law to be awarded through competitive bidding, which is not awarded to the lowest responsible bidder on specifications, and such specifications shall be so drawn as to admit of fair competition.

Vol. 36, p. 1008; Vol. 37, p. 181.

Traffic signals, etc.

Provisos.
Electric street lighting rates.

Awards to lowest contractor.

PUBLIC SCHOOLS

Public schools.

Personal services.

For personal services of administrative and supervisory officers in accordance with the Act fixing and regulating the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, approved June 4, 1924 (43 Stat., pp. 367–375), including salaries of presidents of teachers colleges in the salary schedule for first assistant superintendents, $550,000.

Vol. 43, p. 368.

Clerks, etc.

For personal services of clerks and other employees, $138,000.

School attendance and work permit department.

Vol. 43, pp. 367–375, 806–808, Vol. 45, p. 998.

For personal services in the department of school attendance and work permits in accordance with the Act approved June 4, 1924 (43 Stat., pp. 367–375), the Act approved February 5, 1925 (43 Stat., pp. 806–808), and the Act approved May 29, 1928 (45 Stat., p. 998), $33,413.

Teachers, librarians, etc.
Vol. 43, pp. 367–375.

For personal services of teachers and librarians in accordance with the Act approved June 4, 1924 (43 Stat., pp. 367–375), including for teachers colleges assistant professors in salary class eleven, and professors in salary class twelve, $5,432,760: *Provided*, That as teacher vacancies occur during the fiscal year 1934 in grades one to four, inclusive, of the elementary schools, such vacancies may be filled by the assignment of teachers now employed in kindergartens, and teachers employed in kindergartens are hereby made eligible to teach in the said grades: *Provided further*, That teaching vacancies that occur during the fiscal year 1934 wherever found may be filled by the assignment of teachers of special subjects and teachers not now assigned to classroom instruction, and such teachers are hereby made eligible for such assignment without further examination: *Provided further*, That in the interests of economy the Board of Education may at its discretion during the fiscal year 1934 appoint as temporary teachers in public schools of the District of Columbia qualified teachers from the eligible list of applicants established by examinations: *Provided further*, That in filling all such vacancies teachers now in the schools shall have the preference.

Provisos.
Assignment of kindergarten teachers, grades 1-4.

Placing unassigned teachers of special, etc., subjects.

Temporary services.

Preference in filling vacancies.

Vacation schools.

For the instruction and supervision of children in the vacation schools and playgrounds, and supervisors and teachers of vacation schools and playgrounds may also be supervisors and teachers of day schools, $25,000.

Soliciting subscriptions, etc., in schools prohibited.

No part of any appropriation made in this Act shall be paid to any person employed under or in connection with the public schools of the District of Columbia who shall solicit or receive, or permit

to be solicited or received, on any public-school premises, any subscription or donation of money or other thing of value from any pupil enrolled in such public schools for presentation of testimonials to school officials or for any purpose except such as may be authorized by the Board of Education at a stated meeting upon the written recommendation of the Superintendent of Schools.

Exception.

To carry out the purposes of the Act approved June 11, 1926, entitled "An Act to amend the Act entitled 'An Act for the retirement of public-school teachers in the District of Columbia', approved January 15, 1920, and for other purposes" (41 Stat., pp. 387–390), $400,000.

Annuities.
Vol. 44, p. 728; Vol. 41, p. 387.

NIGHT SCHOOLS

Night schools.

Salaries.

For teachers and janitors of night schools, including teachers of industrial, commercial, and trade instruction, and teachers and janitors of night schools may also be teachers and janitors of day schools, $75,000.

Contingent expenses.

For contingent and other necessary expenses, including equipment and purchase of all necessary articles and supplies for classes in industrial, commercial, and trade instruction, $4,000.

Deaf, dumb, and blind.

THE DEAF, DUMB, AND BLIND

Instruction of deaf and dumb.

For maintenance and instruction of deaf and dumb persons admitted to the Columbia Institution for the Deaf from the District of Columbia, under section 4864 of the Revised Statutes, and as provided for in the Act approved March 1, 1901 (U.S.C., title 24, sec. 238), and under a contract to be entered into with the said institution by the Commissioners, $32,000.

R.S., sec. 4864, p. 942.
Vol. 31, p. 844.
U.S.C., p. 685.

Colored deaf mutes.

For maintenance and instruction of colored deaf-mutes of teachable age belonging to the District of Columbia, in Maryland, or some other State, under a contract to be entered into by the Commissioners, $6,000: *Provided*, That all expenditures under this appropriation shall be made under the supervision of the Board of Education.

Tuition, under contract.
Proviso.
Supervision.

Blind children.
Tuition, under contract.
Proviso.
Supervision of expenses.

For maintenance and instruction of blind children of the District of Columbia, in Maryland, or some other State, under a contract to be entered into by the Commissioners, $10,000: *Provided*, That all expenditures under this appropriation shall be made under the supervision of the Board of Education.

Americanization work.

AMERICANIZATION WORK

Instructing foreigners of all ages.

For Americanization work and instruction of foreigners of all ages in both day and night classes, and teachers and janitors of Americanization schools may also be teachers and janitors of the day schools, $7,500.

Contingent expenses.

For contingent and other necessary expenses, including books, equipment, and supplies, $600.

Community centers.

COMMUNITY CENTER DEPARTMENT

Salaries and expenses.

For personal services of the director, general secretaries, and community secretaries in accordance with the Act approved June 4, 1924 (43 Stat., pp. 369, 370); clerks and part-time employees, including janitors on account of meetings of parent-teacher associations and other activities, and contingent expenses, equipment, supplies, and lighting fixtures, $30,000.

Vol. 43, pp. 369, 375.

CARE OF BUILDINGS AND GROUNDS

Care of buildings and grounds.

Personal services.

For personal services, including care of smaller buildings and rented rooms at a rate not to exceed $96 per annum for the care of each schoolroom, other than those occupied by atypical or ungraded classes, for which service an amount not to exceed $120 per annum may be allowed, $750,000.

Smaller buildings and rented rooms.

MISCELLANEOUS

Miscellaneous.

For the maintenance of schools for tubercular and crippled pupils, $9,000.

Schools for tubercular and crippled pupils.

For transportation for pupils attending schools for tubercular pupils, and for pupils attending schools for crippled pupils, $18,500: *Provided*, That expenditures for street car and bus fares, from this fund shall not be subject to the general limitations on the use of street car and bus fares covered by this Act.

Transportation.

Proviso.
Car, etc., fares allowed.

For purchase and repair of furniture, tools, machinery, material, and books, and apparatus to be used in connection with instruction in manual and vocational training, and incidental expenses connected therewith, $60,000, to be immediately available.

Manual, etc., training expenses.

For fuel, gas, and electric light and power, $240,000.

Fuel, light, power, etc.

FURNITURE

Furniture.

For completely furnishing and equipping buildings and additions to buildings, as follows: School in Foxhall Village, $3,200; Phelps Vocational School, $40,000; Logan School, $6,000; Keene School, $6,000; Bancroft school, $5,600; Douglass-Simmons assembly-gymnasium and M Street Junior High School gymnasium, $3,040; in all, $63,840, to be immediately available and to continue available until June 30, 1935.

Equipping designated buildings.

Immediately available.

For contingent expenses, including United States flags, furniture and repairs of same, stationery, ice, paper towels, and other necessary items not otherwise provided for, and including not exceeding $8,000 for books of reference and periodicals, not exceeding $1,500 for replacement of pianos at an average cost of not to exceed $300 each, not exceeding $5,000 for labor, $120,000, to be immediately available: *Provided*, That a bond shall not be required on account of military supplies or equipment issued by the War Department for military instruction and practice by the students of high schools in the District of Columbia.

Contingent expenses.

Proviso.
No bond required for Army supplies to cadets.

No money appropriated in this Act for the purchase of furniture and equipment for the public schools of the District of Columbia shall be expended unless the requisitions of the Board of Education therefor shall be approved by the Commissioners of the District of Columbia, or by the purchasing officer and the auditor for the District of Columbia acting for the Commissioners.

Purchases subject to Commissioners' approval.

For textbooks and other educational books and supplies as authorized by the Act of January 31, 1930 (46 Stat., p. 62), including not to exceed $7,000 for personal services, $180,000, to be immediately available.

Supplies to pupils.
Vol. 46, p. 62.

For maintenance of kindergartens, $5,600, to be immediately available.

Kindergartens.

For purchase of apparatus, fixtures, specimens, technical books, and for extending the equipment and for the maintenance of laboratories of the department of physics, chemistry, biology, and general science in the several high and junior high schools and teachers colleges, and for the installation of the same, $15,000, to be immediately available.

Supplies for physics, etc., departments.

School gardens.

For utensils, material, and labor, for establishment and maintenance of school gardens, including rent of grounds, $2,000.

Nature study, etc., teachers.

The Board of Education is authorized to designate the months in which the ten salary payments now required by law shall be made to teachers assigned to the work of instruction in nature study and school gardens.

Children of Army, Navy, etc., admitted free.

The children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools without payment of tuition.

Repairs, etc., to buildings.

For repairs and improvements to school buildings, repairing and renewing heating, plumbing, and ventilating apparatus, installation and repair of electric equipment, and installation of sanitary drinking fountains, and maintenance of motor trucks, $325,000, of which amount $100,000 shall be immediately available.

Equipment, etc., school-yard playgrounds.
Proviso.
Use, etc.

For the purchase, installation, and maintenance of equipment, for school yards for the purposes of play of pupils, $7,500: *Provided*, That such playgrounds shall be kept open for play purposes in accordance with the schedule maintained for playgrounds under the jurisdiction of the playground department.

Buildings and grounds.

BUILDINGS AND GROUNDS

Construction, etc., designated schools; payable from balances for the Municipal Center.
Vol. 46, p. 1384; Vol. 47, p. 350.

Not to exceed $570,000 of any unexpended balances of appropriations contained in the District of Columbia appropriation Acts for the fiscal years 1932 and 1933 for the Municipal Center is hereby reappropriated and made available for the construction of public-school buildings as follows:

Logan.
Post, p. 860.

For the erection of an eight-room building on a site already appropriated for in the vicinity of the Logan School, $95,000;

Reno, senior high.

For beginning the construction of a senior high school building at Forty-first and Chesapeake Streets northwest, in the Reno section, $475,000, and the Commissioners are authorized to enter into contract or contracts for such building at a cost not to exceed $1,150,000;

Contracts authorized.

Total; immediately available.

In all, $570,000, to be immediately available and to be disbursed and accounted for as "Buildings and grounds, public schools", and for that purpose shall constitute one fund and remain available until expended: *Provided*, That no part of this appropriation shall be used for or on account of any school building not herein specified.

Accounted as one fund.
Provisos.
Use for unauthorized projects forbidden.

Under-age instruction prohibited.

No part of the foregoing appropriations for public schools shall be used for instructing children under five years of age except children entering during the first half of the school year who will be five years of age by November 1, 1933, and children entering during the second half of the school year who will be five years of age by March 15, 1934: *Provided*, That this limitation shall not be considered as preventing the employment of a matron and the care of children under school age at the Webster School whose parent or parents are in attendance in connection with Americanization work.

Webster School provisions.

Building contract requirements.

None of the money appropriated by this Act shall be paid or obligated toward the construction of or addition to any building the whole and entire construction of which, exclusive of heating, lighting, plumbing, painting, and treatment of grounds, shall not have been awarded in one or a single contract, separate and apart from any other contract, project, or undertaking, to the lowest responsible bidder complying with all the legal requirements as to a deposit of money or the execution of a bond, or both, for the faithful performance of the contract: *Provided*, That nothing herein shall be construed as repealing existing law giving the Commissioners the right to reject all bids.

Right to reject bids.

Preparation of plans.

The plans and specifications for all buildings provided for in this Act under appropriations administered by the Commissioners of the District of Columbia shall be prepared under the supervision of the municipal architect, and those for school buildings after consultation with the Board of Education, and shall be approved by the commissioners and shall be constructed in conformity thereto.

Exit, etc., requirements.

The school buildings authorized and appropriated for herein shall be constructed with all doors intended to be used as exits or entrances opening outward, and each of said buildings having in excess of eight rooms shall have at least four exists.[1] Appropriations carried in this Act shall not be used for the maintenance of school in any building unless all outside doors thereto used as exits or entrances shall open outward and be kept unlocked every school day from one half hour before until one half hour after school hours.

Police.

METROPOLITAN POLICE

SALARIES

Salaries, etc. Vol. 43, p. 174; Vol. 46, p. 839.

For the pay and allowances of officers and members of the Metropolitan Police Force, in accordance with the Act entitled "An Act to fix the salaries of the Metropolitan Police Force, the United States Park Police Force, and the fire department of the District of Columbia" (43 Stat., pp. 174–175), as amended by the Act of July 1, 1930 (46 Stat., pp. 839–841), including compensation at the rate of $2,100 per annum for the present assistant property clerk of the police department, $2,570,000.

Personal services.

For personal services, $103,000.

MISCELLANEOUS

Miscellaneous.

Fuel.

For fuel, $7,000.

Repairs, etc.

For repairs and improvements to police stations and station grounds, $8,000.

Contingent expenses.

For miscellaneous and contingent expenses, including rewards for fugitives, purchase of gas equipment and firearms, maintenance of card system, stationery, city directories, books of reference, periodicals, newspapers, telegraphing, telephoning, photographs, rental and maintenance of teletype system and labor-saving devices, telephone service charges, purchase, maintenance and servicing of radio broadcasting systems, including purchase of equipment, gas, ice, washing, meals for prisoners, medals of award, not to exceed $300 for car tickets, furniture and repair thereto, beds and bed clothing, insignia of office, police equipments and repairs to same, and mounted equipment, flags and halyards, storage of stolen or abandoned property, and traveling and other expenses incurred in prevention and detection of crime and other necessary expenses, including expenses of harbor patrol, $70,000, of which amount not exceeding $2,000 may be expended by the major and superintendent of police for prevention and detection of crime, under his certificate, approved by the Commissioners, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided*, That the Commissioners are authorized to employ the electrician of the District Building to repair speedometers at such cost not exceeding $250 as they may approve payment to be in addition to his regular compensation, and such services to be performed after regular working hours.

Radio system.

Prevention and detection of crime.

Proviso.
Speedometer repairs.

Motor vehicles.

For purchase, exchange, and maintenance of passenger-carrying and other motor vehicles and the replacement of those worn out in the service and condemned, $60,000, including not to exceed $2,000 for two patrol wagons and not to exceed $2,800 for two police cruisers.

[1] So in original.

Uniforms.

Uniforms: For furnishing uniforms and other official equipment prescribed by department regulations as necessary and requisite in the performance of duty to officers and members of the Metropolitan Police, including cleaning, alteration, and repair of articles transferred from one individual to another, $45,000.

House of Detention.

HOUSE OF DETENTION

Maintenance, etc.

For maintenance of a suitable place for the reception and detention of girls and women over seventeen years of age, arrested by the police on charge of offense against any laws in force in the District of Columbia, or held as witnesses or held pending final investigation or examination, or otherwise, including transportation, the purchase and maintenance of necessary motor vehicles, clinic supplies, food, upkeep and repair of buildings, fuel, gas, ice, laundry, supplies and equipment, electricity, and other necessary expenses, $8,880; for personal services, $7,120; in all, $16,000.

Policemen, etc., relief fund.

POLICEMEN AND FIREMEN'S RELIEF FUND

Payments from.

To pay the relief and other allowances as authorized by law, such sum as is necessary for said purposes for the fiscal year 1934 is appropriated from the policemen and firemen's relief fund.

Fire Department.

FIRE DEPARTMENT

SALARIES

Salaries, officers, etc. Vol. 43, p. 175; Vol. 46, p. 839.

For the pay of officers and members of the fire department, in accordance with the Act entitled "An Act to fix the salaries of officers and members of the Metropolitan Police Force, the United States Park Police Force, and the fire department of the District of Columbia" (43 Stat. 175), as amended by the Act of July 1, 1930 (46 Stat. 839–841), $1,800,000.

Personal services.

For personal services, $4,794.

MISCELLANEOUS

Repairs, etc., to buildings.

For repairs and improvements to buildings and grounds, $20,000.

Uniforms, etc.

Uniforms: For furnishing uniforms and other official equipment prescribed by department regulations as necessary and requisite in the performance of duty to officers and members of the fire department, including cleaning, alteration, and repair of articles transferred from one individual to another, $21,000.

Repairs to apparatus, etc.

For repairs to apparatus, motor vehicles, and other motor-driven apparatus, fire boat and for new apparatus, new motor vehicles, new appliances, employment of mechanics, helpers, and laborers in the fire department repair shop, and for the purchase of necessary supplies, materials, equipment, and tools, $41,000: *Provided*, That the Commissioners are authorized, in their discretion, to build or construct, in whole or in part, fire-fighting apparatus in the fire department repair shop.

Hose, fuel, etc.

For hose, $9,000.

For fuel, $20,000.

For contingent expenses, furniture, fixtures, oil, blacksmithing, gas and electric lighting, flags and halyards, medals of award, and other necessary items, $20,000.

HEALTH DEPARTMENT

Health Department.

SALARIES

For personal services, $155,000.

Personal services.

PREVENTION OF CONTAGIOUS DISEASES

Prevention of contagious diseases.

For contingent expenses incident to the enforcement of the provisions of an Act to prevent the spread of contagious diseases in the District of Columbia, approved March 3, 1897 (29 Stat., pp. 635–641), and an Act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebrospinal meningitis, and typhoid fever in the District of Columbia, approved February 9, 1907 (34 Stat., pp. 889–890), and an Act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District of Columbia, approved May 13, 1908 (35 Stat., pp. 126–127), under the direction of the health officer of said District, manufacture of serums, including their use in indigent cases, and for the prevention of infantile paralysis and other communicable diseases, and of an Act for the prevention of venereal diseases in the District of Columbia, and for other purposes, approved February 26, 1925 (43 Stat., pp. 1001–1003), and for maintenance of disinfecting service, including salaries or compensation for personal services, when ordered in writing by the Commissioners and necessary for the enforcement and execution of said Acts, and for the prevention of such other communicable diseases as hereinbefore provided, and purchase of reference books and medical journals, $28,000: *Provided*, That any bacteriologist employed under this appropriation may be assigned by the health officer to the bacteriological examination of milk and other dairy products and of the water supplies of dairy farms, and to such other sanitary works as in the judgment of the health officer will promote the public health, whether such examinations be or be not directly related to contagious diseases.

Enforcement expenses. Vol. 29, p. 635.

Vol. 34, p. 889.

Registration of tuberculosis. Vol. 35, p. 126.

Infantile paralysis.

Venereal diseases. Vol. 43, p. 1001.

Disinfecting service.

Proviso. Bacteriological examination of milk, etc.

For isolating wards for minor contagious diseases at Garfield Memorial Hospital, maintenance, $22,500, or so much thereof as in the opinion of the Commissioners may be necessary.

Isolating wards, Garfield Hospital.

For the maintenance of a dispensary or dispensaries for the treatment of indigent persons suffering from tuberculosis and of indigent persons suffering from venereal diseases, including payment for personal services, rent, supplies, and contingent expenses, $33,112: *Provided*, That the Commissioners may accept such volunteer services as they deem expedient in connection with the establishment and maintenance of the dispensaries herein authorized: *Provided further*, That this shall not be construed to authorize the expenditure or the payment of any money on account of any such volunteer service.

Maintenance of dispensaries, etc.

Provisos. Volunteer services.

No pay therefor authorized.

For enforcement of the provisions of an Act to provide for the drainage of lots in the District of Columbia, approved May 19, 1896 (29 Stat., pp. 125–126), and an Act to provide for the abatement of nuisances in the District of Columbia by the Commissioners, and for other purposes, approved April 14, 1906, $500.

Drainage of lots, etc. Vol. 29, p. 126.

Abatement of nuisances. Vol. 34, p. 114.

HYGIENE AND SANITATION, PUBLIC SCHOOLS

Hygiene, etc., public schools.

Salaries: For personal services in the conduct of hygiene and sanitation work in the public schools, including the necessary expenses of maintaining free dental clinics, $80,000: *Provided*, That of the persons employed as medical inspectors one shall be a woman, four shall be dentists, and four shall be of the colored race, and that

Personal services.

Dental clinics.

Proviso. Division of inspectors and nurses.

of the graduate nurses employed as public-school nurses three shall be of the colored race.

Maintenance of laboratories, etc.

For maintenance of laboratories, including reference books and periodicals, apparatus, equipment, and necessary contingent and miscellaneous expenses, $2,000.

Preventing food, candy, etc., adulterations. Vol. 30, pp. 246, 398.

Pure food law. Vol. 34, p. 768.

Milk regulations. Vol. 43, p. 1004.

For contingent expenses incident to the enforcement of an Act relating to the adulteration of foods and drugs in the District of Columbia approved February 17, 1898 (30 Stat., pp. 246–248), an Act to prevent the adulteration of candy in the District of Columbia, approved May 5, 1898 (30 Stat., p. 398), an Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, approved June 30, 1906 (34 Stat., pp. 768–772), and an Act to regulate, within the District of Columbia, the sale of milk, cream, and ice cream, and for other purposes, approved February 27, 1925 (43 Stat., pp. 1004–1008), including traveling and other necessary expenses of dairy-farm inspectors; and including not to exceed $100 for special services in detecting adulteration of drugs and foods, including candy and milk, $6,000: *Provided*, That inspectors of dairy farms may receive an allowance for furnishing privately owned motor vehicles in the performance of official duties at the rate of not to exceed $312 per annum for each inspector.

Proviso. Dairy farm inspection; motor vehicle allowance.

Ambulances, etc.

For maintenance and operation of motor ambulances and motor vehicles, $800.

Child welfare and hygiene.

Child welfare and hygiene: For maintaining a child-hygiene service, including the establishment and maintenance of child-welfare stations for the clinical examinations, advice, care, and maintenance of children under six years of age, payment for personal services, rent, fuel, periodicals, and supplies, $44,000: *Provided*, That the Commissioners may accept such volunteer services as they may deem expedient in connection with the establishment and maintenance of the service herein authorized: *Provided further*, That this shall not be construed to authorize the expenditure or the payment of any money on account of any such volunteer service.

Provisos. Volunteer service may be accepted.

No pay therefor.

COURTS AND PRISONS

Courts and prisons.

JUVENILE COURT

Juvenile Court.

Personal services.

Salaries: For personal services, $50,000.

Jurors.

Miscellaneous: For compensation of jurors, $1,125.

Contingent expenses.

For fuel, ice, gas, laundry work, stationery, books of reference, periodicals, typewriters and repairs thereto, preservation of records, mops, brooms, and buckets, removal of ashes and refuse, telephone service, traveling expenses, meals of jurors and prisoners, repairs to courthouse and grounds, furniture, fixtures, and equipment, and other incidental expenses not otherwise provided for, $2,750.

Advances authorized for returning, etc., absconding probationers.

The disbursing officer of the District of Columbia is authorized to advance to the chief probation officer of the juvenile court upon requisition previously approved by the judge of the juvenile court and the auditor of the District of Columbia, sums of money not to exceed $50 at any one time, to be expended for transportation and traveling expenses to secure the return of absconding probationers, and to be accounted for monthly on itemized vouchers to the accounting officer of the District of Columbia.

POLICE COURT

Police Court.

Salaries: For personal services, $85,000.

Personal services.

For law books, books of reference, directories, periodicals, stationery, preservation of records, typewriters and repairs thereto, fuel, ice, gas, electric lights and power, telephone service, laundry work, removal of ashes and rubbish, mops, brooms, buckets, dusters, sponges, painter's and plumber's supplies, toilet articles, medicines, soap and disinfectants, lodging and meals for jurors and bailiffs when ordered by the court, United States flags and halyards, and all other necessary and incidental expenses of every kind not otherwise provided for, $5,500.

Contingent expenses.

For witness fees and compensation of jurors, $23,000.

Witnesses and jurors.

For repairs and alterations to building, $1,420.

Building repairs, etc.

MUNICIPAL COURT

Municipal Court.

Salaries: For personal services, including compensation of five judges without reference to the limitation in this Act restricting salaries within the grade, $63,000.

Salaries.

For compensation of jurors, $4,000: *Provided*, That deposits made on demands for jury trials in accordance with rules prescribed by the court under authority granted in section 11 of the Act approved March 3, 1921 (41 Stat., p. 1312), shall be earned unless, prior to three days before the time set for such trials, including Sundays and legal holidays, a new date for trial be set by the court, cases be discontinued or settled, or demands for jury trials be waived.

Jurors.
Deposits for jury trials earned unless new date set.
Vol. 41, p. 1312.

For contingent expenses, including books, law books, books of reference, fuel, light, telephone, lodging and meals for jurors, and for deputy United States marshals while in attendance upon jurors, when ordered by the court; fixtures, repairs to furniture, building and building equipment, and all other necessary miscellaneous items and supplies, $2,750.

Contingent expenses.

SUPREME COURT, DISTRICT OF COLUMBIA

District Supreme Court.

Salaries: For the chief justice, eight associate justices, nine stenographers (one for the chief justice and one for each associate justice), and other personal services, $112,000.

Salaries.

Fees of jurors and witnesses: For mileage and per diem of jurors, for mileage and per diem of witnesses and for per diem in lieu of subsistence, and payment of the expenses of witnesses in said court as provided by section 850, Revised Statutes (U.S.C., title 28, sec. 604), $85,000.

Jurors and witnesses.

For not exceeding twenty deputy marshals who act as bailiffs, clerks of jury commissioners, and per diems of jury commissioners, and for expenses of meals and lodging for jurors in United States cases, and of bailiffs in attendance upon same when ordered by the court, $31,942: *Provided*, That the compensation of each jury commissioner for the fiscal year 1934 shall not exceed $250.

Bailiffs, etc.

Proviso.
Jury commissioners.

Probation system: For personal services, $9,758; contingent expenses, $242; in all, $10,000.

Probation system.

Courthouse: For personal services for care and protection of the courthouse, under the direction of the United States marshal of the District of Columbia, $30,000, to be expended under the direction of the Attorney General.

Courthouse, care, etc.

For repairs and improvements to the courthouse, including repair and maintenance of the mechanical equipment, and for labor and material and every item incident thereto, $4,000, to be expended under the direction of the Architect of the Capitol.

Repairs, etc.

Court of Appeals.

COURT OF APPEALS

Salaries.

Salaries: For the chief justice and four associate justices, and all other officers and employees of the court; reporting service; and not to exceed $950 for necessary expenditures in the conduct of the clerk's office; in all, $83,500: *Provided*, That the reports of the court shall not be sold for a price exceeding that approved by the court and for not more than $6.50 per volume.

Proviso. Sale of reports.

Care, etc., of building.

Building: For personal services for care and protection of the Court of Appeals Building, including one mechanician, under the direction of the Architect of the Capitol, $7,089: *Provided*, That the clerk of the court of appeals shall be the custodian of said building, under the direction and supervision of the justices of said court.

Proviso. Custodian.

Incidental expenses.

For mops, brooms, buckets, disinfectants, removal of refuse, electrical supplies, books, and all other necessary and incidental expenses not otherwise provided for, $660.

Miscellaneous.

MISCELLANEOUS

Support of convicts out of the District.

Support of convicts: For support, maintenance, and transportation of convicts transferred from District of Columbia; expenses of shipping remains of deceased convicts to their homes in the United States, and expenses of interment of unclaimed remains of deceased convicts; expenses incurred in identifying and pursuing escaped convicts and rewards for their recapture; and discharge gratuities provided by law; to be expended under the direction of the Attorney General, $45,000.

Lunacy writs. Expenses of executing.

Writs of lunacy: For expenses attending the execution of writs de lunatico inquirendo and commitments thereunder in all cases of indigent insane persons committed or sought to be committed to Saint Elizabeths Hospital by order of the executive authority of the District of Columbia under the provisions of existing law, and expenses of commitments to the District Training School, including personal services, $7,957.

Vol. 33, p. 740.

Miscellaneous, authorized by Attorney General.

Miscellaneous court expenses: For such miscellaneous expenses as may be authorized by the Attorney General for the Supreme Court of the District of Columbia and its officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, and including such expenses other than for personal services as may be authorized by the Attorney General for the Court of Appeals, District of Columbia, $35,000.

Printing and binding.

Printing and binding: For printing and binding for the Supreme Court and the Court of Appeals of the District of Columbia, except records and briefs in cases in which the United States is a party, $6,200.

PUBLIC WELFARE

Public Welfare.

Board of Public Welfare.

BOARD OF PUBLIC WELFARE

Personal services.

For personal services, $96,000.

Child-welfare division.

DIVISION OF CHILD WELFARE

Administration expenses.

Administration: For administrative expenses, including placing and visiting children, city directory, purchase of books of reference and periodicals not exceeding $50, and all office and sundry expenses, $3,500, and no part of the money herein appropriated shall be used for the purpose of visiting any ward of the Board of Public Welfare placed outside the District of Columbia and the States of Virginia and Maryland; and a ward placed outside said District and the States of Virginia and Maryland shall be visited not less than once

Limitation on visiting wards of, outside the District, etc.

a year by a voluntary agent or correspondent of said Board, and that said Board shall have power, upon proper showing, in its discretion, to discharge from guardianship any child committed to its care.

Board, etc., of children.

For board and care of all children committed to the guardianship of said board by the courts of the District, and for temporary care of children pending investigation or while being transferred from place to place, with authority to pay not more than $1,500 each to institutions under sectarian control and not more than $400 for burial of children dying while under charge of the Board, $250,000.

Home care of dependent children. Vol. 44, p. 758.

To carry out the purposes of the Act entitled "An Act to provide home care for dependent children in the District of Columbia", approved June 22, 1926 (44 Stat., pp. 758–760), including not to exceed $11,152 for personal services in the District of Columbia, $171,152: *Provided*, That this appropriation shall be so apportioned by the Commissioners as to prevent a deficiency therein, and no more than $100 per month shall be paid therefrom to any one family.

Proviso. Limitation on expenditure.

Receiving, etc., home for children under 17. Maintenance, etc.

For the maintenance, under the jurisdiction of the Board of Public Welfare, of a suitable place in a building entirely separate and apart from the House of Detention for the reception and detention of children under seventeen years of age arrested by the police on charge of offense against any laws in force in the District of Columbia, or committed to the guardianship of the Board, or held as witnesses, or held temporarily, or pending hearing, or otherwise, including transportation, food, clothing, medicine and medical supplies, rental, repair and upkeep of buildings, fuel, gas, electricity, ice, supplies and equipment, and other necessary expenses including not to exceed $15,940 for personal services, $34,000.

Advances to director.

The disbursing officer of the District of Columbia is authorized to advance to the director of public welfare, upon requisitions previously approved by the auditor of the District of Columbia and upon such security as may be required of said director by the Commissioners, sums of money not to exceed $400 at any one time, to be used for expenses in placing and visiting children, traveling on official business of the Board, and for office and sundry expenses, all such expenditures to be accounted for to the accounting officers of the District of Columbia within one month on itemized vouchers properly approved.

Limit.

JAIL

Jail.

Salaries.

Salaries: For personal services, $65,000.

Maintenance and support of prisoners.

For maintenance and support of prisoners of the District of Columbia at the jail, expenses incurred in identifying and pursuing escaped prisoners and rewards for their recapture, repair and improvements to buildings, cells, and locking devices, newspapers, books, and periodicals not to exceed $100, maintenance of nonpassenger-carrying motor vehicle, and expense of electrocutions, $67,500.

GENERAL ADMINISTRATION, WORKHOUSE AND REFORMATORY, DISTRICT OF COLUMBIA

Workhouse and Reformatory.

Personal services.

For personal services, $280,000.

Maintenance, etc.

For maintenance, care, and support of inmates, rewards for fugitives, discharge gratuities provided by law, medical supplies, newspapers, books, books of reference, and periodicals, farm implements, tools, equipment, transportation expenses, purchase and maintenance of livestock and horses, purchase, exchange, maintenance, operation, and repair of nonpassenger-carrying vehicles and motor bus; fuel for heating, lighting, and power, and all other necessary items, $320,000.

Fuel, etc.

Building construction. Equipment. Additional sum. Vol. 46, p. 1404.

For continuing construction of permanent buildings, including sewers, water mains, roads, and other necessary utilities, and for equipment for new buildings, $42,800, together with a further sum of not exceeding $54,000 of the unexpended balance of the appropriation for maintenance, care, and support of inmates, and so forth, workhouse and reformatory, District of Columbia, contained in the District of Columbia Appropriation Act for the fiscal year 1932.

Repairs.

For repairs to buildings and grounds, and maintenance of utilities, marine and railroad transportation facilities, and mechanical equipment not used in industrial enterprises, $22,000.

Working capital.

To provide a working capital fund for such industrial enterprises as may be approved by the Commissioners of the District of Columbia, $35,000: *Provided*, That the various departments and institutions of the District of Columbia and the Federal Government may purchase, at fair market prices, as determined by the Commissioners, such surplus products and services as meet their requirements; receipts from the sale of products and services shall be deposited to the credit of said working capital fund, and said fund, including all receipts credited thereto, shall be used as a revolving fund for the fiscal year 1934 for the purchase and repair of machinery, tools, and equipment, purchase of raw materials and manufacturing supplies, purchase, maintenance, and operation of nonpassenger-carrying vehicles, purchase and maintenance of horses, and purchase of fuel for manufacturing purposes; for freight, personal services, and all other necessary expenses; and for the payment to inmates or their dependents of such pecuniary earnings as the Commissioners may deem proper.

Proviso. Purchase of services and products.

Receipts deposited as revolving fund. Availability, etc.

Advances authorized for returning absconders.

The disbursing officer of the District of Columbia is authorized to advance to the general superintendent of penal institutions, upon requisitions previously approved by the auditor of the District of Columbia, and upon such security as the Commissioners may require of said superintendent, sums of money not exceeding $200 at one time, to be used only for expenses in returning escaped prisoners, payable from the maintenance appropriations for the workhouse and reformatory, all such expenditures to be accounted for to the accounting officers of the District of Columbia within one month on itemized vouchers properly approved.

National Training School for Boys.

NATIONAL TRAINING SCHOOL FOR BOYS

Care, etc., of boys committed thereto.

For care and maintenance of boys committed to the National Training School for Boys by the courts of the District of Columbia under a contract to be made by the Board of Public Welfare with the authorities of said National Training School for Boys, $27,000.

National Training School for Girls.

NATIONAL TRAINING SCHOOL FOR GIRLS

Personal services. Contingent expenses.

Salaries: For personal services, $27,500.

For groceries, provisions, light, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicines, medical attendance, transportation, labor, sewing machines, fixtures, books, magazines, and other supplies which represent greater educational advantages; stationery, horses, vehicles, harness, cows, pigs, fowls, sheds, fences, repairs, typewriting, stenography, and other necessary items, and including compensation not exceeding $1,500 for additional labor or services; for identifying and pursuing escaped inmates and for rewards for their capture, for transportation and other necessary expenses incident to securing suitable homes for paroled or discharged girls, and for maintenance of nonpassenger-carrying motor vehicles, $31,000.

Apprehending absconders.

MEDICAL CHARITIES

Medical charities.

For care and treatment of indigent patients under contracts to be made by the Board of Public Welfare with the following institutions and for not to exceed the following amounts, respectively:

Care, etc., of indigent patients at designated hospitals.

Children's Hospital, $15,000.

Central Dispensary and Emergency Hospital, $45,000.

Eastern Dispensary and Casualty Hospital, $15,000.

Washington Home for Incurables, $10,000.

COLUMBIA HOSPITAL AND LYING-IN ASYLUM

Columbia Hospital.

For general repairs, including labor and material, to be expended in the discretion and under the direction of the Architect of the Capitol, $5,000.

Repairs, etc.

TUBERCULOSIS HOSPITAL

Tuberculosis Hospital.

For personal services, $73,500.

Personal services.

For provisions, fuel, forage, harness, and vehicles, and repairs to same, gas, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, medical books, books of reference, and periodicals not to exceed $200, temporary services not to exceed $1,000, maintenance of motor truck, and other necessary items, $59,000.

Contingent expenses.

For repairs and improvements to buildings and grounds, including roads and sidewalks, $3,000.

Repairs, etc.

CHILDREN'S TUBERCULOSIS SANATORIUM

Children's Tuberculosis Sanatorium.

For personal services, maintenance, and other necessary expenses, including maintenance of motor vehicles and the purchase and maintenance of horses and wagons, $25,000.

Maintenance, etc.

For completely furnishing and equipping the Children's Tuberculosis Sanatorium, including not to exceed $1,950 for the purchase of one nonpassenger and two passenger-carrying motor vehicles (including one bus), $45,000.

Equipment, etc.

Motor vehicles.

GALLINGER MUNICIPAL HOSPITAL

Gallinger Hospital.

Salaries: For personal services, including not to exceed $2,000 for temporary labor, $295,000.

Personal services.

For maintenance of the hospital; for maintenance of the quarantine station, smallpox hospital, and public crematorium, including expenses incident to furnishing proper containers for the reception, burial, and identification of the ashes of all human bodies of indigent persons that are cremated at the public crematorium and remain unclaimed after twelve months from the date of such cremation; for maintenance and purchase of horses and horse-drawn vehicles; for medical books, books of reference, and periodicals, not to exceed $500; for maintenance of nonpassenger-carrying motor vehicles; and for all other necessary expenses, $195,000.

Maintenance, etc.

For repairs and improvements to buildings and grounds, $4,500.

Repairs, etc.

Purchase of books, musical instruments and music, expense of commencement exercises, entertainments, and inspection by New York State Board of Regents, and other incidental expenses of the training school for nurses, $600.

Incidental expenses.

DISTRICT TRAINING SCHOOL

District Training School.

For personal services, including not to exceed $1,000 for temporary labor, $75,000.

Personal services.

Maintenance, etc.

For maintenance and other necessary expenses, including the maintenance of nonpassenger-carrying motor vehicles, the purchase and maintenance of horses and wagons, farm machinery and implements, $80,000.

Repairs, etc.

For repairs and improvements to buildings and grounds, $5,000.

Industrial Home School for Colored Children.

INDUSTRIAL HOME SCHOOL FOR COLORED CHILDREN

Personal services.

Salaries: For personal services, $30,575; temporary labor, $425; in all, $31,000.

Maintenance.

For maintenance, including purchase and maintenance of farm implements, horses, wagons, and harness, and maintenance of nonpassenger-carrying motor vehicles, and not to exceed $1,250 for manual-training equipment and materials, $25,000.

Repairs, etc.

For repairs and improvements to buildings and grounds, $1,928.

Deposit of receipts from products.

All moneys received at said school as income from sale of products and from payment of board or of instruction or otherwise shall be paid into the Treasury of the United States to the credit of the District of Columbia.

Industrial Home School.

INDUSTRIAL HOME SCHOOL

Personal services.

Salaries: For personal services, $20,575; temporary labor, $425; in all, $21,000.

Maintenance.

For maintenance, including care of horses, purchase and care of wagon and harness, maintenance of nonpassenger-carrying motor vehicle, $21,000.

Repairs, etc.

For repairs and improvement to buildings and grounds, including not to exceed $2,000 for laundry equipment, $4,000.

Home for Aged and Infirm.

HOME FOR AGED AND INFIRM

Personal services.

Salaries: For personal services, $49,300; temporary labor, $1,700; in all, $51,000.

Contingent expenses.

For provisions, fuel, forage, harness, and vehicles and repairs to same, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, and other necessary items, and maintenance of nonpassenger-carrying motor vehicles, $65,000.

Repairs, etc.; day labor.

For repairs and improvements to buildings and grounds, such work to be performed by day labor or otherwise in the discretion of the Commissioners, $4,500.

Municipal Lodging House, etc.

MUNICIPAL LODGING HOUSE AND WOOD YARD

Maintenance, etc.

For personal services, $2,934; maintenance, $4,066; in all, $7,000.

War Veterans' Service office.

WAR VETERANS' SERVICE OFFICE

Personal services.

For personal services, without reference to the Classification Act of 1923, as amended, to enable the municipal government to aid and advise war veteran residents of the District of Columbia and their dependents as to their rights and privileges under Federal legislation of which veterans and/or their dependents may be beneficiaries, including assistance in the presentation of claims to the Veterans' Administration or other appropriate Federal agencies, $5,100, to be expended under the direction of the Commissioners of the District of Columbia.

Assisting presentation of claims.

Emergency relief.

EMERGENCY RELIEF

Relief of unemployed, etc., residents.

For the purpose of affording relief to residents of the District of Columbia who are unemployed or otherwise in distress because of

the existing emergency, to be expended by the Board of Public Welfare of the District of Columbia by employment and/or direct relief, in the discretion of the Board of Commissioners and under rules and regulations to be prescribed by the board and without regard to the provisions of any other law, payable from the revenues of the District of Columbia, $1,300,000, to be immediately available: *Provided*, That not to exceed 8 per centum of such amount shall be available for administrative expenses, including necessary personal services.

Method of expenditure.

Wholly from District revenues.

Proviso. Administrative expenses.

TEMPORARY HOME FOR UNION EX-SOLDIERS AND SAILORS

(DEPARTMENT OF THE POTOMAC, GRAND ARMY OF THE REPUBLIC)

For personal services, $3,747; maintenance, $9,253; and repairs to buildings and grounds, $500; in all, $13,500, to be expended under the direction of the Commissioners; and Union ex-soldiers, sailors, or marines of the Civil War, ex-soldiers, sailors, or marines of the Spanish War, Philippine insurrection, or China relief expedition, and soldiers, sailors, or marines of the World War or who served prior to July 2, 1921, shall be admitted to the home, all under the supervision of a board of management.

Grand Army soldiers, etc., temporary home.

FLORENCE CRITTENTON HOME

Florence Crittenton Home.

For care and maintenance of women and children under a contract to be made with the Florence Crittenton Home by the Board of Public Welfare, maintenance, $6,000.

Maintenance, etc.

SOUTHERN RELIEF SOCIETY

For care and maintenance of needy and infirm Confederate veterans, their widows and dependents, residents in the District of Columbia, under a contract to be made with the Southern Relief Society by the Board of Public Welfare, $10,000.

Southern Relief Society, for needy Confederate veterans.

NATIONAL LIBRARY FOR THE BLIND

For aid and support of the National Library for the Blind, located at 1800 D Street Northwest, to be expended under the direction of the Commissioners of the District of Columbia, $5,000.

National Library for the Blind.

COLUMBIA POLYTECHNIC INSTITUTE

To aid the Columbia Polytechnic Institute for the Blind, located at 1808 H Street Northwest, to be expended under the direction of the Commissioners of the District of Columbia, $3,000.

Columbia Polytechnic Institute.

SAINT ELIZABETHS HOSPITAL

Saint Elizabeths Hospital.

For support of indigent insane of the District of Columbia in Saint Elizabeths Hospital, as provided by law, $1,807,580.

Support of District insane.

NONRESIDENT INSANE

For deportation of nonresident insane persons, in accordance with the Act of Congress "to change the proceedings for admission to the Government Hospital for the Insane in certain cases, and for other purposes", approved January 31, 1899, including persons held in the psychopathic ward of the Gallinger Municipal Hospital, $5,500.

Deporting nonresident insane. Vol. 30, p. 811.

In expending the foregoing sum the disbursing officer of the District of Columbia is authorized to advance to the Director of Public Welfare, upon requisitions previously approved by the auditor of the

Advances authorized to Director of Public Welfare.

Limitation.

District of Columbia, and upon such security as the Commissioners may require of said Director, sums of money not exceeding $300 at one time, to be used only for deportation of nonresident insane persons, and to be accounted for monthly on itemized vouchers to the accounting officer of the District of Columbia.

RELIEF OF THE POOR

Relief of the poor.

For relief of the poor, including medical and surgical supplies, artificial limbs, and for pay of physicians to the poor, to be expended under the direction of the Board of Public Welfare, $8,000.

Payment to abandoned families.
Vol. 34, p. 87.
Vol. 44, p. 758.

For payment to beneficiaries named in section 3 of "An Act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances", approved March 23, 1906, to be disbursed by the disbursing officer of the District of Columbia on itemized vouchers duly audited and approved by the auditor of said District, $7,000.

Ex-service men.

BURIAL OF EX-SERVICE MEN

Burial of indigent, in Arlington Cemetery, etc.

For expenses of burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent Union ex-soldiers, ex-sailors, or ex-marines, of the United States service, either Regular or Volunteer, who have been honorably discharged or retired, and who died in the District of Columbia, to be disbursed by the Secretary of War at a cost not exceeding $45 for such burial expenses in each case, exclusive of cost of grave, $135.

TRANSPORTATION OF INDIGENT PERSONS

Transporting indigent persons.

For transportation of indigent persons, including indigent veterans of the World War and their families, $5,000.

Vocational rehabilitation of disabled residents.
Vol. 45, p. 1260.

Vocational rehabilitation of disabled residents, District of Columbia: To carry out the provisions of the Act entitled "An Act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes", approved February 23, 1929 (45 Stat., p. 1260), $15,000.

Militia.

MILITIA

Expenses authorized, under commanding general.

For the following, to be expended under the authority and direction of the commanding general, who is hereby authorized and empowered to make necessary contracts and leases, namely:

Personal services.

Expenses of camps, etc.

For personal services, $18,000; temporary labor, $5,000; for expenses of camps, including hire of horses for officers required to be mounted, and for the payment of commutation of subsistence for enlisted men who may be detailed to guard or move the United States property at home stations on days immediately preceding and immediately following the annual encampments; damages to private property incident to encampment; reimbursement to the United States for loss of property for which the District of Columbia may be held responsible; cleaning and repairing uniforms, arms, and equipment; instruction, purchase, and maintenance of athletic, gymnastic, and recreational equipment at armory or field encampments, not to exceed $500; practice marches, drills, and parades; rent of armories, drill halls, and storehouses; fuel, light, heat, care, and repair of armories, offices, and storehouses; machinery and dock, including dredging alongside of dock; construction of buildings for storage and other purposes at target range; telephone service; printing, stationery, and postage; horses and mules for mounted organizations; maintenance

and operation of passenger and nonpassenger-carrying motor vehicles; street-car fares (not to exceed $200) necessarily used in the transaction of official business; not exceeding $400 for traveling expenses, including attendance at meetings or conventions of associations pertaining to the National Guard; and for general incidental expenses of the service, $9,000; in all, $32,000.

PUBLIC BUILDINGS AND PUBLIC PARKS

Public Buildings and Public Parks.

SALARIES, PUBLIC PARKS, DISTRICT OF COLUMBIA

For personal services, $300,000.

Personal services.

GENERAL EXPENSES, PUBLIC PARKS

Public parks.

General expenses: For general expenses in connection with the maintenance, care, improvement, furnishing of heat, light, and power of public parks, grounds, fountains, and reservations, propagating gardens and greenhouses under the jurisdiction of the Office of Public Buildings and Public Parks of the National Capital, including $5,000 for the maintenance of the tourists' camp on its present site in East Potomac Park, and including personal services of seasonal or intermittent employees at per diem rates of pay approved by the Director, not exceeding current rates of pay for similar employment in the District of Columbia; the hire of draft animals with or without drivers at local rates approved by the Director; the purchase and maintenance of draft animals, harness, and wagons; contingent expenses; city directories; communication service; car fare; traveling expenses; professional, scientific, technical, and law books; periodicals and reference books; blank books and forms; photographs; dictionaries and maps; leather and rubber articles for the protection of employees and property; the maintenance, repair, exchange, and operation of not to exceed two motor-propelled passenger-carrying vehicles and all necessary bicycles, motorcycles, and self-propelled machinery; the purchase, maintenance, and repair of equipment and fixtures and so forth, $333,000: *Provided*, That not exceeding $20,000 of the amount herein appropriated may be expended for placing and maintaining portions of the parks in condition for outdoor sports and for expenses incident to the conducting of band concerts in the parks.

Maintenance and general expenses.

Proviso.
Outdoor sports, band concerts, etc.

PARK POLICE

Park police.

Salaries: For pay and allowances of the United States park police force, in accordance with the Act approved May 27, 1924, as amended, $145,000.

Salaries.
Vol. 43, p. 175; Vol. 46, p. 839.

For uniforming and equipping the United States park police force, including the purchase, issue, operation, maintenance, repair, exchange, and storage of revolvers, bicycles, and motor-propelled passenger-carrying vehicles, uniforms, ammunition, and radio equipment, $9,000.

Uniforms, equipment, etc.

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

National Capital Park and Planning Commission.

For reimbursement to the United States in compliance with section 4 of the Act approved May 29, 1930 (46 Stat., p. 482), as amended, $1,000,000.

Reimbursement for acquired lands.
Vol. 46, p. 485.

For each and every purpose, except the acquisition of land, requisite for and incident to the work of the National Capital Park

Incidental expenses, etc.

Vol. 43, p. 463; Vol. 44, p. 374; Vol. 45, p. 1070. U.S.C., p. 1292.

and Planning Commission as authorized by the Act entitled "An Act providing for a comprehensive development of the park and play-ground system of the National Capital", approved June 6, 1924 (U.S.C., title 40, sec. 71), as amended, including personal services in the District of Columbia, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, not to exceed $1,500 for printing and binding, not to exceed $500 for traveling expenses and car fare of employees of the commission, and not to exceed $300 for professional, scientific, technical, and reference books, and periodicals, $31,000.

National Zoological Park.

NATIONAL ZOOLOGICAL PARK

Expenses.

For roads, walks, bridges, water supply, sewerage, and drainage; grading, planting, and otherwise improving the grounds, erecting and repairing buildings and enclosures; care, subsistence, purchase, and transportation of animals; necessary employees; traveling and incidental expenses not otherwise provided for, including not to exceed $2,000 for travel and field expenses in the United States and foreign countries for the procurement of live specimens and for the care, subsistence, and transportation of specimens obtained in the course of such travel; maintenance and operation of one motor-propelled passenger-carrying vehicle required for official purposes; for the purchase, issue, operation, maintenance, repair, and exchange of bicycles and nonpassenger-carrying motor vehicles, revolvers and ammunition; not exceeding $2,500 for purchasing and supplying uniforms to park police, keepers, and assistant keepers; not exceeding $100 for the purchase of necessary books and periodicals, $180,000, no part of which sum shall be available for architect's fees or compensation.

Water service.

WATER SERVICE

From water revenues.

The following sums are appropriated wholly out of the revenues of the water department for expenses of the Washington Aqueduct and its appurtenances and for expenses of water department, namely:

Washington Aqueduct.

WASHINGTON AQUEDUCT

Maintenance, etc., of, and accessories.

For operation, including salaries of all necessary employees, maintenance and repair of Washington Aqueducts and their accessories, including Dalecarlia, Georgetown, McMillan Park, first and second High Service Reservoirs, Washington Aqueduct tunnel, the filtration plants, the pumping plants and the plant for the preliminary treatment of the water supply, ordinary repairs, grading, opening ditches, and other maintenance of Conduit Road, purchase, installation, and maintenance of water meters on Federal services, purchase, care, repair, and operation of vehicles, including the purchase and exchange of one passenger-carrying motor vehicle at a cost not to exceed $650; purchase and repair of rubber boots and protective apparel, and for each and every purpose connected therewith, $400,000.

Control of Secretary of War not affected.

Nothing herein shall be construed as affecting the superintendence and control of the Secretary of War over the Washington Aqueduct, its rights, appurtenances, and fixtures connected with the same and over appropriations and expenditures therefor as now provided by law.

Revenue, inspection, and distribution.

For revenue and inspection and distribution branches: For personal services, $150,000.

Operating expenses.

For maintenance of the water department distribution system, including pumping stations and machinery, water mains, valves, fire and public hydrants, and all buildings and accessories, and

motor trucks, and the replacement by purchase and/or exchange of the following motor-propelled vehicles: Three seven-hundred-and-fifty-pound trucks not to exceed $550 each, one one-and-one-half-ton truck not to exceed $700, one three-ton truck not to exceed $1,600, and one five-ton truck not to exceed $2,000; purchase of fuel, oils, waste, and other materials, and the employment of all labor necessary for the proper execution of this work; and for contingent expenses, including books, blanks, stationery, printing and binding not to exceed $2,000, postage, purchase of technical reference books and periodicals, not to exceed $275, and other necessary items, $7,500; in all for maintenance, $265,000, of which not exceeding $5,000 shall be available for operation of pumps at Bryant Street pumping station upon interruption of service from Dalecarlia pumping station.

Distribution expenses.

For extension of the water department distribution system, laying of such service mains as may be necessary under the assessment system, $142,000.

Meters.

For installing and repairing water meters on services to private residences and business places as may not be required to install meters under existing regulations, as may be directed by the Commissioners; said meters at all times to remain the property of the District of Columbia, $10,000.

Hydrants.

For installing fire and public hydrants, $10,000.

Replacing mains.

For replacement of old mains and divide valves in various locations, on account of inadequate size and bad condition of pipe on account of age, and laying mains in advance of pavements, $50,000, to be immediately available.

New mains.

For additional extension, improvement, and repair of the water distribution system, including necessary mains, machinery, and equipment, to aid in the relief of unemployment and to be allotted for such projects and purposes and in such amounts as the Director of the Bureau of the Budget may approve (including the allocation of additional sums to any or all of the four immediately preceding items), there is hereby appropriated wholly out of the revenues of the water department such sums (not to exceed in the aggregate $635,000) as may be deemed surplus in such revenues.

Discounts, payment of water charges.

During the fiscal year ending June 30, 1934, the Commissioners of the District of Columbia are authorized to allow a discount of 10 per centum on the amount of any bill for water charges paid within fifteen days after the date of the rendition thereof.

Construction work, etc., under Commissioners.

SEC. 2. That the services of draftsmen, assistant engineers, levelers, transitmen, rodmen, chainmen, computers, copyists, overseers, and inspectors temporarily required in connection with sewer, water, street, street-cleaning, or road work, or construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations may be employed exclusively to carry into effect said appropriations when specifically and in writing ordered by the Commissioners, and all such necessary expenditures for the proper execution of said work shall be paid from and equitably charged against the sums appropriated for said work; and the Commissioners in their Budget estimates shall report the number of such employees performing such services, and their work, and the sums paid to each, and out of what appropriation: *Provided*, That the expenditures hereunder shall not exceed $42,000 during the fiscal year 1934: *Provided further*, That, excluding inspectors in the sewer department and one inspector in the electrical department, no person shall be employed in pursuance of the authority contained in this paragraph for a longer period than nine months in the aggregate during the fiscal year.

Provisos.
Limitation on expenses.

Period of employment.

Temporary labor, etc.

The Commissioners, or their duly designated representatives, are further authorized to employ temporarily such laborers, skilled laborers, drivers, hostlers, and mechanics as may be required exclusively in connection with sewer, water, street, and road work, and street cleaning, or the construction and repair of buildings, and bridges, furniture and equipments, and any general or special engineering or construction or repair work, and to incur all necessary engineering and other expenses, exclusive of personal services, incidental to carrying on such work and necessary for the proper execution thereof, said laborers, skilled laborers, drivers, hostlers, and mechanics to be employed to perform such work as may not be required by law to be done under contract, and to pay for such services and expenses from the appropriations under which such services are rendered and expenses incurred.

Horses, vehicles, etc.

SEC. 3. That all horses, harness, horse-drawn vehicles necessary for use in connection with construction and supervision of sewer, street, street lighting, road work, and street-cleaning work, including maintenance of said horses and harness, and maintenance and repair of said vehicles, and purchase of all necessary articles and supplies in connection therewith, or on construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations, may be purchased, hired, and maintained, and motor trucks may be hired exclusively to carry into effect said appropriations, when specifically and in writing ordered by the Commissioners; and all such expenditures necessary for the proper execution of said work, exclusive of personal services, shall be paid from and equitably charged against the sums appropriated for said work; and the Commissioners in the Budget estimates shall report the number of horses, vehicles, and harness purchased, and horses and vehicles hired, and the sums paid for same, and out of what appropriation; and all horses owned or maintained by the District shall, so far as may be practicable, be provided for in stables owned or operated by said District: *Provided*, That such horses, horse-drawn vehicles, and carts as may be temporarily needed for hauling and excavating material in connection with works authorized by appropriations may be temporarily employed for such purposes under the conditions named in section 2 of this Act in relation to the employment of laborers, skilled laborers, and mechanics.

Specific authority required.

Proviso.
Temporary work, etc.

Miscellaneous trust funds.
Expenses payable from.
Vol. 33, p. 368.

SEC. 4. That the Commissioners are authorized to employ in the execution of work, the cost of which is payable from the appropriation account created in the District of Columbia Appropriation Act, approved April 27, 1904, and known as the Miscellaneous trust-fund deposits, District of Columbia, necessary personal services, horses, carts, and wagons, and to hire therefor motor trucks when specifically and in writing authorized by the Commissioners, and to incur all necessary expenses incidental to carrying on such work and necessary for the proper execution thereof, including the purchase, exchange, maintenance, and operation of motor vehicles for inspection and transportation purposes, such services and expenses to be paid from said appropriation account: *Provided*, That the Commissioners may delegate to their duly authorized representatives the employment under this section of laborers, mechanics, and artisans.

Proviso.
Employment of laborers, etc.

Leaves of absence.

Any person employed under any of the provisions of this Act who has been employed for ten consecutive months or more shall not be denied the leave of absence with pay for which the law provides.

Material, supplies, vehicles, etc.
Purchase from stock of Government activities no longer needed.

SEC. 5. That the Commissioners and other responsible officials, in expending appropriations contained in this Act, so far as possible, shall purchase material, supplies, including food supplies and equipment, when needed and funds are available, in accordance with the

regulations and schedules of the General Supply Committee or from the various services of the Government of the United States possessing material, supplies, passenger-carrying and other motor vehicles, and equipment no longer required. Surplus articles purchased from the Government, if the same have not been used, shall be paid for at a reasonable price, not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage. The various services of the Government of the United States are authorized to sell such surplus articles to the municipal government under the conditions specified, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts: *Provided*, That this section shall not be construed to amend, alter, or repeal the Executive order of December 3, 1918, concerning the transfer of office materials, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities.

Price stipulation.

Proviso.
Transfers under Executive order.

SEC. 6. No part of the appropriations contained in this Act shall be used to pay any increase in the salary of any officer or employee of the District of Columbia by reason of the reallocation of the position of such officer or employee to a higher grade after June 30, 1932, by the Personnel Classification Board or the Civil Service Commission, and salaries paid accordingly shall be payment in full.

Increase of pay by reason of reallocation to higher grade.

SEC. 7. Title II of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, to the extent that it provides for the impoundment of appropriations on account of reductions in compensation of officers and employees, shall not operate to require such impoundment under appropriations contained in this Act.

Provisions for impounding, on account of salary reductions not operative.
Ante, p. 14.

SEC. 8. When specifically approved by the Director of the Bureau of the Budget upon recommendation of the Commissioners of the District of Columbia, transfers may be made between subheads of appropriations provided in this Act for the free Public Library, public playgrounds, public schools (except buildings and grounds and repairs to buildings), health department, and public welfare, respectively: *Provided*, That such transfers under this section shall not be made between appropriations for the several municipal services named, and all transfers, whether approved or contemplated, shall be reported to Congress in the estimates of the District of Columbia for the fiscal year 1935.

Transfers between subheads of appropriations allowed; exception.

Proviso.
Not to apply to specified service.

Report thereof to Congress.

Approved, June 16, 1933, 12:50 p.m.

[CHAPTER 94.]

AN ACT

June 16, 1933.
[H.R. 5909.]
[Public, No. 71.]

To transfer Bedford County from the Nashville division to the Winchester division of the middle Tennessee judicial district.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Bedford County of the Nashville division of the middle district of the State of Tennessee is hereby detached from the Nashville division and attached to and made a part of the Winchester division of the middle district of such State.

Tennessee judicial district.
Transfer of Bedford County to Winchester Division.

Approved, June 16, 1933, 12:55 p.m.

[CHAPTER 95.]

AN ACT

June 16, 1933.
[S. 1561.]
[Public, No. 72.]

Providing for payment of $50 to each enrolled Chippewa Indian of the Red Lake Band of Minnesota from the timber funds standing to their credit in the Treasury of the United States.

Red Lake Band of Chippewa Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to withdraw from the Treasury so much as may be necessary of the principal timber fund on deposit to the credit of the Red Lake Band of the Chippewa Indians of the State of Minnesota and to make therefrom payment of $50, in two equal installments of $25 each, one as soon as practicable after the passage of this Act, and one on or about December 1, 1933, to each enrolled Chippewa Indian of the Red Lake Band of Minnesota, under such regulations as such Secretary shall prescribe. No payment shall be made under this Act until the Chippewa Indians of the Red Lake Band of Minnesota shall, in such manner as such Secretary shall prescribe, have accepted such payments and ratified the provisions of this Act. The money paid to the Indians under this Act shall not be subject to any lien or claim of whatever nature against any of said Indians, except that not to exceed 15 per centum of each installment may be deducted to apply toward individual obligations due the United States or the Red Lake Band of Chippewa Indians.

Per capita payment to, from tribal funds.

Acceptance, etc.

Payments not subject to any lien, etc.

Approved, June 16, 1933, 12:57 p.m.

[CHAPTER 96.]

AN ACT

June 16, 1933.
[H.R. 5040.]
[Public, No. 73.]

To extend the gasoline tax for one year, to modify postage rates on mail matter, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 629 of the Revenue Act of 1932 is amended by striking out the following: ", or after June 30, 1933, in the case of articles taxable under section 617, relating to the tax on gasoline."

Revenue Act of 1932, amendments.
Gasoline, tax continued after June, 1933.
Vol. 47, p. 270, repealed.

Postal rates.
President authorized to modify.
Vol. 47, p. 285.
Post, p. 760.

SEC. 2. The President is authorized during the period ending June 30, 1934, to proclaim such modifications of postage rates on mail matter (except that in the case of first-class matter the rate shall not be reduced to less than 2 cents an ounce or fraction thereof) as, after a survey by him, he may deem advisable by reason of increase in business, the interests of the public, or the needs of the Postal Service, and such modifications shall be in effect on and after such date as he shall proclaim and until July 1, 1934. In case a modification of the rate of postage on first-class matter is proclaimed, the President shall also make a corresponding modification in the percentages of gross postal receipts specified in section 1001 (c) of the Revenue Act of 1932 as amended by this Act, which percentages shall be in effect during the period such modification of the rate of postage on first-class matter is in effect. Nothing in this section shall be construed as giving the President authority to change the rate fixed by law on first-class matter mailed for local delivery, postal cards, and private mailing or post cards.

Effective date and duration.
Postmasters' allowances, etc., correspondingly modified.
Vol. 47, p. 285.

First class matter.

SEC. 3. (a) Section 1001 (a) of the Revenue Act of 1932 is amended by striking out the period at the end thereof and inserting a colon and the following: "*Provided*, That such additional rate shall not apply on or after July 1, 1933, to first-class matter mailed for local delivery."

Vol. 47, p. 285, amended.
Rate increase, for local delivery repealed.
R.S., sec. 3904, p. 759.

(b) The first sentence of section 1001 (c) of the Revenue Act of 1932 is amended, effective July 1, 1933, by striking out the period at the end thereof and inserting a comma and the following: "except that in the case of such post offices as have city or village letter-carrier service 90 per centum of the gross postal receipts shall be counted for such purpose."

Percentage of receipts in determining class of post office.
Vol. 47, p. 286, amended.

SEC. 4. (a) Effective fifteen days after the date of the enactment of this Act, section 620 of the Revenue Act of 1932 is amended to read as follows:

Vol. 47, p. 267, amended.

"SEC. 620. TAX-FREE SALES

Tax-free sales.

"Under regulations prescribed by the Commissioner with the approval of the Secretary, no tax under this title shall be imposed with respect to the sale of any article—

"(1) for use by the vendee as material in the manufacture or production of, or as a component part of, an article enumerated in this title;

Articles for further manufacture.

"(2) for resale by the vendee for such use by his vendee, if such article is in due course so resold;

Resale by vendee.

"(3) for resale by the vendee to a State or political subdivision thereof for use in the exercise of an essential governmental function, if such article is in due course so resold.

To a State, etc., for official use.

For the purposes of this title the manufacturer or producer to whom an article is sold under paragraph (1) or resold under paragraph (2) shall be considered the manufacturer or producer of such article. The provisions of paragraphs (1) and (2) shall not apply with respect to tires or inner tubes or articles enumerated in section 604, relating to the tax on furs."

Manufacturer or producer defined.

Tires, furs, etc., excluded.
Vol. 47, p. 261.

(b) Effective fifteen days after the date of the enactment of this Act, section 601 (c) (1) of the Revenue Act of 1932 is amended by adding at the end thereof the following:

Lubricating oils.
Vol. 47, p. 259.

"Under regulations prescribed by the Commissioner with the approval of the Secretary, no tax shall be imposed under this section upon lubricating oils sold to a manufacturer or producer of lubricating oils for resale by him, but for the purposes of this title such vendee shall be considered the manufacturer or producer of such lubricating oils."

Sales to manufacturer for resale, tax free.

Vendee deemed manufacturer, etc.

(c) Effective fifteen days after the date of the enactment of this Act, section 621 (a) of the Revenue Act of 1932 is amended by inserting after paragraph (2) thereof the following new paragraph:

Credits and refunds.
Vol. 47, p. 268, amended.

"(3) to a manufacturer, producer, or importer in the amount of tax paid by him under this title with respect to the sale of any article to a dealer, if the manufacturer, producer, or importer has in his possession such evidence as the regulations may prescribe that (A) such article has after the date this paragraph takes effect been delivered by the dealer to a State or political subdivision thereof for use in the exercise of an essential governmental function and (B) the manufacturer, producer, or importer has repaid or agreed to repay the amount of such tax to the dealer or has obtained the consent of the dealer to the allowance of the credit or refund."

Allowance of, sales of taxable articles to States, etc.

Condition.

SEC. 5. Effective fifteen days after the date of the enactment of this Act, title IV of the Revenue Act of 1932 is amended by adding at the end thereof a new section to read as follows:

New section.
Vol. 47, p. 270, amended.

"SEC. 630. EXEMPTION FROM TAX OF CERTAIN SUPPLIES FOR VESSELS

Tax exemptions, ships' stores, supplies, etc.

"Under regulations prescribed by the Commissioner, with the approval of the Secretary, no tax under this title shall be imposed upon any article sold for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on vessels of war of the United States or of any foreign nation, vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions. Articles manufactured or produced with the use of articles upon the importation of which tax has been paid under this title, if laden for use as supplies on such vessels, shall be held to be exported for the purposes of section 601 (b)."

Vol. 47, p. 266, amended.

SEC. 6. (a) Effective September 1, 1933, section 616 of the Revenue Act of 1932 is amended to read as follows:

"SEC. 616. TAX ON ELECTRICAL ENERGY FOR DOMESTIC OR COMMERCIAL CONSUMPTION

Electric energy for domestic or commercial consumption.
Tax payment by vendor.

"(a) There is hereby imposed upon electrical energy sold for domestic or commercial consumption and not for resale a tax equivalent to 3 per centum of the price for which so sold, to be paid by the vendor under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe. The sale of electrical energy to an owner or lessee of a building, who purchases such electrical energy for resale to the tenants therein, shall for the purposes of this section be considered as a sale for consumption and not for resale, but the resale to the tenant shall not be considered a sale for consumption.

Resale to tenants construed.

Provisions inapplicable.
Vol. 47, pp. 267-269.

"(b) The provisions of sections 619, 622, and 625 shall not be applicable with respect to the tax imposed by this section.

Sale to Federal, State, etc., governments.

"(c) No tax shall be imposed under this section upon electrical energy sold to the United States or to any State or Territory, or political subdivision thereof, or the District of Columbia. None of the provisions of this section shall apply to publicly owned electric and power plants. The right to exemption under this subsection shall be evidenced in such manner as the Commissioner, with the approval of the Secretary, may, by regulation, prescribe."

Public-owned plants.

Electric energy furnished prior to September 1, 1933.

(b) Despite the provisions of this section the tax imposed under section 616 of the Revenue Act of 1932 before its amendment by this section on electrical energy furnished before September 1, 1933, shall be imposed, collected, and paid in the same manner and shall be subject to the same provisions of law (including penalties) as if this section had not been enacted.

Approved, June 16, 1933, 1 p.m.

[CHAPTER 97.]

June 16, 1933.
[H.R. 5208.]
[Public, No. 74.]

AN ACT

To amend the probation law.

United States courts. Arrest of probationer, wherever found.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of the second paragraph of section 2 of the Act of March 4, 1925, entitled "An Act to provide for the establishment of a probation system in the United States courts, except in the District of Columbia" (U.S.C., title 18, sec. 725), be, and the same is hereby, amended to read as follows: "At any time within the probation

Vol. 43, p. 1260. U.S.C., p. 516.

period the probation officer may arrest the probationer wherever found, without a warrant, or the court which has granted the probation may issue a warrant for his arrest, which warrant may be executed by either the probation officer or the United States marshal of either the district in which the probationer was put upon probation or of any district in which the probationer shall be found and, if the probationer shall be so arrested in a district other than that in which he has been put upon probation, any of said officers may return probationer to the district out of which such warrant shall have been issued."

Return to jurisdiction.

Approved, June 16, 1933, 1:05 p.m.

[CHAPTER 98.]

AN ACT

June 16, 1933.
[H.R. 5790.]
[Public, No. 75.]

To provide for organizations within the Farm Credit Administration to make loans for the production and marketing of agricultural products, to amend the Federal Farm Loan Act, to amend the Agricultural Marketing Act, to provide a market for obligations of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Farm Credit Act of 1933.

TITLE I

SECTION 1. This Act shall be known as the "Farm Credit Act of 1933."

Title.

ESTABLISHMENT OF PRODUCTION CREDIT CORPORATIONS AND BANKS FOR COOPERATIVES

Production Credit Corporations and Banks for Cooperatives.

SEC. 2. The Governor of the Farm Credit Administration, hereinafter in this Act referred to as the "governor", is authorized and directed to organize and charter twelve corporations to be known as "Production Credit Corporations" and twelve banks to be known as "Banks for Cooperatives." One such corporation and one such bank shall be established in each city in which there is located a Federal land bank. The directors of the several Federal land banks shall be ex officio the directors of the respective Production Credit Corporations and Banks for Cooperatives. Such directors shall have power, subject to the approval of the governor, to employ and fix the compensation of such officers and employees of such corporations and banks as may be necessary to carry out the powers and duties conferred upon such corporations and banks under this Act.

Organization, etc.

Location.

Directors.

Power to employ and fix compensation.

CHARTERS AND BYLAWS

SEC. 3. The charters of the Production Credit Corporations and the Banks for Cooperatives shall be granted by the governor upon application of the directors of the Federal land bank of the proper district, and applications and charters shall be in such form as the governor shall prescribe. The directors shall have power, subject to the approval of the governor, to adopt such bylaws as may be necessary for the conduct of the business of the corporations and banks.

Charters and bylaws.

CAPITAL OF PRODUCTION CREDIT CORPORATIONS

Production Credit Corporations.

SEC. 4. The capital stock of each Production Credit Corporation shall be in such amount as the governor determines is required for the purpose of meeting the credit needs of the district to be served by such corporation, and such amount may be increased or decreased from time to time by the governor in accordance with such credit

Capital stock.
Amount to be determined by governor.

Limitation.

Initial capital, subscribed and held by governor, as agent.

Payments to be made out of the revolving fund.

needs. Such capital stock shall be divided into shares of $100 each. The initial capital stock of each such corporation shall be $7,500,000, which shall be subscribed for by the governor and held by him on behalf of the United States. Payments on subscriptions to stock by the governor shall be subject to call in whole or in part by the board of directors of the corporation with the approval of the governor. The governor shall make such payments out of the revolving fund created in section 5. The stock ownership of the United States in such corporation shall be evidenced by such means as the governor shall determine.

REVOLVING FUND AND APPROPRIATION

Revolving fund created.
Post, p. 348.

Available balances of designated funds to so constitute, etc.
Post, p. 276.

SEC. 5. (a) There is hereby created a revolving fund of not to exceed $120,000,000 which shall be made up as follows:

(1) The Reconstruction Finance Corporation is authorized and directed to make available to the Governor of the Farm Credit Administration all unobligated balances of the following funds and all sums heretofore returned or released to the corporation from such funds:

Crop, etc., loans.
Vol. 47, p. 5.

(A) Any balances of funds for, and all collections on loans by, the Secretary of Agriculture pursuant to section 2 of the Reconstruction Finance Corporation Act as amended;

Collections on farm loans.
Vol. 47, p. 795.

(B) All collections on loans made or to be made pursuant to the Act of February 4, 1933 (Public, Numbered 327, Seventy-second Congress);

Balances.

(C) All balances of funds authorized and directed to be made available to the Secretary of Agriculture by such Act and not used for loans pursuant thereto; and

Advances, stock or crop production excepted.
Vol. 47, p. 713.

(D) Any balances of the funds originally directed to be allocated and made available to the Secretary of Agriculture by such Acts except as expended pursuant to subsection (e) of section 201 of the Emergency Relief and Construction Act of 1932.

Unobligated balances of sums made available by designated Acts.

(2) There are hereby made available to the Governor of the Farm Credit Administration all unobligated balances of appropriations and funds available thereunder to enable the Secretary of Agriculture to make advances or loans under the following Acts and resolutions, and all repayments of such advances and loans: March 3, 1921 (41 Stat. 1347), March 20, 1922 (42 Stat. 467), April 26, 1924 (43 Stat. 110), February 28, 1927 (44 Stat. 1251), February 25, 1929 (45 Stat. 1306), as amended May 17, 1929 (46 Stat. 3), March 3, 1930 (46 Stat. 78, 79), December 20, 1930 (46 Stat. 1032), as amended February 14, 1931 (46 Stat. 1160), and February 23, 1931 (46 Stat. 1276), and Public Resolution Numbered 11, Seventy-second Congress, approved March 3, 1932.

Post, p. 348.
Vol. 47, p. 60.

Additional authorizations.

(3) There is hereby authorized to be appropriated the sum of $40,000,000 out of any money in the Treasury not otherwise appropriated.

Sums for administrative expenses.
Post, p. 276.

(b) There is hereby authorized to be appropriated the sum of $2,000,000, which shall remain available until expended, for all necessary administrative expenses in connection with the establishment and supervision of the Production Credit Corporations and the Production Credit Associations.

Use of funds for salaries not restricted.

(c) The authority of the Governor of the Farm Credit Administration to allocate and expend out of the funds covered by subsection (a) of this section such amounts as he shall deem necessary for salaries, expenses, and all other administrative expenditures in the execution of the functions for which such funds have hitherto been available shall not be deemed to be restricted by this section.

(d) The authority to make loans during the calendar year 1933 pursuant to the Act of February 4, 1933 (Public Numbered 327, Seventy-second Congress), as amended, out of funds made available by that Act shall not be deemed to be restricted by this section.

Making farm, etc., loans.
Vol. 47, p. 795.

STOCK OWNERSHIP OF PRODUCTION CREDIT CORPORATIONS IN PRODUCTION CREDIT ASSOCIATIONS

Stock ownership of Production Credit Corporations in Production Credit Associations.

SEC. 6. (a) Each Production Credit Corporation shall have power to invest its funds in stock of production credit associations as provided in this section. Such corporation is authorized to subscribe and pay for class A stock in each Production Credit Association located in the district served by such corporation in amounts sufficient to maintain the amount of class A stock held by it and other holders of class A stock equal, as nearly as may be, to 20 per centum of the volume of loans made or to be made by such association, as estimated by the corporation, but at no time shall the amount of class A stock outstanding be less than $5,000 except with the consent of the association. Notwithstanding the provisions of the preceding sentence, (1) the governor, under rules and regulations prescribed by him, may permit a Production Credit Corporation to maintain the class A holdings of stock by the corporation and other investors at such amount, in excess of 20 per centum of such loans, as may be necessary, and (2) the corporation may at any time require the association to retire and cancel stock held by the corporation in such association, if, in the judgment of the corporation, the association has resources available therefor.

Investments in local associations authorized.
Post, p. 983.

Amount.

Larger holdings.

Retirement of corporation stock if resources warrant.

(b) Under such rules and regulations as may be prescribed by the governor and subject to such restrictions and limitations as he may prescribe, each Production Credit Corporation is authorized to subscribe and pay for stock in production credit associations not organized under this Act if such associations are controlled by cooperative associations as defined in section 55. Only stock which is preferred as to assets on liquidation and is entitled to participate in dividend distributions without discrimination may be subscribed for. The amount of the stock subscribed for by any Production Credit Corporation in any such association shall not at any one time exceed 75 per centum of the total paid-in capital of such association.

Stock subscriptions in association not organized under this Act, if controlled by cooperative associations.
Post, p. 266.

Preferred, etc., stock only, to be subscribed for.

Maximum.

(c) The amount of the excess of earnings on stock held by the corporation above amounts necessary to pay operating expenses and restore losses and impairment of capital, if any, of the corporation shall be devoted to the creation and maintenance of a surplus equal to at least 25 per centum of the paid-in capital of the corporation. The amount of the surplus shall be invested as the governor shall prescribe in direct obligations of the United States or in class A stock of Production Credit Associations, or both.

Surplus, to equal 25 per centum of capital, to be created from stock earnings.

To be invested in Federal obligations, etc.

(d) The amount of such excess of earnings not required in order to comply with the provisions of subsection (c) shall be paid into the revolving fund heretofore authorized. Stock held by the governor in the Production Credit Corporation shall be retired upon such payment in an amount equal to the amount of such payment.

Excess production earnings to be paid into revolving fund.
Retirement of Governor's stock.

TITLE II—PRODUCTION CREDIT ASSOCIATIONS

Production Credit Associations.

ESTABLISHMENT OF PRODUCTION CREDIT ASSOCIATIONS

SECTION 20. The governor is authorized and directed to organize and charter corporations to be known as "Production Credit Associations." Such associations may be organized by ten or more farmers desiring to borrow money under the provisions of this

Local associations to be organized and chartered.

Objects to be specified in articles of incorporation.

title. Such individuals shall enter into articles of incorporation which shall specify in general terms the objects for which the association is formed and the powers to be exercised by it in carrying out the functions conferred upon it by this Act. Such articles shall be signed by the individuals uniting to form the association and a copy thereof shall be forwarded to the Production Credit Corporation of the district, and such copy shall be filed and preserved in its office. The governor may, for good cause shown, deny a charter to such individuals. Upon the approval of such articles by the governor, the association shall become as of the date of such approval a body corporate. The governor shall have power, under rules and regulations prescribed by him, or by prescribing the terms of the charter of the association, or both, to provide for the organization, management, and conduct of the business of the association; and the power of the governor shall extend to prescribing the amount of the stock of such association; fixing the territory within which its operations may be carried on; fixing the method of election and appointment of, and the amount and payment of the compensation of, directors, officers, and employees; fixing the maximum amount of individual loans which may be made; prescribing the conditions under which the stock may be retired; and providing for the consolidation of two or more such associations. The governor may, at any time, direct such changes in the charter of any such association as he finds necessary in accomplishing the purposes of this title. Bylaws of any such association may be adopted by the directors but shall not be valid unless approved by the governor.

Authority of governor.

Regulations to be prescribed.

Fixing maximum loans.

Adoption of bylaws.

STOCK OF PRODUCTION CREDIT ASSOCIATIONS

Division of stock into two classes.

Class A, to be purchased by investors, etc.

Class B, subscribed by farmer borrowers, etc.

Voting rights.

Class B stock not transferable; exception.

Exchange, by class B holder.

Dividends.

Credit against indebtedness.

Class A preference in liquidation.

Appointments and elections of officers, etc., while Corporation is stockholder.

SEC. 21. The stock of such associations shall be divided into shares of $5 each; and there shall be two classes of such stock: (1) Class A stock which is to be held by Production Credit Corporations, and which may be purchased and held by investors, and (2) class B stock which may be purchased only by farmer borrowers from the association and individuals eligible to become borrowers. Class B stock only shall be entitled to voting rights but each holder of such stock shall be entitled to no more than one vote. No class B stock, or any interest therein or right to receive dividends thereon, shall be transferred by act of parties or operation of law except to another farmer borrower or an individual eligible to become a borrower, and then only with the approval of the directors of the association. Each holder of class B stock, within two years after he has ceased to be a borrower, shall exchange such class B stock at the fair book value (not to exceed par) thereof, as determined by the association, for class A stock. All stock shall share in dividend distributions without preference, but the directors of the association may, in their discretion, apply the amount of any dividend payable to a holder of class B stock to any indebtedness of such holder to the association. Class A stock shall be preferred as to assets of the association upon liquidation. During such time as any Production Credit Corporation is a holder of any stock of any such association, the appointment or election of directors, the secretary-treasurer, and the loan committee of such association shall be subject to the approval of the president of the Production Credit Corporation and during such time any such director, secretary-treasurer, or other officer may, at any time, be removed by the president of the Production Credit Corporation.

EARNINGS OF PRODUCTION CREDIT ASSOCIATIONS

Production credit associations.

SEC. 22. Each Production Credit Association shall, at the end of its fiscal year, apply the amount of its earnings in excess of operating expenses during such fiscal year, first, to making up any losses in excess of its reserve for bad and doubtful debts; second, to the restoration of the amount of the impairment, if any, of capital; third, to the creation and maintenance of a reserve account for bad and doubtful debts, the amount of which account shall be prescribed by the Production Credit Corporation; and fourth, to the creation and maintenance of a guaranty fund equal to at least 25 per centum of the paid-in capital of the association. Any sums remaining may, with the approval of the Production Credit Corporation, be devoted to the payment of dividends but no rate of dividend in excess of 7 per centum per annum shall be paid. Sums in the guaranty fund herein provided for shall be invested subject to such rules and regulations as may be prescribed by the Production Credit Corporation.

Use of excess earnings to defray losses, etc.

To restore capital impairment.

Create reserve for discharging bad debts, etc.

Maintenance of a guaranty fund.

Remainder to dividends; limitations.

Investments.

SEC. 23. Each Production Credit Association shall, under such rules and regulations as may be prescribed by the Production Credit Corporation of the district with the approval of the governor, invest its funds and make loans to farmers for general agricultural purposes, but such part of its funds as is represented by the guaranty fund provided for in section 22 shall not be devoted to making loans to farmers. Such loans shall be made on such terms and conditions, at such rates of interest, and with such security as may be prescribed by the Production Credit Corporation. No loan shall be made for a less amount than $50, nor shall any one borrower be indebted to the association at any one time in an amount in excess of 20 per centum of the capital and guaranty fund of the association or, if the loan is secured by collateral approved by the Corporation, in an amount in excess of 50 per centum of the capital and guaranty fund, but loans may be made to any borrower in an amount in excess of 50 per centum of the capital and guaranty fund if the loan is approved by the Production Credit Commissioner of the Farm Credit Administration. Borrowers shall be required to own, at the time the loan is made, class B stock in an amount equal in fair book value (not to exceed par), as determined by the association, to $5 per $100 or fraction thereof of the amount of the loan. Such stock shall not be canceled or retired upon payment of the loan but may be transferred or exchanged as provided in section 21.

Loans to farmers for general agricultural purposes.

Funds excluded.

Conditions required.

Borrowers to own class B stock; ratio to amount of loan.

Exchange, on loan repayment.

SEC. 24. Production Credit Associations doing business under this Act are authorized to borrow from, and rediscount paper with, Federal Intermediate Credit Banks subject to the restrictions, limitations, and conditions applicable under title II of the Federal Farm Loan Act, as amended (U.S.C., title 12, ch. 8). Except with the approval of the Governor, Production Credit Associations shall not have the power to borrow from or rediscount paper with any other bank or agency.

Federal Intermediate Credit Banks; authority conferred to borrow from, and rediscount paper with.

Vol. 42, p. 1454; Vol. 47, p. 159.

U.S.C., p. 315; Supp. VI, p. 133.

Restriction.

TITLE III—CENTRAL BANK FOR COOPERATIVES

Central Bank for Cooperatives.

ESTABLISHMENT OF BANK

SECTION 30. The governor is authorized and directed to organize and charter a corporation to be known as the "Central Bank for Cooperatives" with its principal office in the District of Columbia and such other offices as in the opinion of the governor may be necessary.

Establishment, in District of Columbia, etc.

BOARD OF CENTRAL BANK

Board of directors. Composition, appointment, etc.

SEC. 31. (a) The board of directors of the Central Bank for Cooperatives shall consist of seven members, one of whom shall be the Cooperative Bank Commissioner of the Farm Credit Administration, who shall be chairman of the board of directors. The other six directors shall be appointed by the governor, of whom the successors of three first appointed shall be appointed from nominees selected by borrowers as provided in subsection (b). The terms of the directors first appointed shall be for one, two, and three years as designated by the governor at the time of appointment and their successors shall hold their offices during a term of three years, but a director appointed to fill a vacancy shall hold his office for the unexpired term of the director whose place he is selected to fill. Any appointed director may at any time be removed for cause by the governor. No compensation shall be paid any director as a director of the corporation but the corporation, subject to the approval of the governor, may allow directors a reasonable per diem and expenses.

Terms of office.

Vacancies.

No compensation; expenses allowed.

Choosing successors.

(b) The successors of three of the directors first appointed shall be selected one each year by the governor from among individuals nominated by borrowers (except Banks for Cooperatives). The governor shall, not less than sixty days prior to the end of the term of any director whose successor is to be appointed from among nominees as herein provided, or as soon as practicable after a vacancy occurs in the office of such director other than by the expiration of his term, cause notice of the vacancy to be sent to each borrower eligible to vote for nominees. Each such borrower shall be eligible to cast one vote. The governor shall not count any ballot received after the expiration of thirty days after the sending of notice. From those (not exceeding three) receiving the highest number of votes, as shown by his count, the governor shall appoint the director.

Each borrower entitled to one vote.

Chairman and board.

POWERS OF CHAIRMAN AND BOARD

Powers.

SEC. 32. The chairman of the board of the corporation shall be the executive officer of the corporation and the powers of the board of directors shall be such powers as may be prescribed in the charter and bylaws.

Central Bank.

CAPITAL STOCK OF CENTRAL BANK

Capital stock. Authority of governor to increase or decrease.

SEC. 33. The capital stock of the central bank shall be in such amount as the governor determines is required for the purpose of meeting the credit needs of eligible borrowers from the bank under this title, and the governor may from time to time increase or decrease such amount, subject to the limitations contained in sections 35 and 37, in accordance with such needs. The stock of such bank shall be divided into shares of $100 each. Out of the revolving fund created under section 6 of the Agricultural Marketing Act, as amended, the governor, on behalf of the United States, shall subscribe for and make payments for stock in the Central Bank and such payments shall be subject to call in whole or in part by the chairman of the board of the Central Bank with the approval of the governor.

Limitation.

Post, p. 263.

Shares.

Subscriptions for, to be paid from revolving fund, Agricultural Marketing Act.

Vol. 46, p. 14; U.S.C., Supp. VI, p. 63.

LENDING POWER OF CENTRAL BANK

Lending power. Loans to cooperative associations.

SEC. 34. The Central Bank is authorized to make loans to cooperative associations, as defined in the Agricultural Marketing Act, as amended, including amendments made in Title V of this Act, for

Vol. 46, p. 14.

any of the purposes and subject to the conditions and limitations set forth in such Act, as so amended, and to make loans, by way of discount or otherwise and subject to such terms and conditions as may be prescribed by the chairman of the board of the Central Bank, to Banks for Cooperatives established under section 2 of this Act.

Post, p. 265.

Ante, p. 257.

STOCK SUBSCRIPTIONS OF BORROWERS FROM CENTRAL BANK

Ownership of bank stock required.

Proportion to loan.

Stock to be canceled on payment of loan.

SEC. 35. (a) Cooperative associations borrowing from the Central Bank shall be required to own, at the time the loan is made, an amount of stock of the bank equal in fair book value (not to exceed par), as determined by the bank, to $100 per $2,000 or fraction thereof of the amount of the loan. Upon discharge of the loan the stock held by the borrowing association shall be retired and canceled and the association shall be paid therefor, or in case the stock subscription is included in the amount of the loan there shall be credited on the final payment of the loan, an amount equal to the amount paid for the stock or loaned to subscribe for the stock, as the case may be, minus the pro rata impairment, if any, of capital and guaranty fund of the Central Bank, as determined by the chairman of the board of the Central Bank.

Requirement waived where State law does not authorize such subscription.

Payment to banks' guaranty fund in lieu.

Cancellation on discharge.

(b) In any case in which a cooperative association applying for a loan is not authorized, under the law of the State in which it is organized, to subscribe for stock in the Central Bank, the bank shall, in lieu of stock subscription, require the borrowing association to pay into a guaranty fund, or the bank may retain out of the amount of the loan and credit to the guaranty fund, an amount equal to the amount which the borrowing association would have been required to own in stock if such association had been authorized to hold such stock. Upon discharge of its loan, the provisions of the last sentence of subsection (a) shall apply with respect to sums of such association in the guaranty fund in the same manner as if such sums were represented by stock.

EARNINGS AND RESERVES OF CENTRAL BANK

Earnings and reserves.

Surplus to be applied in covering losses, etc.

Guaranty fund created.

Dividends; restriction.

Credit of, held by governor.

SEC. 36. The Central Bank for Cooperatives shall, at the end of its fiscal year, apply the amount of its earnings in excess of operating expenses during such fiscal year, first, to making up any losses incurred; second, to the restoration of the amount of the impairment, if any, of capital and guaranty fund as determined by the chairman of the board; and at least 25 per centum of the remainder of such excess of earnings shall be applied to the creation and maintenance of a surplus equal to at least 25 per centum of the amount of the capital and guaranty fund. Any sums remaining may, with the approval of the chairman of the board, be devoted to the payment of dividends. Subscribers to the guaranty fund shall be entitled to dividends in the same amounts as subscribers to stock. No rate of dividend in excess of 7 per centum per annum shall be paid. Dividends on stock held by the governor, when paid, shall be credited to the revolving fund created under section 6 of the Agricultural Marketing Act, as amended.

DEBENTURES OF CENTRAL BANK

Debentures.

Issue, etc.; amount limited.

Terms, interest, security, etc.

SEC. 37. The Central Bank is authorized to issue debentures, but the amount of debentures which may be outstanding may not exceed at any one time five times the paid-in capital and surplus of the bank. Such debentures shall be issued at such times and subject to such terms and conditions as the board of directors shall determine but shall bear such interest rates as may be fixed by the chairman of

the board. Such debentures shall be secured by collateral which shall be at least equal in value to the amount of debentures outstanding and which shall consist of cash, direct obligations of the United States, or notes or other obligations discounted or purchased or representing loans made under section 34. The provisions of law applicable to the preparation and issue of Federal intermediate credit bank debentures shall, so far as applicable, govern the preparation and issue of debentures issued under this section. The governor shall appoint a custodian of such collateral who shall have power subject to such rules and regulations as the governor may prescribe to approve and accept substitutions of collateral.

Ante, p. 262.

Provisions governing issue.

Custodian of collateral to be appointed.

Loans by central and regional banks for cooperatives.

DIVISION OF LENDING AUTHORITY OF CENTRAL AND REGIONAL BANKS FOR COOPERATIVES

Division of lending authority to be defined.

SEC. 38. The governor shall, by regulation or by prescribing the terms of the charters issued to the Central Bank for Cooperatives and the Banks for Cooperatives, or both, provide such limitations, as between the two types of banks, on the classes of borrowers to which loans may be made and the amount of the loans which may be made to individual borrowers, as will best insure the absence of duplication of effort by the two types of banks and will secure the greatest efficiency in extending the benefits of this title and Title IV to borrowers.

Banks for Cooperatives.

TITLE IV—BANKS FOR COOPERATIVES

Stock.

STOCK OF BANKS

Amount of.

SECTION 40. The capital stock of each Bank for Cooperatives established under section 2 shall be in such amount as the governor determines is required for the purpose of meeting the credit needs of eligible borrowers from the bank under this title, and such amount may be increased or decreased from time to time by the governor in accordance with such needs. Such stock shall be divided into shares of $100 each. Out of the revolving fund created under section 6 of the Agricultural Marketing Act, as amended, the governor, on behalf of the United States, shall make payments for stock in the banks and such payments shall be subject to call in whole or in part by the board of directors of the bank with the approval of the governor.

Increase or decrease permitted.

Shares.

Subscriptions for, to be paid from revolving fund, Agricultural Marketing Act.
Vol. 46, p. 14.
U.S.C., Supp. VI, p. 63.

LENDING POWER OF BANKS FOR COOPERATIVES

Lending power.
Loans to cooperative associations.
Vol. 46, p. 14.
Post, p. 265.

SEC. 41. The Banks for Cooperatives are authorized to make loans to cooperative associations for any of the purposes and subject to the conditions and limitations set forth in the Agricultural Marketing Act, as amended, including amendments made by Title V of this Act, and subject to such terms and conditions as may be prescribed by the board of the bank with the approval of the governor.

STOCK SUBSCRIPTIONS AND EARNINGS AND RESERVES

Ownership of stock required, in proportion to loan.
Ante, p. 263.

SEC. 42. The provisions of sections 35 and 36 shall apply in the case of Banks for Cooperatives in the same manner and to the same extent as such provisions are applicable to the Central Bank for Cooperatives, except that powers conferred on the chairman of the board of the Central Bank shall be exercised by the boards of directors of the Banks for Cooperatives, subject to the approval of the governor.

RETIREMENT OF STOCK

Retirement of stock.

SEC. 43. The governor may at any time require any such bank to retire and cancel stock held by the governor in such bank, if, in the judgment of the governor, the bank has resources available therefor, and amounts received by the governor in any such case shall be credited to the revolving fund created under section 6 of the Agricultural Marketing Act, as amended.

TITLE V—AMENDMENTS TO AGRICULTURAL MARKETING ACT

Agricultural Marketing Act amendments.

Provisions repealed.

SECTION 50. (a) The following provisions of the Agricultural Marketing Act, as amended, are hereby repealed:

Advisory Commodities Committees. Vol. 46, p. 12.

(1) Section 3 (relating to Advisory Commodity Committees);

Overproduction studies. Vol. 46, p. 13.

(2) Paragraph (4) of section 5 (relating to powers of the Farm Board to investigate overproduction);

Miscellaneous investigations.

(3) Paragraph (5) of section 5 (relating to miscellaneous investigations by the Farm Board);

Clearing house loans. Vol. 46, p. 14.

(4) Paragraph (3) of subsection (a) of section 7 (relating to loans to assist in forming clearing house associations);

Cooperative marketing advantages. Vol. 46, p. 14.

(5) Paragraph (4) of subsection (a) of section 7 (relating to education in the advantages of cooperative marketing);

Facilitating price advance, etc.

(6) Paragraph (5) of subsection (a) of section 7 (relating to loans to enable cooperatives to advance a greater share of the market price of commodities than is practicable under other credit facilities);

Assistance in forming clearing house associations. Vol. 46, p. 16.

(7) Section 10 (authorizing the Farm Board to assist in forming clearing house associations); and

Price insurance. Vol. 46, p. 17.

(8) Section 11 (authorizing the Farm Board to enter into price insurance agreements).

Outstanding loans for facilitating price advances, etc., may be extended, etc. Vol. 46, p. 14.

(b) The repeal of section 7 (a) (5) shall not be construed to prohibit the extension, renewal, or refinancing of any loan made thereunder and outstanding on the date of the enactment of this Act, but loans to extend, renew, or refinance any such loan shall bear interest rates as determined under section 8 (a) of the Agricultural Marketing Act as amended by section 54 of this Act.

Vol. 46, p. 14, amended.

SEC. 51. Paragraph (1) of subsection (a) of section 7 of the Agricultural Marketing Act, as amended, is amended to read as follows:

Financing operations added.

"(1) the effective merchandising of agricultural commodities and food products thereof and the financing of its operations;"

Physical marketing facilities.

SEC. 52. Paragraph (2) of subsection (a) of section 7 of the Agricultural Marketing Act, as amended, is amended to read as follows:

Provisions for refinancing cost, added.

"(2) the construction or acquisition by purchase or lease, or refinancing the cost of such construction or acquisition, of physical marketing facilities for preparing, handling, storing, processing, or merchandising agricultural commodities or their food products;"

Limitations on loans for physical facilities.

SEC. 53. Subsection (c) of section 7 of the Agricultural Marketing Act, as amended, is amended to read as follows:

"(c) Loans for the construction or acquisition by purchase or lease of physical facilities, or for refinancing the cost of such construction or acquistion,[1] shall be subject to the following conditions:

Not to exceed 60 percent of value.

"(1) No such loan shall be made in an amount in excess of 60 per centum of the value of the facilities.

Reasonable price or rent.

"(2) No loan for the purchase or lease of such facilities shall be made unless the Governor of the Farm Credit Administration finds that the purchase price or rent to be paid is reasonable."

[1] So in original.

Vol. 46, p. 14, amended.

SEC. 54. Subsection (a) of section 8 of the Agricultural Marketing Act is amended to read as follows:

Loans and advances. Interest rates modified.

"(a) Loans to any cooperative association shall bear such rates of interest as the Governor of the Farm Credit Administration shall by regulation prescribe, but in no case shall the rate be less than 3 per centum per annum or more than 6 per centum per annum on the unpaid principal. In fixing such rates of interest, the governor shall fix such rates as he deems the needs of the lending agencies require and in the case of loans made for the purposes of section 7 (a) (1) the rate shall, as nearly as practicable, conform to a rate 1 per centum per annum in excess of the Federal Intermediate Credit Bank discount rate at the time the loan is made, and in the case of loans made for the purposes of section 7 (a) (2) the rate of interest shall, as nearly as practicable, conform to the prevailing rate on mortgage loans made to members of national farm-loan associations at the time the loan is made."

Vol. 46, p. 18, amended.

SEC. 55. Subsection (a) of section 15 of the Agricultural Marketing Act, as amended, is amended to read as follows:

"Cooperative association," defined.

"(a) As used in this Act the term 'cooperative association' means any association in which farmers act together in collectively processing, preparing for market, handling and/or marketing the farm products of persons so engaged and also means any association in which farmers act together in collectively purchasing, testing, grading, and/or processing their farm supplies: *Provided, however,* That such associations are operated for the mutual benefit of the members thereof as such producers or purchasers and conform to one or both of the following requirements:

Proviso. Operation for mutual benefit, etc.

"First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein; and

"Second. That the association does not pay dividends on stock or membership capital in excess of 8 per centum per annum.

"And in any case to the following:

"Third. That the association shall not deal in the products of or supplies for non-members to an amount greater in value than such as are handled by it for members."

Provisions common to corporations created under Act.

TITLE VI—PROVISIONS COMMON TO CORPORATIONS CREATED UNDER ACT

General corporate powers.

GENERAL CORPORATE POWERS

SECTION 60. The Central Bank for Cooperatives, and the Production Credit Corporations, the Production Credit Associations, and the Banks for Cooperatives, organized under this Act, shall have succession, until dissolved in accordance with this or any other Act of Congress; shall have power to sue and be sued in any court, to adopt and use a corporate seal, to make contracts, to acquire, hold, and dispose of real and personal property necessary and incident to the conduct of their business, to prescribe fees and charges (which in any case shall be subject to the rules and regulations prescribed by the governor) for loans and other services; and shall have such other powers necessary and incident to carrying out their powers and duties under this or any other Act of Congress as may be provided by the governor in their charters or in any amendments thereto. Each such bank, association, or corporation shall, for the purposes of jurisdiction, be deemed a citizen of the State or District within which its principal office is located. No district court of the United States shall have jurisdiction of any action or suit by or against any

Jurisdiction of courts, denied.

Production Credit Corporation or Production Credit Association upon the ground that it was incorporated under this Act or that the United States owns a majority of the stock in it, nor shall any district court of the United States within the land bank district served by such association or corporation have jurisdiction by removal or otherwise of any suit by or against any such association or corporation except in cases by or against the United States or by or against any officer of the United States and except in cases by or against any receiver of any such corporation or association appointed in accordance with section 65.

Receivers not included.
Post, p. 269.

EXAMINATIONS

SEC. 61. At least once each year and at such other times as the governor deems necessary, the Central Bank for Cooperatives, and each Production Credit Corporation, Production Credit Association, and Bank for Cooperatives, organized under this Act, shall be examined by examiners designated by the governor. The governor shall assess the cost of such examinations against the bank, association, or corporation examined, which shall pay such costs to the governor. The amounts so assessed and unpaid shall be a prior lien on all assets of the bank, association, or corporation examined except on assets pledged to secure loans.

Annual, etc., examinations provided for.

Assessment of costs.

FISCAL AGENTS OF UNITED STATES

SEC. 62. The Central Bank for Cooperatives, the Production Credit Corporations, Production Credit Associations, and Banks for Cooperatives, organized under this Act, when designated for that purpose by the Secretary of the Treasury, shall act as fiscal agents of the United States Government and when acting as such shall perform such duties as shall be prescribed by the Secretary of the Treasury.

Corporations made fiscal agents.
Post, p. 347.

SEC. 63. The Central Bank for Cooperatives, and the Production Credit Corporations, Production Credit Associations, and Banks for Cooperatives, organized under this Act, and their obligations, shall be deemed to be instrumentalities of the United States, and as such, any and all notes, debentures, bonds, and other such obligations issued by such banks, associations, or corporations shall be exempt both as to principal and interest from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States or by any State, Territorial, or local taxing authority. Such banks, associations, and corporations, their property, their franchises, capital, reserves, surplus, and other funds, and their income, shall be exempt from all taxation now or hereafter imposed by the United States or by any State, Territorial, or local taxing authority; except that any real property and any tangible personal property of such banks, associations, and corporations shall be subject to Federal, State, Territorial, and local taxation to the same extent as other similar property is taxed. The exemption provided herein shall not apply with respect to any Production Credit Association or its property or income after the stock held in it by the Production Credit Corporation has been retired, or with respect to the Central Bank for Cooperatives, or any Production Credit Corporation or Bank for Cooperatives, or its property or income after the stock held in it by the United States has been retired.

To be exempt from tax, etc., payments.

Exceptions.

Production Credit Association not exempt.

UNLAWFUL ACTS AND PENALTIES

Unlawful acts and penalties.

SEC. 64. (a) Whoever makes any material representation knowing it to be false, or whoever willfully overvalues any property or security, for the purpose of influencing in any way the action of the

Falserepresentations, etc.
Post, p. 347.

Farm Credit Administration or any division, officer, or employee thereof, or of any corporation organized under this Act, or in which a Production Credit Corporation organized under this Act holds stock, or of any regional agricultural credit corporation established pursuant to subsection (e) of section 201 of the Emergency Relief and Construction Act of 1932, upon any application, advance, discount, purchase or repurchase agreement, or loan, or any change or extension of any of the same, by renewal, deferment of action or otherwise, or the acceptance, release, or substitution of security therefor, shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both.

Regional credit corporations. Vol. 47, p. 713.

Counterfeiting, etc.

(b) Whoever (1) falsely makes, forges, or counterfeits any note, debenture, bond, or other obligation, coupon, or paper in imitation of or purporting to be a note, debenture, bond, or other obligation, coupon, or paper issued by the Farm Credit Administration or by any corporation referred to in subsection (a) of this section; or (2) passes, utters, or publishes, or attempts to pass, utter, or publish, any false, forged, or counterfeited note, debenture, bond, or other obligation, coupon, or paper, purporting to have been issued by the Farm Credit Administration or by any such corporation, knowing the same to be false, forged, or counterfeited; or (3) falsely alters any note, debenture, bond, or other obligation, coupon, or paper issued or purporting to have been issued by the Farm Credit Administration or by any such corporation; or (4) passes, utters, or publishes, or attempts to pass, utter, or publish, any of the same as true, knowing it to be falsely altered or spurious, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or both.

Embezzlement, etc.

(c) Whoever, being an employee, officer, or agent of the Farm Credit Administration or connected in any capacity with any corporation referred to in subsection (a) of this section, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to the Farm Credit Administration or such corporation or pledged or otherwise intrusted to the same; or (2) with intent to defraud the United States, or any such corporation, or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the Farm Credit Administration or of any such corporation, makes any false entry in any book, report, or statement of or to the Farm Credit Administration or any such corporation, or draws any order, or issues, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, mortgage, judgment, or decree thereof; or (3) with intent to defraud the United States or any corporation referred to in subsection (a) of this section, participates or shares in or receives directly or indirectly any money, profit, property, or benefits through any transaction, loan, commission, contract, or any other act of any such corporation, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or both.

Fraud.

(d) Whoever knowingly, with intent to defraud the United States or any corporation referred to in subsection (a) of this section, shall conceal, remove, dispose of, or convert, to his own use or to that of another, any property mortgaged or pledged to, or held by, the Farm Credit Administration, or any such corporation, as security for any obligation, shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both.

Criminal Code made applicable. Vol. 35, pp. 1108-1109. U.S.C., p. 475.

(e) The provisions of sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United States (U.S.C., title 18, secs. 202 to 207, inclusive), in so far as applicable, are extended to apply to con-

tracts or agreements made by the Farm Credit Administration, its divisions, officers, and employees, and by the corporations referred to in subsection (a) of this section, which, for the purposes hereof, shall be held to include advances, loans, discounts, and purchase and repurchase agreements; extensions and renewals thereof; and acceptances, releases, and substitutions of security therefor.

Conspiracy.

(f) Whoever conspires with another to accomplish any of the acts made unlawful by the preceding provisions of this section shall, on conviction thereof, be subject to the same fine or imprisonment, or both, as is applicable in the case of conviction for doing such unlawful act.

LIQUIDATION

Liquidation of production credit associations, etc.

SEC. 65. Upon default of any obligation of any Production Credit Corporation, Production Credit Association, or regional Bank for Cooperatives, such bank, association, or corporation may be declared insolvent and placed in the hands of a receiver by the governor and proceedings shall thereupon be had in accordance with the provisions of law relating to the insolvency of national farm-loan associations. Any such bank, association, or corporation may, with the consent of the governor, liquidate voluntarily, but only in accordance with such rules and regulations as the governor may prescribe.

Pay limitations.

SEC. 66. No director, officer, or employee of the Central Bank for Cooperatives, or of any Production Credit Corporation, Production Credit Association, or Bank for Cooperatives shall be paid compensation at a rate in excess of $10,000 per annum. No officer or employee of the Farm Credit Administration engaged in carrying out the provisions of titles I to VI, inclusive, of this Act shall be paid compensation at a rate in excess of $10,000 per annum.

TITLE VII—AMENDMENTS TO FEDERAL FARM LOAN ACT

Federal Farm Loan Act Amendments.

Federal land banks, directors.
Restriction on employment.
Vol. 39, p. 363, amended.

SECTION 70. Effective January 1, 1934, the fourteenth paragraph of section 4 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 683), is amended by adding after the first sentence the following: "Not more than one director of a Federal land bank may serve the bank or the Farm Credit Administration as an officer or employee. Except with the approval of the Farm Loan Commissioner, no director (other than the director who may be an officer or employee) shall receive compensation or allowances for any services rendered any Federal land bank in his capacity as director for more than thirty days in any one calendar year exclusive of the period for which compensation is paid for attendance at directors' meetings."

Compensation restrictions.

Board of directors.

SEC. 70a. (a) Effective one year after the enactment of this Act, section 4 of the Federal Farm Loan Act, as amended, is amended as follows:

U.S.C., p. 301.

(1) The ninth paragraph of such section (U.S.C., title 12, sec. 678) is amended to read as follows:

Composition.

"The board of directors of every Federal land bank shall be selected as hereinafter specified and shall consist of seven members.

Membership.

Three of said directors shall be known as local directors of whom one shall be chosen by and be representative of national farm-loan associations and borrowers through agencies, one shall be chosen by and be representative of Production Credit Associations organized under the Farm Credit Act of 1933, and one shall be chosen by and be representative of borrowers from regional Banks for Cooperatives organized under the Farm Credit Act of 1933. Three of the seven directors shall be known as district directors and shall be appointed by the Governor of the Farm Credit Administration of whom two

District directors.

shall represent the public interest and one shall represent national farm-loan associations and borrowers through agencies and such director shall be a borrower from a Federal land bank. The terms of office of local and district directors shall be three years."

Nominations.
Vol. 39, p. 863; Vol. 42, p. 1474.
U.S.C., p. 301.
Division of districts.

(2) The tenth paragraph of such section (U.S.C., title 12, sec. 679) is amended to read as follows:

Notice of.

"At least two months before an election of a local director the Land Bank Commissioner shall cause notice in writing to be sent to those entitled to nominate candidates for such local director. In the case of an election of a director to represent national farm-loan associations and borrowers through agencies, such notice shall be sent to all national farm-loan associations and borrowers through agencies in the district; in the case of an election to represent Production Credit Associations, such notice shall be sent to all Production Credit Associations in the district; and in the case of a director to represent borrowers from Banks for Cooperatives, such notice shall be sent to all cooperatives which are borrowers at the time of sending notice. Within ten days of receipt of such notice those entitled to nominate the director shall forward nominations of residents of the district to the Land Bank Commissioner. The Land Bank Commissioner shall, from such nominations, then prepare a list of candidates for such local director consisting of the ten nominees receiving the highest number of votes."

Local directors.
Vol. 39, p. 863; Vol. 42, p. 1475.
U.S.C., p. 301.

(3) The eleventh paragraph of such section (U.S.C., title 12, sec. 680) is amended to read as follows:

Election of.

"At least one month before the election of a local director the Land Bank Commissioner shall mail to each person or organization entitled to elect the local director the list of the ten candidates nominated in accordance with the tenth paragraph of this section. In the case of an election of a director to represent national farm-loan associations and borrowers through agencies, the directors of each farm-loan association shall cast the vote of such association for one of the candidates on the list. In voting under this section each such association shall be entitled to cast a number of votes equal to the number of stockholders of such association and each borrower through agencies shall be entitled to cast one vote. In voting under this section each Production Credit Association shall be entitled to cast a number of votes equal to the number of the class B stockholders of such associations. In voting under this section each cooperative which is a holder of stock in a Bank for Cooperatives (except the Governor of the Farm Credit Administration) shall be entitled to cast one vote. The votes shall be forwarded to the Land Bank Commissioner and no vote shall be counted unless forwarded to him within ten days after the list of candidates is received. In case of a tie the Land Bank Commissioner shall determine the choice. The nominations from which the list of candidates is prepared, and the votes of the respective voters, as counted, shall be tabulated and preserved and shall be subject to examination by any candidate for at least one year after the results of the election is announced."

District directors.
Director at large; appointment, removal, etc.

(4) The sixth and seventh sentences of the twelfth paragraph of such section (U.S.C., title 12, sec. 681) are amended to read as follows: "The Governor of the Farm Credit Administration shall select a director at large for the district who shall hold his office during a term of three years. Such seventh director may be removed by the Governor of the Farm Credit Administration at any time."

Provisions restricted to successors of present incumbents.
Division of.

(b) Subsection (a) shall apply only to the appointment or election of the successors of directors of land banks whose regular terms expire after the effective date of such subsection. The successors of

the first local director whose regular term so expires shall be elected by and be representative of Production Credit Associations and the successors of the second local director whose regular term so expires shall be elected by and be representative of borrowers from Banks for Cooperatives. The successors of the third local director whose regular term so expires shall be elected by and be representative of national farm-loan associations and borrowers through agencies.

Vol. 39, p. 373; Vol. 47, p. 1549. U.S.C., p. 307.

SEC. 71. Paragraph "Sixth" of section 14 of the Federal Farm Loan Act, as amended, is amended to read as follows:

Bank restrictions. Accepting as security personal property exempt from execution under State laws.

"Sixth. To accept as additional security for any loan to any borrower under this Act, or any installment on any such loan, any personal property which is exempt from execution upon judgment under the laws of the State in which the land with respect to which the mortgage is given is situated."

Vol. 39, p. 369; U.S.C., p. 305. Responsibility of share holders.

SEC. 72. Notwithstanding the provisions of the fourth paragraph of section 9 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 744), the shareholders of national farm-loan associations shall not be held individually responsible for any contract, debt, or engagement of such association entered into after the date of the enactment of this Act, but this section shall not be construed to relieve any other liability with respect to stock held by such shareholders.

Vol. 39, p. 370; U.S.C., p. 305. Land banks, charges for making loans.

SEC. 73. Paragraph "Second" of section 12 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 771), is amended by inserting after "exceeding" where it appears the second time a comma and the following: "except with the approval of the Governor of the Farm Credit Administration,".

Vol. 39, p. 371; U.S.C., p. 305.

SEC. 74. The first sentence of paragraph "Sixth" of section 12 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 771), is amended to read as follows:

Classes to whom loans may be made extended.

"No such loan shall be made to any person who is not at the time, or shortly to become, engaged in farming operations or to any other person unless the principal part of his income is derived from farming operations."

Vol. 39, p. 373; U.S.C., p. 307.

SEC. 75. (a) Paragraph "Fourth" of section 14 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 791), is amended by inserting after "bonds" the following: "(including consolidated bonds issued on its behalf)".

The word "indorsed", deleted in certain provisions of act. Vol. 42, p. 1476; U.S.C., p. 310, amended.

(b) Section 21 of the Federal Farm Loan Act, as amended, is amended by striking out of the fourth and tenth paragraphs thereof (U.S.C., title 12, secs. 874 and 880) the word "indorsed" wherever the same appears in said paragraphs.

Intermediate Credit Banks. Vol. 42, p. 1454; U.S.C., p. 316, amended. Directors.

SEC. 76. (a) Section 201(b) of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 1022), is amended to read as follows:

"(b) Such institutions shall be established in the same cities as the twelve Federal Land Banks. The directors of the several Federal Land Banks shall be ex officio directors of the several Federal Intermediate Credit Banks hereby provided for and shall have power, subject to the approval of the Governor of the Farm Credit Administration, to employ and fix the compensation of such officers and employees of such Federal Intermediate Credit Banks as may be necessary to carry on the business authorized by this title."

Compensation provisions.

Discounts and loans. Vol. 42, p. 1455; U.S.C., p. 316, amended.

(b) Paragraph (1) of subsection (a) of section 202 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 1031), is amended to read as follows:

Credit unions included as eligible borrowers.

"(1) To discount for, or purchase from, any national bank, and/or any State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution,

Classes of cooperative associations modified. Vol. 43, p. 1264; Vol. 46, p. 816.

cooperative bank, credit union, cooperative association of agricultural producers, organized under the laws of any State or of the Government of the United States, and/or any other Federal Intermediate Credit Bank, with its endorsement, any note, draft, bill of exchange, debenture, or other such obligation the proceeds of which have been advanced or used in the first instance for any agricultural purpose or for the raising, breeding, fattening, or marketing of livestock; and to make loans or advances direct to any such organization, secured by such obligations; and to discount for, or purchase from, any Production Credit Association organized under the Farm Credit Act of 1933 or any production credit association in which a Production Credit Corporation organized under such Act holds stock, with its endorsement, any note, draft, bill of exchange, debenture, or other such obligation presented by such association, and to make loans and advances direct to any such association secured by such collateral as may be approved by the Governor of the Farm Credit Administration;"

Direct loans authorized.

Discount, etc., paper of Production Credit Association.

Security.

Vol. 42, p. 1455; U.S.C., p. 316.

(c) Paragraph (3) of subsection (a) of section 202 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 1031), is amended to read as follows:

Direct loans to associations of agricultural or livestock producers.

"(3) To make loans or advances direct to any cooperative association organized under the laws of any State and composed of persons engaged in producing, or producing and marketing, staple agricultural products, or livestock, if the notes or other such obligations representing such loans are secured by warehouse receipts, and/or shipping documents covering such products, and/or mortgages on livestock, and/or such other collateral as may be approved by the Governor of the Farm Credit Administration: *Provided*, That no such loan or advance, when secured only by warehouse receipts and/or shipping documents, and/or mortgages on livestock, shall exceed 75 per centum of the market value of the products covered by said warehouse receipts and/or shipping documents, or of the livestock covered by said mortgages; and to accept drafts or bills of exchange issued or drawn by any such association when secured by warehouse receipts and/or shipping documents covering staple agricultural products as herein provided."

Security.

Other approved collateral added.

Proviso.
Value limit.

Other paper accepted.

Agricultural Credits Act, 1923.
New credit corporations under, forbidden.
Vol. 42, p. 1461; U.S.C., p. 320.

SEC. 77. After the date of the enactment of this Act, no national agricultural credit corporation shall be formed under the provisions of the title II of the Agricultural Credits Act of 1923.

Federal Farm Loan Act, amended.
Vol. 39, p. 382; U.S.C., p. 314, amended.

SEC. 78. Section 31 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 986), is amended by adding at the end thereof a new paragraph, as follows:

False statements by mortgagee in sale to any Federal land bank.

"Any mortgagee who shall knowingly make any false statement in any paper, proposal, or letter, relating to the sale of any mortgage, to any Federal land bank under the provisions of section 13 of this Act, as amended, or any appraiser provided for in this Act who shall willfully overvalue any land securing such mortgage, shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or both."

Punishment for.

Powers of land banks.
Vol. 47, pp. 14, 1548; U.S.C., p. 307.

SEC. 79. Section 13 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 781), is amended by adding at the end thereof the following new paragraph:

Provision for equally sharing a defaulted mortgage.

"Fourteenth. To enter into agreements with national farm-loan associations of the district under the terms of which losses incurred and gains realized on account of the disposition of lands covered by a defaulted mortgage indorsed by such association will be shared equally by the bank and the association."

TITLE VIII—MISCELLANEOUS

Miscellaneous.

Farm Loan Commissioner known hereafter as Land Bank Commissioner.

Term of office. Vol. 39, p. 360; U.S.C., p. 299, amended.

SECTION 80. (a) After the date of the enactment of this Act, the office of Farm Loan Commissioner shall be known as the office of the Land Bank Commissioner and the Farm Loan Commissioner shall be known as the Land Bank Commissioner. The provisions of the third paragraph of section 3 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 653), prescribing a term of office of eight years shall not apply to incumbents hereafter appointed to the office of Land Bank Commissioner.

Commissioners increased to three. Vol. 39, p. 360, amended.

Appointment, salary, etc.

Duties.

(b) There shall be in the Farm Credit Administration three commissioners who shall be known, respectively, as the Production Credit Commissioner, the Cooperative Bank Commissioner, and the Intermediate Credit Commissioner. Such commissioners shall be appointed by the President, by and with the advice and consent of the Senate. They shall receive an annual salary of $10,000, payable monthly, together with actual necessary traveling expenses. Such commissioners shall perform such duties as may be assigned to them by law or by the governor of the Farm Credit Administration.

Attesting Commissioner's signature.

SEC. 81. The signature of the Land Bank Commissioner on Federal farm-loan bonds shall be attested by any Deputy Land Bank Commissioner.

Governor's authority, etc.

Powers herein granted to be additional to existing law.

SEC. 82. The authority and powers conferred upon the governor under this Act shall not be construed to be in substitution for authority and powers conferred upon him under existing law but shall be construed to be supplementary to such authority and powers.

Regional Agricultural Credit Corporations. Vol. 47, p. 713.

SEC. 83. This Act shall not be construed to repeal subsection (e) of section 201 of the Emergency Relief and Construction Act of 1932.

Capital may be reduced.

SEC. 84. The Reconstruction Finance Corporation is authorized, with the approval of the Governor of the Farm Credit Administration, to reduce the capital of any Regional Agricultural Credit Corporation by such action as may be suitable for the purpose. The funds made available by any such reduction shall constitute a revolving fund, all or any part of which shall be available for use from time to time by the Reconstruction Finance Corporation for the purpose of increasing, with the approval of the Governor of the Farm Credit Administration, the capital of any Regional Agricultural Credit Corporation.

Difference to form a revolving fund; use, etc.

Farm Credit Administration; seal.

SEC. 85. The Farm Credit Administration shall have a seal, as adopted by the governor, which shall be judicially noticed.

Emergency Agricultural Relief Act amended. *Ante*, p. 37. *Post*, p. 1263.

SEC. 86. Subdivision (a) of section 10 of the Act entitled "An Act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes," approved May 12, 1933, is amended by inserting before the period at the end of the first sentence a colon and the following: "*And provided further*, That the State Administrator appointed to administer this Act in each State shall be appointed by the President, by and with the advice and consent of the Senate."

State Administrator a Presidential appointee.

Separability provisions.

SEC. 87. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Amendment.

SEC. 88. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 16, 1933, 1:10 p.m.

[CHAPTER 99.]

AN ACT

June 16, 1933.
[H.R. 5239.]
[Public, No. 76.]

To extend the provisions of the Act entitled "An Act to extend the period of time during which final proof may be offered by homestead entrymen", approved May 13, 1932, to desert-land entrymen, and for other purposes.

Homestead entries, public lands.
Extension of time for offering final proof, authorized.
Vol. 47, p. 153, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to extend the period of time during which final proof may be offered by homestead entrymen", approved May 13, 1932, is amended to read as follows:

Pending entry necessary.

"That the Secretary of the Interior is hereby authorized to extend for not exceeding two years the period during which annual or final proof may be offered by any person who has a pending homestead or desert-land entry upon public lands of the United States on which at the date of this Act or on any date on or prior to December 31, 1934, under existing law, annual or final proof is required, showing residence, cultivation, improvements, expenditures, or payment of purchase money as the case may be: *Provided*, That any such entryman shall be required to show that it is a hardship upon himself to meet the requirements incidental to annual or final proof upon the date required by existing law due to adverse weather or economic conditions: *And provided further*, That this Act shall apply only to cases where adequate relief is not available under existing law.

Proof of residence, etc.
Provisos.
Adverse conditions to be shown.

Limitation on application of Act.

Rules to be prescribed.

"SEC. 2. The Secretary of the Interior is authorized to make such rules and regulations as are necessary to carry out the purposes of this Act."

Approved, June 16, 1933, 1:15 p.m.

[CHAPTER 100.]

AN ACT

June 16, 1933.
[H.R. 6034.]
[Public, No. 77.]

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1933, and June 30, 1934, and for other purposes.

Fourth Deficiency Act, fiscal year 1933.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1933, and June 30, 1934, and for other purposes, namely:

Legislative.

LEGISLATIVE ESTABLISHMENT

Pages, Houses of Congress.
Ante, p. 29.

For the payment of pages from the end of the first session of the Seventy-third Congress to and including June 30, 1933, as follows:

For twenty-one pages for the Senate Chamber at the rate of pay provided by law, so much as may be necessary.

For forty-one pages for the House of Representatives, including ten pages for duty at the entrances to the Hall of the House, at the rate of pay provided by law, so much as may be necessary.

Senate.

SENATE

Inquiries and investigations, expenses.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control

the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1934, $100,000.

HOUSE OF REPRESENTATIVES

House of Representatives.

Police force, House Office Building, under the Sergeant at Arms: Six privates at the rate of $1,620 per annum each, fiscal year 1934, $8,910.

Police force, House Office Building.

CAPITOL POLICE

Capitol Police.

Salaries: Eight privates at $1,620 per annum each, fiscal year 1934, $11,880; one half of such privates to be selected by the Sergeant at Arms of the Senate and one half by the Sergeant at Arms of the House.

Salaries.

For purchasing and supplying uniforms and motor cycles to Capitol police, and for contingent expenses, fiscal year 1934, $1,460.

Uniforms, motorcycles, contingent expenses.

One half of the foregoing amounts under "Capitol Police" shall be disbursed by the Secretary of the Senate and one half by the Clerk of the House.

Disbursement.

ARCHITECT OF THE CAPITOL

Architect of the Capitol.

Senate Office Building: For four female attendants, Senate Office Building, at $1,080 per annum each, fiscal year 1934, $3,960.

Senate Office Building.
Female attendants.

EXECUTIVE OFFICE AND INDEPENDENT ESTABLISHMENTS

Executive, etc.

NATIONAL INDUSTRIAL RECOVERY AND TENNESSEE VALLEY AUTHORITY

National Industrial Recovery and Tennessee Valley Authority.

For the purpose of carrying into effect the provisions of the Act entitled "An Act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes", approved June 16, 1933, and also for the purpose of carrying into effect the provisions of the Act entitled "An Act for the relief of unemployment through the performance of useful public work, and for other purposes", approved March 31, 1933, and for each and every object thereof, to be expended in the discretion and under the direction of the President, to be immediately available, and except as hereinafter provided to remain available until June 30, 1935, $3,300,000,000; of which not to exceed $50,000,000 shall be available to the board of directors of the Tennessee Valley Authority, and to remain available until expended, for the purpose of carrying out the provisions of the Act of Congress entitled "The Tennessee Valley Authority Act of 1933", approved May 18, 1933, including the acquisition of necessary land, the clearing of such land, relocation of highways, and the construction and/or purchase of transmission lines and other facilities, the construction of the Cove Creek Dam and powerhouse and all other necessary works authorized by said Act, and for printing and binding, law books, books of reference, newspapers, periodicals, purchase, maintenance and operation of passenger-carrying vehicles, rents in the District of Columbia and elsewhere and all necessary salaries and expenses connected with the organization, operation, and investigations of the Tennessee Valley Authority, including reimbursements for any expenses prior to the enactment of this appropriation incurred at the direction of the President.

Ante, p. 195.

Ante, p. 22.

Sum available for Tennessee Valley Authority.

Ante, pp. 58, 71.

Purchase of land, etc.
Construction, etc.

Printing and binding, etc.

Reimbursement for prior expenditures.

Farm Credit Administration.

FARM CREDIT ADMINISTRATION

Additional sum.
Ante, p. 258.

For an additional amount for the revolving fund created by section 5 of the Farm Credit Act of 1933, approved June 16, 1933, $40,000,000.

Production Credit Corporations and Associations.
Administrative expenses.
Ante, p. 258.

For all necessary administrative expenses in connection with the establishment and supervision of the Production Credit Corporations and the Production Credit Associations authorized by the Farm Credit Act of 1933, approved June 16, 1933, including personal services in the District of Columbia and elsewhere, printing and binding, and all other necessary expenses, fiscal year 1934, $2,000,000, to be immediately available and to remain available until expended.

Federal Trade Commission.

FEDERAL TRADE COMMISSION

Additional sum.
Post, p. 291.

For an additional amount for the Federal Trade Commission for the fiscal year 1934, including the same objects specified under this head in the Independent Offices Appropriation Act for the fiscal year 1934, $250,000, of which $25,000 shall be available immediately.

Printing and binding.

For an additional amount for printing and binding for the Federal Trade Commission, fiscal year 1934, $15,000.

Federal Home Loan Bank Board.

FEDERAL HOME LOAN BANK BOARD

Home financing, etc.
Ante, p. 134.

Encouragement of savings and home financing: To enable the Federal Home Loan Bank Board to encourage local thrift and local home financing and to promote, organize, and develop Federal Savings and Loan Associations or similar associations organized under local laws, in accordance with the provisions of section 6 of an Act entitled "Home Owners' Loan Act of 1933," approved June 13, 1933, $150,000, to be immediately available and to remain available until expended.

George Rogers Clark Sesquicentennial Commission.

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

Completion of memorial.
Post, p. 292.

Vol. 45, p. 724.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000, or so much thereof as may be necessary, for the completion of the memorial authorized by section 2 of the joint resolution approved May 23, 1928, as amended, to be erected at or near the site of Fort Sackville in the city of Vincennes, Indiana, in commemoration of the winning of the Old Northwest and the achievements of George Rogers Clark and his associates in the war of the American Revolution, and for the acquisition and removal of all structures on the site of such memorial, and for the grading, filling, and landscaping of the grounds thereof. Such sum shall be expended by the George Rogers Clark Sesquicentennial Commission in the manner provided in section 2 of such joint resolution, as amended.

Expenditure.

DISTRICT OF COLUMBIA

District of Columbia.

Judgments.

JUDGMENTS

Payment of.

For the payment of final judgments, including costs, rendered against the District of Columbia, as fully set forth in schedules accompanying the letters of the budget officer for the District of Columbia, dated June 2, 1933, and June 10, 1933, to the Director of the Bureau of the Budget separately transmitted to the Seventy-third Congress, first session, with communications from the President of the United States to the Speaker of the House of Representatives, dated June 9, 1933, together with the further sum to pay interest, at not exceeding 4 per centum per annum on such judgments, as provided by law, from the date the same became due, until the date

Interest.

of payment, $11,278.71, and such sum shall be paid out of the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed in the District of Columbia Appropriation Act for the fiscal year 1933.

Fund from which payable.
Vol. 47, p. 343.

DEPARTMENT OF THE INTERIOR

Interior Department.

GENERAL LAND OFFICE

General Land Office.

To pay to Marion F. Blackwell the fair and reasonable value of all improvements placed by him upon the southeast quarter southwest quarter section 27, township 2 south, range 6 west, Saint Stephens meridian, Mississippi, as determined by the Secretary of the Interior, in accordance with the Act of February 15, 1933, fiscal year 1933, $1,000.

Marion F. Blackwell.
Land improvement.
Vol. 47, p. 1724.

BUREAU OF INDIAN AFFAIRS

Bureau of Indian Affairs.

Sequoyah Orphan Training School, Tahlequah, Oklahoma: The unexpended balances of appropriations available during the fiscal year 1933 for the construction of physical improvements at the Sequoyah Indian Orphan Training School, near Tahlequah, Oklahoma, are hereby continued available for use during the fiscal year 1934.

Sequoyah Orphan Training School, Okla.
Balance available.
Vol. 47, p. 106.

Compensation to non-Indian claimants, Pueblo Indian Lands, New Mexico: For carrying out the provisions of the Act of May 31, 1933, in settlement of the liability of the United States to non-Indian claimants on Indian Pueblo grants whose claims, extinguished under the Act of June 7, 1924, have been found by the Pueblo Lands Board to have been claims in good faith, fiscal year 1933, $232,086.80, to remain available until June 30, 1934, and to be apportioned to claimants within the several Pueblos as follows: Tesuque, $1,094.63; Nambe, $19,393.59; Taos, $14,064.57; Tenorio Tract, Taos Pueblo, $43,165.26; Santa Ana (El Ranchito grant), $846.26; Santo Domingo, $66; Sandia, $5,354.46; San Filipe, $16,424.68; Isleta, $6,624.45; Picuris, $11,464.73; San Ildefonso, $16,209.13; San Juan, $19,938.22; Santa Clara, $35,350.88; Cochiti, $9,653.81; Pojoaque, $1,767.26; Laguna, $30,668.87.

New Mexico, pueblos.
Compensation to non-Indian claimants.
Ante, p. 108.
Vol. 43, p. 636.

DEPARTMENT OF JUSTICE

Department of Justice.

CONTINGENT EXPENSES

Contingent expenses.

For additional amounts for contingent expenses, Department of Justice, including the same objects specified under this head in the Acts making appropriations for the Department of Justice for the fiscal years that follow:

For 1930, $2.87;
For 1932, $116.91.

UNITED STATES COURTS

United States Courts.

Fees of commissioners: For additional amounts for fees of commissioners, United States courts, including the same objects specified under this head in the Acts making appropriations for the Department of Justice for the fiscal years that follow:

Fees of Commissioners.

For 1925, $7.80;
For 1930, $11.05;
For 1931, $3,896.70;
For 1932, $12,374.92.

Miscellaneous expenses: For an additional amount for miscellaneous expenses, United States courts, including the same objects specified under this head in the Act making appropriations for the Department of Justice for the fiscal year 1930, $24.61.

Miscellaneous expenses.

Supplies.

Supplies: For additional amounts for supplies for United States courts, including the same objects specified under this head in the Acts making appropriations for the Department of Justice for the fiscal years that follow:

For 1931, $1.40;

For 1932, $545.

Department of Labor.

DEPARTMENT OF LABOR

Employment Service.

UNITED STATES EMPLOYMENT SERVICE

National employment system.
Ante, p. 113.

For carrying out the provisions of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933, including personal services and rent in the District of Columbia and elsewhere; traveling expenses, including expenses of attendance at meetings concerned with the work of the United States Employment Service when specifically authorized by the Secretary of Labor; law books, books of reference and periodicals, printing and binding, supplies and equipment, telegraph and telephone service, and miscellaneous expenses, fiscal year 1934, $1,500,000.

Department of State.

DEPARTMENT OF STATE

International Monetary and Economic Conference.

INTERNATIONAL MONETARY AND ECONOMIC CONFERENCE

Expenses of participation.
Vol. 47, p. 538.
Post, p. 1041.

For an additional amount for the expenses of participation by the United States in an international monetary and economic conference to be held in London, including the same objects specified under this head in the Second Deficiency Act, fiscal year 1933, $125,000, to remain available during the fiscal year 1934.

Mixed Claims Commission, United States and Germany.
Vol. 42, p. 2200; Vol. 45, p. 2698.

Mixed Claims Commission United States and Germany: For expenses of determining the amounts of claims against Germany by the Mixed Claims Commission established under the agreement concluded between the United States and Germany on August 10, 1922, and subsequent agreement between those Governments, for the determination of the amount to be paid by Germany in satisfaction of the financial obligations of Germany under the treaty concluded between the Governments of the United States and Germany on August 25, 1921, including the expenses which under the terms of such agreement of August 10, 1922, are chargeable in part to the United States, and the preparation of a final report by the American Commissioner and the orderly arrangement for preservation and disposition of the records of the Commission; and the expenses of an agency of the United States to perform all necessary services in connection with the preparation of claims and the presentation thereof before said Mixed Claims Commission, and the preparation of a final report of the agent and the orderly arrangement for preservation of the records of the agency and the disposition of property jointly owned by the two Governments, including salaries of an agent and necessary counsel and other assistants and employees, rent in the District of Columbia, employment of special counsel, translators, and other technical experts, by contract, without regard to the provisions of any statute relative to employment, and for contract stenographic reporting services without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec 5), law books and books of reference, printing and binding, contingent expenses, traveling expenses, press-clipping service, for all neces-

Vol. 42, p. 1939.

Final report.

Employment of counsel, etc.

R.S., sec. 3709, p. 733.
U.S.C., p. 1309.
Printing and binding.

sary and appropriate expenses in connection with proceedings under the Act entitled "An Act to amend the Act approved July 3, 1930 (46 Stat., p. 1005), authorizing Commissioners or members of international tribunals to administer oaths, and so forth", approved June 7, 1933, including stenographic transcripts of the testimony of witnesses, and such other expenses in the United States and elsewhere as the President may deem proper, fiscal year 1934, $35,700.

Traveling expenses. Vol. 46, p. 1005. *Ante*, p. 117.

Stenographic, etc., expenses.

TREASURY DEPARTMENT

Treasury Department.

OFFICE OF THE SECRETARY

Secretary's Office.

Subscriptions to paid-in surplus of Federal land banks: To enable the Secretary of the Treasury to pay for subscriptions to the paid-in surplus of Federal land banks in accordance with the provisions of section 23 of an Act entitled "Emergency Farm Mortgage Act of 1933", approved May 12, 1933, $50,000,000, to be available immediately and to remain available until expended.

Federal land banks. Subscription to paid in surplus. *Ante*, p. 43. *Post*, p. 1060.

Payments to Federal land banks on account of reductions in interest rate on mortgages: To enable the Secretary of the Treasury to pay each Federal land bank such amount as the Farm Loan Commissioner certifies to the Secretary of the Treasury is equal to the amount by which interest payments on mortgages held by such bank have been reduced, in accordance with the provisions of section 24 of an Act entitled "Emergency Farm Mortgage Act of 1933", approved May 12, 1933, fiscal year 1934, $15,000,000.

Payments to, reduction in interest on mortgages. *Ante*, p. 43.

Subscriptions to preferred shares in Federal Savings and Loan Associations: To enable the Secretary of the Treasury to make payments on account of subscriptions to preferred shares in Federal Savings and Loan Associations in accordance with the provisions of section 5 (g) of an Act entitled "Home Owners' Loan Act of 1933", approved June 13, 1933, $50,000,000, to be immediately available and to remain available until expended.

Federal Savings and Loan Associations. Subscriptions to shares. *Ante*, p. 133.

Payment for capital stock of the Federal Deposit Insurance Corporation: To enable the Secretary of the Treasury to make payment for capital stock of the Federal Deposit Insurance Corporation in accordance with the provisions of paragraph (c) of section 12B of the Act entitled "Banking Act of 1933", approved June 16, 1933, $150,000,000, to be immediately available and to remain available until expended.

Federal Deposit Insurance Corporation. *Ante*, p. 168.

OFFICE OF THE SUPERVISING ARCHITECT

Supervising Architect's Office.

Agricultural Department Buildings, Washington, District of Columbia: The authorization contained in the Act of July 3, 1926 (44 Stat., p. 874), for the acquisition of a site and the construction of an extensible building for the use of the Department of Agriculture, as modified by the Act of March 4, 1931 (46 Stat., p. 1604), under an estimated total cost of $12,800,000, is hereby further modified so as to make the appropriations provided under the authority of said Acts available for the purchase and installation of all necessary fixed laboratory equipment and fixed mechanical equipment incident thereto and for special treatment of floors and walls in connection with laboratories.

Extensible building, Department of Agriculture. Appropriations available for equipment, etc. Vol. 44, p. 874; Vol. 46, p. 1604.

TITLE II—JUDGMENTS AND AUTHORIZED CLAIMS

Judgments and authorized claims.

DAMAGE CLAIMS

Damage claims.

SECTION 1. For the payment of claims for damages to or losses of privately owned property, adjusted and determined by the following respective departments and independent office, under the provisions

Settlement of, not in excess of $1,000.

Vol. 42, p. 1066. U.S.C., p. 989.

of the Act entitled "An Act to provide for a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case", approved December 28, 1922 (U.S.C., title 31, secs. 215–217), and certified to the Seventy-third Congress in a communication from the President of the United States to the Speaker of the House of Representatives, dated June 9, 1933, under the following departments and independent office, namely:

Department of Agriculture, $302.07;
Department of Commerce, $20.24;
Department of Justice, $608.89;
Post Office Department, payable out of postal revenues, $3,930.47;
Treasury Department, $95.80;
Public Buildings and Public Parks of the National Capital, $167.81;
In all, $5,125.28.

United States courts, judgments.

JUDGMENTS, UNITED STATES COURTS

Payment of, for suits in admiralty.

SEC. 2. For the payment of judgments, including costs of suits, rendered against the Government of the United States by United States district courts under the provisions of an Act entitled "An Act authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (U.S.C., title 46, sec. 787) and certified to the Seventy-third Congress in a communication from the President of the United States to the Speaker of the House of Representatives dated June 9, 1933, under the following departments, namely:

Vol. 43, p. 1112. U.S.C., p. 1529.

Under Navy Department.

Navy Department: C. Pateras and Sons and others (United States District Court, Eastern District of Virginia, May 8, 1933, damages due to collision between the steamship Constantinos Pateras and the United States steamship Falcon), $10,942.55.

War Department.

War Department: Wilmington and Pennsgrove Transportation Company (United States District Court, Eastern District of Pennsylvania, May 11, 1933, loss of ferryboat Harding Highway owing to collision with United States dredge W. L. Marshall), $28,819.80.

Vol. 43, p. 1112. U.S.C., p. 1529.

Interest.

Time of payments.

Total judgments under Public Vessels Act, $39,762.35, together with such additional sum as may be necessary to pay interest on any such judgment where specified therein and at the rate provided by law.

None of the judgments contained under this caption shall be paid until the right of appeal shall have expired, except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

Judgments, Court of Claims.

JUDGMENTS, COURT OF CLAIMS

Payment of.

SEC. 3. For the payment of the judgments rendered by the Court of Claims as set forth in the schedule transmitted to the Seventy-third Congress, first session, in a communication from the President of the United States to the Speaker of the House of Representatives, dated June 9, 1933, under the following departments, namely:

Under Interior Department.

Interior Department: William S. Ferris, trading as Do/More Chair Company (March 13, 1933, M–365, chairs purchased under contract), $585.

Navy Department.

Navy Department: Snare and Triest Company (now Frederick Snare Corporation), a corporation (June 6, 1932, E–325, contract for water-front improvement), $5,474.80; John R. Brady (March 13, 1933, H–173, difference in pay), $768.75; Tampa Shipbuilding and

Engineering Company (March 13, 1933, M–128, repair of dredge), $1,892.60; Clarence V. Lee (May 8, 1933, M–318, rental and subsistence allowances), $4,685.47; Arthur L. Bristol (May 8, 1933, M–330, rental and subsistence allowances), $8,883.16; in all, under Navy Department, $21,704.78.

War Department.

War Department: International Arms and Fuze Company (December 5, 1932, C–220, contract for rifle grenades—Ordnance), $102,459.85; Johnson and Higgins, of California (March 13, 1933, K–89, damage to and loss of cargo), $2,365.12; L. Gertner, senior, trading as Fort Dodge Boiler Works (January 9, 1933, K–438, contract for installation of heating system at Army and Navy General Hospital, Hot Springs, Arkansas), $9,992; in all, War Department, $114,816.97.

Proviso. Time of payment.

Total, judgments, Court of Claims, $137,106.75: *Provided*, That none of the judgments contained under this caption which have not been affirmed by the Supreme Court or otherwise become final and conclusive against the United States shall be paid until the expiration of the time within which application may be made for a writ of certiorari under subdivision (b), section 3, of the Act entitled "An Act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes", approved February 13, 1925 (U.S.C., title 28, sec. 288).

Vol. 43, p. 939. U.S.C., p. 900.

Interest.

Payment of interest wherever provided for judgments contained in this Act shall not in any case continue for more than thirty days after the date of approval of the Act.

AUDITED CLAIMS

Audited claims.

Payment of.

SEC. 4. For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (U.S.C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1930 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (U.S.C., title 5, sec. 266), in the schedule transmitted to the Seventy-third Congress, first session, by the President of the United States in a communication to the Speaker of the House of Representatives, dated June 9, 1933, there is appropriated as follows:

Vol. 18, p. 110. U.S.C., p. 1022.

Vol. 23, p. 254. U.S.C., p. 43.

LEGISLATIVE ESTABLISHMENT

Legislative Establishment.

For salaries, officers and employees, House of Representatives, $21.60.

INDEPENDENT OFFICES

Independent Offices.

For medical and hospital services, Veterans' Bureau, $35,159.51.

For military and naval compensation, Veterans' Administration, $1,515.

For military and naval insurance, Veterans' Bureau, 10 cents.

For vocational rehabilitation, Veterans' Bureau, $30.33.

DEPARTMENT OF AGRICULTURE

Department of Agriculture.

For salaries and expenses, Bureau of Animal Industry, $50.

For salaries and expenses, Bureau of Entomology, $2.47.

DEPARTMENT OF COMMERCE

Department of Commerce.

For air navigation facilities, $3,900.90.

Department of the Interior.

DEPARTMENT OF THE INTERIOR

For conservation of health among Indians, $33.

Department of Justice.

DEPARTMENT OF JUSTICE

For books, Department of Justice, $4.25.
For books for judicial officers, $88.84.
For printing and binding, Department of Justice and courts, $63.65.
For detection and prosecution of crimes, $11.
For supplies for United States courts, $3.35.
For protecting interests of the United States in customs matters, 60 cents.
For salaries, fees, and expenses of marshals, United States courts, $2,797.89.
For salaries and expenses of clerks, United States courts, $59.64.
For fees of commissioners, United States courts, $355.95.
For fees of jurors, United States courts, $165.
For fees of witnesses, United States courts, $54.60.
For fees of jurors and witnesses, United States courts, $27.90.

Department of Labor.

DEPARTMENT OF LABOR

For expenses of regulating immigration, $1,529.47.
For miscellaneous expenses, Bureau of Labor Statistics, $2.80.

Navy Department.

NAVY DEPARTMENT

For pay, miscellaneous, $8.40.
For increase of compensation, Naval Establishment, $7.38.
For ordnance and ordnance stores, Bureau of Ordnance, $5,957.20.
For engineering, Bureau of Engineering, $2,823.
For pay of the Navy, $650.06.
For pay, subsistence, and transportation, Navy, $706.32.
For maintenance, Bureau of Supplies and Accounts, $20.68.
For medical department, Bureau of Medicine and Surgery, $137.
For care of the dead, Bureau of Medicine and Surgery, $29.
For aviation, Navy, $59,475.16.
For pay, Marine Corps, $144.39.
For general expenses, Marine Corps, $33.99.

Department of State.

DEPARTMENT OF STATE

For contingent expenses, foreign missions, $47.73.

Treasury Department.

TREASURY DEPARTMENT

For increase of compensation, Treasury Department, $303.75.
For public-debt service, $36.02.
For Coast Guard, $375.75.
For collecting the internal revenue, $4.
For refunding internal-revenue collections, $5.
For pay of other employees, Public Health Service, 90 cents.
For rebuilding and repairing stations, and so forth, Coast Guard, $150.
For marine hospital, Carville, Louisiana, $101.55.

War Department.

WAR DEPARTMENT

For pay, and so forth, of the Army, $17,952.56.
For pay of the Army, $2,712.60.
For armament of fortifications, $31,731.
For registration and selection for military service, $24.

For citizens' military training camps, $138.60.
For increase of compensation, Military Establishment, $2,870.89.
For Reserve Officers' Training Corps, $60.
For pay, and so forth, of the Army, War with Spain, $41.25.
For Army transportation, $985.32.
For general appropriations, Quartermaster Corps, $988.94.
For supplies, services, and transportation, Quartermaster Corps, $7.48.
For replacing ordnance and ordnance stores, $1,990.04.
For arming, equipping, and training the National Guard, $46.31.
For pay of National Guard for armory drills, $127.85.
For mileage of the Army, $24.
For Air Corps, Army, $136.66.
For manufacture of arms, $4,658.51.
For construction and repair of hospitals, $24.
For headstones for graves of soldiers, $4.58.

POST OFFICE DEPARTMENT—POSTAL SERVICE

Post Office Department.

(Out of the postal revenues)

Postal Service.

For city delivery carriers, $436.16.
For clerks, first- and second-class post offices, $140.15.
For compensation to postmasters, $261.93.
For indemnities, domestic mail, $239.07.
For indemnities, international mail, $28.28.
For miscellaneous items, first- and second-class post offices, $1,300.
For rent, light, and fuel, $276.27.
For separating mails, $170.80.
For special delivery fees, $146.38.
For star route service, 33 cents.

Total, audited claims, section 4, $184,419.09, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

Reconstruction Finance Corporation purchase of insurance company bonds, etc.
Ante, pp. 20, 99, 121.

SEC. 5. Section 8 of the Act entitled "An Act to provide for the purchase by the Reconstruction Finance Corporation of preferred stock and/or bonds and/or debentures of insurance companies" approved June 10, 1933, is hereby amended to read as follows:

Amount increased.

SEC. 8. The seventh sentence of paragraph (6) of section 201 (a) of such Act, as amended, is hereby amended to read as follows: "The aggregate of loans made under clause (a) shall not exceed $8,000,000, and the aggregate of loans made under clause (b) shall not exceed $12,000,000."

SHORT TITLE

Short title of Act.

This Act may be cited as the "Fourth Deficiency Act, fiscal year 1933."

Approved, June 16, 1933, 1:20 p.m.

[CHAPTER 101.]

AN ACT

June 16, 1933.
[H.R. 5389.]
[Public, No. 78.]

Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, and for other purposes.

Independent Offices Appropriation Act, 1934.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Executive Office and sundry independent

Appropriation for fiscal year ending June 30, 1934.

executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, namely:

Executive Office.

EXECUTIVE OFFICE

Compensation.

COMPENSATION OF THE PRESIDENT AND VICE PRESIDENT

President.

For compensation of the President of the United States, $75,000.

Vice President.

For compensation of the Vice President of the United States, $12,750.

Office of the President.

OFFICE OF THE PRESIDENT

Secretaries, and office personnel.

Salaries: For personal services in the office of the President, including the Secretary to the President, and two assistant secretaries to the President at $9,500 each; $106,000: *Provided*, That employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States for such temporary assistance as may be deemed necessary.

Proviso. Temporary details.

Contingent expenses.

Contingent expenses: For contingent expenses of the Executive Office, including stationery, record books, telegrams, telephones, books for library, furniture and carpets for offices, automobiles, expenses of garage, including labor, special services, and miscellaneous items, to be expended in the discretion of the President, $33,733.

Printing and binding.

For printing and binding, $2,000.

Traveling, etc., expenses.

Traveling expenses: For traveling and official entertainment expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, $20,000.

Executive Mansion, etc.

EXECUTIVE MANSION AND GROUNDS

Care, repair, etc.

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures of the Executive Mansion, the Executive Mansion greenhouses, including reconstruction, and the Executive Mansion grounds, and traveling expenses, to be expended as the President may determine, notwithstanding the provisions of any other Act, $120,000, to be immediately available.

Traveling, etc., expenses.

Total, Executive Office, $369,483.

Independent establishments.

INDEPENDENT ESTABLISHMENTS

Alien Property Custodian.

ALIEN PROPERTY CUSTODIAN

Use of funds for automobile expenses forbidden.

Funds available to the office of the Alien Property Custodian for administrative expenses in the District of Columbia shall not be used for the purchase, maintenance, operation, and/or repair of any passenger automobile.

American Battle Monuments Commission.

AMERICAN BATTLE MONUMENTS COMMISSION

All expenses.

For every expenditure requisite for or incident to the work of the American Battle Monuments Commission authorized by the Act entitled "An Act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes", approved March 4, 1923 (U.S.C., title 36, secs. 121–133), including the acquisition of land or interest in land in foreign countries for carrying out the purposes of said Act without submission to the Attorney General of the United States under the provisions of

Vol. 42, p. 1509. U.S.C., p. 1182.

Title to land in foreign countries.

section 355 of the Revised Statutes (U.S.C., title 34, sec. 520; title 40, sec. 255); the maintenance of memorials erected by the Commission until the Secretary of War is advised of their completion and assumes their maintenance; employment of personal services in the District of Columbia and elsewhere; traveling expenses; the establishment of offices and the rent of office space in foreign countries; the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles which may be furnished to the Commission by other departments of the Government or acquired by purchase; printing, binding, engraving, lithographing, photographing, and typewriting, including the publication of information concerning the American activities, battlefields, memorials, and cemeteries in Europe; the purchase of maps, textbooks, newspapers, and periodicals, $129,000, to be immediately available and to remain available until expended: *Provided*, That notwithstanding the requirements of existing laws or regulations and under such terms and conditions as the Commission may in its discretion deem necessary and proper, the Commission may contract for work in Europe, and engage, by contract or otherwise, the services of architects, firms of architects, and other technical and professional personnel: *Provided further*, That the Commission may purchase materials and supplies without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) when the aggregate amount involved does not exceed $500: *Provided further*, That when traveling on business of the Commission officers of the Army serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission.

R.S., sec. 355, p. 60. U.S.C., pp. 1122, 1302.

Services in the District.
Travel expenses.
Office expenses abroad.

Printing and binding.

Provisos.
Technical work abroad.

Minor purchases, etc., without advertising. R.S., sec. 3709, p. 733. U.S.C., p. 1309.

Traveling expenses, etc., of Army officers.

ARLINGTON MEMORIAL BRIDGE COMMISSION

Arlington Memorial Bridge Commission.

For continuing the construction of the Arlington Memorial Bridge across the Potomac River at Washington, authorized in an Act entitled "An Act to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial in the city of Washington to an appropriate point in the State of Virginia, and for other purposes", approved February 24, 1925 (43 Stat., p. 974), to be expended in accordance with the provisions and conditions of the said Act, $198,000, of which $25,000 shall be available for widening and resurfacing the present road from the memorial entrance of the cemetery to the southeast corner of the cemetery, conditioned upon the State of Virginia completing the construction of the Lee Boulevard link of the Virginia State highway system to the same point; and not exceeding $20,000 shall be available for clerical and accounting service, including all necessary incidental and contingent expenses, printing and binding, and traveling expenses, to remain available until expended: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) when the aggregate amount involved does not exceed $50: *Provided further*, That no part of this appropriation shall be used to pay for the cost of reconstructing and paving Constitution Avenue east of Virginia Avenue, as provided in the approved project, except for such portions as may abut upon Government-owned property, and not in excess of 40 per centum of the cost of such reconstructing and paving of that portion of the said street which so abuts.

Continuing construction of Bridge. Vol. 43, p. 974; Vol. 45, p. 721.

Resurfacing, etc., road.

Ante, p. 230.

Provisos.
Minor purchases, etc., without advertising. R.S., sec. 3709, p. 733. U.S.C., p. 1309.
Reconstruction, etc., of Constitution Avenue.

BOARD OF MEDIATION

Board of Mediation.

For five members of the Board, and for other authorized expenditures of the Board of Mediation in performing the duties imposed by law, including personal services · contract stenographic reporting

Members of Board.
All other expenses.

services; supplies and equipment; law books and books of reference; not to exceed $200 for newspapers; periodicals; traveling expenses; and rent of quarters outside the District of Columbia; $119,000, of which amount not to exceed $107,000 may be expended for personal services in the District of Columbia.

Arbitration Boards. Vol. 44, p. 586. U.S.C., p. 2110. *Post*, p. 511.

Arbitration boards: To enable the Board of Mediation to pay necessary expenses of arbitration boards, including compensation of members and employees of such boards, together with their necessary traveling expenses and expenses actually incurred for subsistence while so employed, and printing of awards, together with proceedings and testimony relating thereto, as authorized by the Railway Labor Act, including also contract stenographic reporting service, and rent of quarters when suitable quarters cannot be supplied in any Federal building, the unexpended balances of the appropriations for this purpose available for the fiscal year 1933 are hereby continued available for the fiscal year 1934.

Vol. 47, p. 454.

Emergency boards. Vol. 44, p. 586. U.S.C., Supp. VI, p. 804. *Post*, p. 511.

Emergency boards: For expenses of emergency boards appointed by the President to investigate and report respecting disputes between carriers and their employees, as authorized by section 10, Railway Labor Act, approved May 20, 1926 (U.S.C., Supp. V, title 45, sec. 154), the unexpended balances of the appropriation for this purpose for the fiscal years 1930 and 1931 reappropriated and made available for the fiscal years 1932 and 1933, respectively, are hereby continued available for the fiscal year 1934.

Printing and binding.

For all printing and binding for the Board of Mediation, $1,000.

Total, Board of Mediation, $120,000.

Board of Tax Appeals.

BOARD OF TAX APPEALS

All expenditures. Vol. 43, p. 336; Vol. 44, p. 105; Vol. 45, p. 871; Vol. 47, p. 286.

For every expenditure requisite for and incident to the work of the Board of Tax Appeals as authorized under title IX, section 900, of the Revenue Act of 1924, approved June 2, 1924, as amended by title X of the Revenue Act of 1926, approved February 26, 1926, and title IV of the Revenue Act of 1928, approved May 29, 1928, and title IX of the Revenue Act of 1932, approved June 6, 1932, including personal services and contract stenographic reporting services, rent outside the District of Columbia, traveling expenses, car fare, stationery, furniture, office equipment, purchase and exchange of typewriters, law books and books of reference, periodicals, and all other necessary supplies, $468,000, of which amount not to exceed $444,000 may be expended for personal services in the District of Columbia.

Printing and binding.

For all printing and binding for the Board of Tax Appeals, $22,000.

Total, Board of Tax Appeals, $490,000.

Civil Service Commission.

CIVIL SERVICE COMMISSION

Commissioners and office personnel. Examination of Presidential postmasters.

For three Commissioners and other personal services in the District of Columbia, including personal services required for examination of presidential postmasters, and including not to exceed $1,000 for employment of expert examiners not in the Federal service on special subjects for which examiners within the service are not available, and for personal services in the field; for necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, including not to exceed $1,000 for expenses of attendance at meetings of public officials when specifically directed by the Commission; for furniture and other equipment and repairs thereto; supplies; advertising; telegraph,

Traveling expenses, etc.

Miscellaneous expenses.

telephone, and laundry service; freight and express charges; streetcar fares not to exceed $300; stationery; purchase and exchange of law books, books of reference, directories, subscriptions to newspapers and periodicals, not to exceed $1,000; charts; purchase, exchange, maintenance, and repair of motor trucks, motorcycles, and bicycles; garage rent; postage stamps to prepay postage on matter addressed to Postal Union countries; special-delivery stamps; and other like miscellaneous necessary expenses not hereinbefore provided for, $1,028,000: *Provided*, That no details from any executive department or independent establishment in the District of Columbia or elsewhere to the Commission's central office in Washington or to any of its district offices shall be made during the fiscal year ending June 30, 1934, but this shall not affect the making of details for service as members of the boards of examiners outside the immediate offices of the district managers: *Provided further*, That the Civil Service Commission shall have power in case of emergency to transfer or detail any of its employees to or from its office or field force.

Provisos.
Details from Departments, etc., in the District forbidden.

Transfers between office and field forces.

For all printing and binding for the Civil Service Commission, including all of its bureaus, offices, institutions, and services located in Washington and elsewhere, $22,000.

Printing and binding.

Total, Civil Service Commission, $1,050,000.

COMMISSION OF FINE ARTS

Commission of Fine Arts.

For expenses made necessary by the Act entitled "An Act establishing a Commission of Fine Arts", approved May 17, 1910 (U.S.C., title 40, sec. 104), including the purchase of periodicals, maps, and books of reference, and payment of actual traveling expenses of the members and secretary of the Commission in attending meetings and committee meetings of the Commission either within or outside of the District of Columbia, to be disbursed on vouchers approved by the Commission, $8,500, of which amount not to exceed $5,270 may be expended for personal services in the District of Columbia.

Expenses.
Vol. 36, p. 371.
U.S.C., p. 1295.

For all printing and binding for the Commission of Fine Arts, $300.

Printing and binding.

Total, Commission of Fine Arts, $8,800.

EMPLOYEES' COMPENSATION COMMISSION

Employees' Compensation Commission.

For three Commissioners and other personal services in the District of Columbia, including not to exceed $1,000 for temporary experts and assistants in the District of Columbia and elsewhere, to be paid at a rate not exceeding $8 per day, and for personal services in the field; for furniture and other equipment and repairs thereto; law books, books of reference, periodicals; stationery and supplies; traveling expenses; fees and mileage of witnesses; contract stenographic reporting services; rent at the seat of government and elsewhere; and miscellaneous items; $345,000.

Commissioners and office personnel.

For all printing and binding for the Employees' Compensation Commission, $4,000.

Printing and binding.

Employees' compensation fund: For the payment of compensation provided by "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for others purposes", approved September 7, 1916 (U.S.C., title 5, sec. 785), including medical examinations, traveling and other expenses, and loss of wages payable to employees under sections 21 and 22; all services, appliances, and supplies provided by section 9 as amended, including payments to Army and Navy

Employees' Compensation fund.
Vol. 39, pp. 743, 747.
U.S.C., p. 80.

Burial, etc., expenses.
Recoveries.
Proviso.
Catherine Panturis, monthly payments to, from Employees' compensation fund.
Vol. 46, p. 2123.

hospitals; the transportation and burial expenses provided by sections 9 and 11; and advancement of costs for the enforcement of recoveries provided in sections 26 and 27 where necessary, accruing during the fiscal year 1934 or in prior fiscal years; $3,820,000: *Provided*, That the permanent appropriation made in Private Act Numbered 378, approved February 26, 1931, is repealed after June 30, 1933, and the payment authorized by such Act shall thereafter be made from the "Employees' compensation fund."

Total, Employees' Compensation Commission, $4,169,000.

Vocational Education Board.

FEDERAL BOARD FOR VOCATIONAL EDUCATION

Vocational Education.

VOCATIONAL EDUCATION

Extending benefits to Hawaii.
Vol. 39, p. 929.
U.S.C., p. 609.
Vol. 43, p. 17.
U.S.C., p. 612.

For extending to the Territory of Hawaii the benefits of the Act entitled "An Act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure", approved February 23, 1917 (U.S.C., title 20, secs. 11–18), in accordance with the provisions of the Act entitled "An Act to extend the provisions of certain laws to the Territory of Hawaii", approved March 10, 1924 (U.S.C., title 20, sec. 29), $25,700.

Extending benefits to Puerto Rico.
Vol. 39, p. 929.
U.S.C., p. 609.
Vol. 46, p. 1489.
U.S.C., pp. 609, 948; Supp. VI, pp. 349; 627.

For extending to Puerto Rico the benefits of the Act entitled "An Act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure", approved February 23, 1917 (U.S.C., title 20, secs. 11–18), in accordance with the provisions of the Act entitled "An Act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Puerto Rico", approved March 3, 1931 (U.S.C., title 20, secs. 11–18; title 29, secs. 31–35; U.S.C., Supp. VI, title 20, sec. 30), $84,000.

Cooperative education in agriculture and home economics.
Vol. 45, p. 1151.
U.S.C., Supp. VI, p. 349.
Proviso.
Computation of apportionment to States.

Cooperative vocational education in agriculture and home economics: For carrying out the provisions of section 1 of the Act entitled "An Act to provide for the further development of vocational education in the several States and Territories", approved February 5, 1929 (U.S.C., Supp. VI, title 20, secs. 15a, 15c), $1,275,000: *Provided*, That the apportionment to the States shall be computed on the basis of not to exceed $1,275,000 for the fiscal year 1934, as authorized by the Act approved February 5, 1929 (U.S.C., Supp. VI, title 20, secs. 15a, 15c).

Salaries and expenses.
Vol. 45, p. 1151.
U.S.C., Supp. VI, p. 349.

Salaries and expenses: For carrying out the provisions of section 2 of the Act entitled "An Act to provide for the further development of vocational education in the several States and Territories", approved February 5, 1929 (U.S.C., Supp. VI, title 20, secs. 15b, 15c), $68,000, of which amount not to exceed $54,000 may be expended for personal services in the District of Columbia.

Vocational rehabilitation.

VOCATIONAL REHABILITATION

Persons disabled in industry.
Expenses.
Vol. 41, p. 735; Vol. 43, p. 431; Vol. 46, p. 524; Vol. 47, p. 448.
U.S.C., p. 948; Supp. VI, p. 628.

Cooperative Vocational Rehabilitation of Persons Disabled in Industry—Rehabilitation: For carrying out the provisions of the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment" approved June 2, 1920 (U.S.C., title 29, sec. 35), as amended by the Act of June 5, 1924 (U.S.C., title 29,

sec. 31), and the Acts of June 9, 1930, and June 30, 1932 (U.S.C., Supp. VI, title 29, secs. 31–40), $969,000: *Provided*, That the minimum allotment to any State hereunder for the fiscal year 1934 shall be $8,840.

Proviso. Minimum allotment to States.

Salaries and expenses: For making studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placements in suitable or gainful occupations, and for the administrative expenses of said Board incident to performing the duties imposed by the Act of June 2, 1920 (U.S.C., title 29, sec. 35), as amended by the Act of June 5, 1924 (U.S.C., title 29, sec. 31), and the Acts of June 9, 1930, and June 30, 1932 (U.S.C., Supp. VI, title 29, secs. 31, 40), including salaries of such assistants, experts, clerks, and other employees, in the District of Columbia or elsewhere, as the Board may deem necessary, actual traveling and other necessary expenses incurred by the members of the Board and by its employees, under its orders; including attendance at meetings of educational associations and other organizations, rent and equipment of offices in the District of Columbia, and elsewhere, purchase of books of reference, law books, and periodicals, newspapers not to exceed $50, stationery, typewriters and exchange thereof, miscellaneous supplies, postage on foreign mail, printing and binding, and all other necessary expenses, $55,000, of which amount not to exceed $47,000 may be expended for personal services in the District of Columbia.

Salaries and expenses.

Vol. 41, p. 735; Vol. 43, p. 431; Vol. 46, p. 524; Vol. 47, p. 448. U.S.C., p. 948; Supp. VI, p. 628.

Cooperative vocational rehabilitation of disabled residents of the District of Columbia: For personal services, printing and binding, travel and subsistence, and payment of expenses of training, placement, and other phases of rehabilitating disabled residents of the District of Columbia under the provisions of the Act entitled "An Act to provide for the vocational rehabilitation of disabled residents of the District of Columbia", approved February 23, 1929 (U.S.C., Supp. VI, title 29, secs. 47–47e), $11,000.

Cooperative rehabilitation of disabled residents of District of Columbia.

Vol. 45, p. 1260. U.S.C., Supp. VI, p. 629.

Appropriations available to the Federal Board for Vocational Education for salaries and expenses shall be available for expenses of attendance at meetings of educational associations and other organizations which in the discretion of the Board are necessary for the efficient discharge of its responsibilities.

Appropriations available for attendance at educational association meetings, etc.

Total, Federal Board for Vocational Education, $2,487,700.

FEDERAL FARM BOARD

Federal Farm Board.

The appropriation hereby made for the Federal Farm Board for the fiscal year 1934 shall, if the Executive order dated March 27, 1933, creating the Farm Credit Administration, goes into effect, be available during such fiscal year for administrative expenses of the Farm Credit Administration, in addition to other funds made available therefor by the provisions of said Executive order, in the same manner as if this appropriation had been transferred by such Executive order.

Appropriations for, available to Farm Credit Administration, if Executive Order No. 6084 effective.

For salaries and expenses in accordance with the provisions of the "Agricultural Marketing Act," approved June 15, 1929 (U.S.C., Supp. V, title 7, secs. 521–535f), not including the salaries of members of the Federal Farm Board, except the salary of the member designated as chairman, and the Act creating a Division of Cooperative Marketing in the Department of Agriculture, approved July 2, 1926 (U.S.C., Supp. VI, title 7, secs. 451–457), including stenographic reporting services to be obtained by the Board through the civil service or by contact[1]; not to exceed $750 for newspapers and

Salaries and expenses.

Vol. 46, p. 11. U.S.C., Supp. VI, p. 62.

Salaries, members of Board not included.

Vol. 44, p. 802. U.S.C., Supp. VI, p. 59.

[1] So in original.

clippings; membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; manuscripts, data, and special reports by purchase or by personal services without regard to the provisions of any other Act; to procure supplies and services without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) when the aggregate amount involved does not exceed $50; purchase and exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles and motor trucks to be used only for official purposes; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; garage rental in the District of Columbia and elsewhere; traveling expenses, including attendance at meetings concerned with the work of the Federal Farm Board; payment of actual transportation expenses and not to exceed $10 per diem to cover subsistence and other expenses while in conference and en route from and to his home to any person other than an employee or a member of an advisory commodity committee whom the Board may from time to time invite to the city of Washington and elsewhere for conference and advisory purposes in furthering the work of the Board; the employment of persons, firms, and others for the performance of special services, including legal services and other miscellaneous expenses, all unexpended balances of appropriations for the Federal Farm Board, not exceeding $1,050,000, are hereby made available for the purposes enumerated in this paragraph: *Provided*, That during the fiscal year 1934, when the Federal Farm Board requires cooperative work by any department or independent establishment of the Government within the scope of the functions of such department or establishment and which such department or establishment is unable to perform within the limits of its appropriations, the Federal Farm Board may transfer from this appropriation to such department or establishment, with the approval of the head thereof, such sum or sums for direct expenditure during the fiscal year 1934, as may be necessary for the performance of such additional work: *Provided further*, That no part of this appropriation shall be used to pay any salary in excess of $10,000 per annum, or any salary in excess of $8,500 per annum except to the member of the Board designated as the chairman and not to exceed eight other officers or employees, which number, in addition to any officers or employees who under existing law may be so appointed and compensated, may hereafter be appointed and compensated without regard to the provisions of the Classification Act of 1923, as amended, and civil service laws.

Supplies and services.

R.S., sec. 3709, p. 733. U.S.C., p. 1309.

Vehicles.

Traveling expenses.

Attendance at meetings.

Balances available; limit.

Provisos.

Transfer of funds for cooperative work by departments, etc.

Salary restriction.

Appointments without regard to Classification and Civil Service Acts.

Vol. 42, p. 1488; Vol. 46, p. 1063. U.S.C., p. 65, Supp. VI, p. 31.

FEDERAL OIL CONSERVATION BOARD

Federal Oil Conservation Board.

Expenses.

For the expenses of the Federal Oil Conservation Board convened by the President on December 19, 1924, and for each purpose connected therewith, to be expended by the secretary of the Board under the supervision of the Secretary of the Interior, under general regulations to be approved by the Board, $7,803.

FEDERAL POWER COMMISSION

Federal Power Commission.

Expenses.

Vol. 41, p. 1063; Vol. 46, p. 797. U.S.C., Supp. VI, p. 233.

For every expenditure requisite for and incident to the work of the Federal Power Commission as authorized by law, including personal services; traveling expenses, including expenses of attendance at meetings which in the discretion of the Commission are necessary for the efficient discharge of its responsibilities; contract stenographic reporting services; reimbursement to governmental

agencies of the cost of furnishing motor-driven passenger-carrying vehicle service, and not exceeding $1,000 for law books, books of reference, newspapers, and periodicals; $207,000, of which amount not to exceed $188,000 shall be available for personal services in the District of Columbia.

For all printing and binding for the Federal Power Commission, $3,000. Printing and binding.

Total, Federal Power Commission, $210,000.

FEDERAL RADIO COMMISSION

Federal Radio Commission.

For five commissioners, and for all other authorized expenditures of the Federal Radio Commission in performing the duties imposed by the Radio Act of 1927, approved February 23, 1927, as amended, the Ship Act of 1910, approved June 24, 1910, as amended, Executive Order Numbered 5892, dated July 20, 1932, and the International Radiotelegraphic Convention, including personal services, contract stenographic reporting services, rental of quarters, newspapers, periodicals, reference books, law books, special counsel fees, supplies and equipment, including purchase and exchange of instruments, which may be purchased without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) when the aggregate amount involved does not exceed $25, improvement and care of grounds and repairs to buildings, not to exceed $1,000, traveling expenses, including expenses of attendance at meetings which in the discretion of the Commission are necessary for the efficient discharge of its responsibilities, and other necessary expenses, $620,000, of which amount not to exceed $338,000 may be expended for personal services in the District of Columbia.

Commissioners and other expenses. Vol. 44, p. 1162; Vol. 46, p. 50. Vol. 36, p. 629. Executive Order No. 5892. Vol. 45, p. 2760. Reporting, etc. R.S., sec. 3709, p. 733. U.S.C., p. 1309. Services in the District.

For all printing and binding for the Federal Radio Commission, $20,000. Printing and binding.

Total, Federal Radio Commission, $640,000.

FEDERAL TRADE COMMISSION

Federal Trade Commission.

For five commissioners, and for all other authorized expenditures of the Federal Trade Commission in performing the duties imposed by law or in pursuance of law, including secretary to the Commission and other personal services, contract stenographic reporting services; supplies and equipment, law books, books of reference, periodicals, garage rental, traveling expenses, including not to exceed $900 for expenses of attendance, when specifically authorized by the Commission, at meetings concerned with the work of the Federal Trade Commission, not to exceed $300 for newspapers, foreign postage, and witness fees, and mileage in accordance with section 9 of the Federal Trade Commission Act; $900,000, of which $230,000 shall be available for the completion of the public utilities investigations undertaken pursuant to S. Res. 83, Seventieth Congress: *Provided*, That hereafter no new investigations shall be initiated by the Commission as the result of a legislative resolution, except the same be a concurrent resolution of the two Houses of Congress.

Commissioners and other expenses. Vol. 38, p. 717. U.S.C., p. 356. *Ante*, p. 276. Witness fees, mileage. Vol. 38, p. 722. U.S.C., p. 359. Available for public-utilities investigation. *Proviso.* Limitation on new investigations.

For all printing and binding for the Federal Trade Commission, $20,000. Printing and binding.

Total, Federal Trade Commission, $920,000.

GENERAL ACCOUNTING OFFICE

General Accounting Office.

Salaries: For Comptroller General, Assistant Comptroller General, and other personal services in the District of Columbia and elsewhere, $3,110,000. Comptroller General, Assistant, and office personnel.

Contingent expenses.

Contingent expenses: For traveling expenses, including stenographic reporting service outside of the District of Columbia not exceeding $2,500, by contract or otherwise; materials, supplies, equipment, and services; rent of buildings and equipment; purchase and exchange of books, law books, books of reference, and periodicals, typewriters, calculating machines, and other office appliances, including their development, repairs, and maintenance, including one motor-propelled passenger-carrying vehicle; and miscellaneous items; $110,000: *Provided*, That section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) shall not be construed to apply to any purchase or service rendered for the General Accounting Office when the aggregate amount involved does not exceed the sum of $50.

Proviso. Minor purchases. R.S., sec. 3709, p. 733. U.S.C., p. 1309.

Printing and binding.

For all printing and binding for the General Accounting Office, including monthly and annual editions of selected decisions of the Comptroller General of the United States, $60,000.

Total, General Accounting Office, $3,280,000.

George Rogers Clark Sesquicentennial Commission.

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

Participation expenses. Memorial commemorating achievements in winning of old Northwest. Vol. 45, p. 724; Vol. 46, p. 1459. *Ante*, p. 276. *Post*, p. 364.

For carrying into effect the provisions of the joint resolution entitled "Joint resolution providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by General George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779," approved May 23, 1928 (45 Stat., pp. 723, 724), as amended by the Act of February 28, 1931 (46 Stat., pp. 1459–1460), $96,650.

Interstate Commerce Commission.

INTERSTATE COMMERCE COMMISSION

Salaries and expenses.

SALARIES AND EXPENSES

Commissioners, etc.

General administrative expenses: For eleven commissioners, secretary, and for all other authorized expenditures necessary in the execution of laws to regulate commerce, including one chief counsel, one director of finance, and one director of traffic at $10,000 each per annum, traveling expenses, and contract stenographic reporting services; $2,400,000, of which amount not to exceed $2,155,000 may be expended for personal services in the District of Columbia, exclusive of special counsel, for which the expenditure shall not exceed $50,000; not exceeding $150,000 for holding field hearings; not exceeding $3,000 for purchase and exchange of necessary books, reports, and periodicals; not exceeding $100 in the open market for the purchase of office furniture similar in class or kind to that listed in the general supply schedule: *Provided*, That this appropriation shall not be available for rent of buildings in the District of Columbia if suitable space is provided by the Public Buildings Commission.

Reporting services.

Services in the District.

Books, furniture, etc.

Proviso. Rent restriction.

Enforcing accounting by railroads. Vol. 34, p. 593; Vol. 36, p. 556; Vol. 41, p. 493. U.S.C., pp. 1668–1670.

Regulating accounts: To enable the Interstate Commerce Commission to enforce compliance with section 20 and other sections of the Act to regulate commerce as amended by the Act approved June 29, 1906 (U.S.C., title 49, sec. 20), and as amended by the Transportation Act, 1920 (U.S.C., title 49, sec. 20), including the employment of necessary special accounting agents or examiners, and traveling expenses, $750,000, of which amount not to exceed $172,000 may be

Services in the District.

expended for personal services in the District of Columbia: *Provided*, That for the portion of the fiscal year 1933 remaining after the date of enactment of this Act the amount which may be expended for personal services in the District of Columbia from the 1933 appropriation for the purposes included in this paragraph shall be at the annual rate of $175,000.

Proviso. Limitation on expenditures for personal services, fiscal year 1933.

Safety of employees: To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with Acts to promote the safety of employees and travelers upon railroads; the Act requiring common carriers to make reports of accidents and authorizing investigations thereof; and to enable the Interstate Commerce Commission to investigate and test appliances intended to promote the safety of railway operation, as authorized by the joint resolution approved June 30, 1906 (U.S.C., title 45, sec. 35), and the provision of the Sundry Civil Act approved May 27, 1908 (U.S.C., title 45, secs. 36, 37), to investigate, test experimentally, and report on the use and need of any appliances or systems intended to promote the safety of railway operation, inspectors, and for traveling expenses, $445,000, of which amount not to exceed $78,000 may be expended for personal services in the District of Columbia.

Safety of employees. Appliances, etc. Vol. 27, p. 531; Vol. 29, p. 85; Vol. 32, p. 943; Vol. 36, p. 298. Accidents. Vol. 36, p. 350.

Safety signals. Vol. 34, p. 838; Vol. 35, p. 324; Vol. 38, p. 212. U.S.C., p. 1441. Inspectors. Personal services in the District. Safety systems. Vol. 41, p. 498. U.S.C., p. 1673.

Signal safety systems: For all authorized expenditures under section 26 of the Act to regulate commerce as amended by the Transportation Act, 1920 (U.S.C., title 49, sec. 26), with respect to the provision thereof under which carriers by railroad subject to the Act may be required to install automatic train-stop or train-control devices which comply with specifications and requirements prescribed by the commission, including investigations and tests pertaining to block-signal and train-control systems, as authorized by the joint resolution approved June 30, 1906 (U.S.C., title 45, sec. 35), and including the employment of the necessary engineers, and for traveling expenses, $35,000, of which amount not to exceed $27,500 may be expended for personal services in the District of Columbia.

Automatic train control. Vol. 34, p. 838. U.S.C., 1441.

Personal services in the District.

Locomotive inspection: For all authorized expenditures under the provisions of the Act of February 17, 1911, entitled "An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto" (U.S.C., title 45, sec. 22), as amended by the Act of March 4, 1915, extending "the same powers and duties with respect to all parts and appurtenances of the locomotives and tender" (U.S.C., title 45, sec. 30), and amendment of June 7, 1924 (U.S.C., title 45, sec. 27), providing for the appointment from time to time by the Interstate Commerce Commission of not more than fifteen inspectors in addition to the number authorized in the first paragraph of section 4 of the Act of 1911 (U.S.C., title 45, sec. 26), and the amendment of June 27, 1930 (U.S.C., Supp. VI, title 45, secs. 24, 26), including such legal, technical, stenographic, and clerical help as the business of the offices of the chief inspector and his two assistants may require and for traveling expenses, $435,000, of which amount not to exceed $60,000 may be expended for personal services in the District of Columbia.

Locomotive inspection. Vol. 36, p. 913; Vol. 38, p. 1192; Vol. 40, p. 616; Vol. 43, p. 659. U.S.C., pp. 1439, 1441.

Additional inspectors. Vol. 36, p. 914; Vol. 43, p. 659; Vol. 46, p. 823. U.S.C., pp. 1439, 1441; Supp. VI, p. 803.

Personal services in the District.

Valuation of property of carriers: To enable the Interstate Commerce Commission to carry out the objects of the Act entitled "An Act to amend an Act entitled 'An Act to regulate commerce', approved February 4, 1887, and all Acts amendatory thereof", by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities, approved March 1, 1913 (U.S.C., title 49, sec. 19a), including one director of valuation at $10,000 per

Physical valuation of railroads. Vol. 37, p. 701; Vol. 40, p. 271; Vol. 42, p. 624. U.S.C., p. 1667.

Issue of stock, etc.

annum, one supervisor of land appraisals, one supervising engineer, one supervisor of accounts, and one principal valuation examiner, at $9,000 each per annum, and traveling expenses, $1,000,000: *Provided*, That this appropriation shall not be available for rent of buildings in the District of Columbia if suitable space is provided by the Public Buildings Commission.

Proviso. Rent restriction in the District.

Printing and binding.

For all printing and binding for the Interstate Commerce Commission, including reports in all cases proposing general changes in transportation rates and not to exceed $10,000 to print and furnish to the States at cost report form blanks, and the receipts from such reports and blanks shall be credited to this appropriation, $125,000: *Provided*, That no part of this sum shall be expended for printing the Schedule of Sailings required by section 25 of the Interstate Commerce Act.

Proviso. Schedule of sailings excluded. Vol. 41, p. 497.

Attendance at meetings.

Not to exceed $2,500 of the appropriations herein made for the Interstate Commerce Commission shall be available for expenses, except membership fees, for attendance at meetings concerned with the work of the Commission.

Total, Interstate Commerce Commission, $5,190,000.

Mount Rushmore National Memorial Commission.

MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

Expenses, etc. Vol. 45, pp. 1300, 1627; Vol. 46, p. 239. *Post*, p. 364.

Balances reappropriated.

Mount Rushmore National Memorial Commission: For carrying into effect the provisions of the Act creating the Mount Rushmore National Memorial Commission, approved February 25, 1929 (45 Stat., p. 1300), $10,000, together with the unexpended balances of the appropriations for this purpose for the fiscal years 1932 and 1933. to be expended under the provisions of the Act of February 25, 1929 (45 Stat., p. 1300).

National Advisory Committee for Aeronautics.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

All expenses, scientific research, etc.

For scientific research, technical investigations, and special reports in the field of aeronautics, including the necessary laboratory and technical assistants; contracts for personal services in the making of special investigations and in the preparation of special reports; traveling expenses of members and employees; including not to exceed $500 for expenses, except membership fees, of attendance upon meetings of technical and professional societies; office supplies and other miscellaneous expenses, including technical periodicals and books of reference; equipment, maintenance, and operation of the Langley Memorial Aeronautical Laboratory; purchase, maintenance, operation, and exchange of motor-propelled passenger-carrying vehicles, including not more than one for general administrative use in the District of Columbia; personal services in the field and the District of Columbia; in all, $676,000, of which amount not to exceed $2,000 may be expended for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (46 Stat. 818), but not to exceed $720 may be so used for any one person and not to exceed $94,000 for personal services in the District of Columbia.

Attendance at meetings.

Langley laboratory.

Personal services.

Living quarters. Vol. 46, p. 818.

Personal services in the District.

Printing and binding.

For all printing and binding for the National Advisory Committee for Aeronautics, including all of its offices, laboratories, and services located in Washington, District of Columbia, and elsewhere, $19,000.

Total, National Advisory Committee for Aeronautics, $695,000.

PUBLIC BUILDINGS AND PUBLIC PARKS OF THE NATIONAL CAPITAL

Public Buildings and Public Parks of the National Capital.

Personal services.

For personal services in the District of Columbia and elsewhere, and the pay and allowances in accordance with the provisions of the Act of May 27, 1924, as amended, of the police force engaged in patrolling the Mount Vernon Memorial Highway in the State of Virginia, and other Federal lands, as authorized by the Act approved May 29, 1930 (46 Stat. 483), $2,200,000, including not to exceed $25,000 for intermittent and seasonal employees at per diem rates of compensation to be fixed by the director.

Mount Vernon Memorial Highway police, pay and allowances. Vol. 43, p. 174; Vol. 46, p. 483.

Maintenance, etc., of designated buildings, grounds, etc.

For general expenses in connection with the maintenance, care, improvement, protection, operation, repair, cleaning, heating, and lighting of the Washington Monument and grounds; the Lincoln Memorial and the reflecting pool; the house where Abraham Lincoln died; the Arlington Memorial Bridge; the Mount Vernon Memorial Highway and other Federal lands authorized by the Act of May 29, 1930 (46 Stat. 482); grounds surrounding executive departments; and public buildings in the District of Columbia under the jurisdiction of the Office of Public Buildings and Public Parks of the National Capital, including per diem employees at rates of pay approved by the Director, not exceeding current rates for similar employment in the District of Columbia; rent of buildings in the District of Columbia, and salaries for maintenance and operation of the buildings when such maintenance and operation is not furnished by the owner under terms of the lease, and the uniforms and equipment for the police force engaged in patrolling the Mount Vernon Memorial Highway in the State of Virginia, including the purchase, issue, operation, maintenance, repair, exchange and storage of revolvers, bicycles, motor-propelled passenger-carrying vehicles, and ammunition: *Provided*, That any funds for the fiscal year 1934 appropriated for rents and maintenance of buildings in the District of Columbia for any of the executive departments and independent establishments may be transferred, with the approval of the Public Buildings Commission, to the Director of Public Buildings and Public Parks of the National Capital; city directories; contingent expenses; traveling expenses and car fare not exceeding $300; communication service; professional, scientific, technical, and law books; periodicals and reference books; blank books and forms; photographs; maps; leather and rubber articles and gas masks for the protection of public property and employees; not exceeding $13,000 for uniforms for employees; the maintenance, repair, exchange, storage, and operation of not to exceed one motor-propelled passenger-carrying vehicle; the demolition of buildings; incidental grading of the Mall to utilize available fill; the purchase, maintenance, and repair of equipment and fixtures; $1,120,000.

Vol. 46, p. 482.

Rent, etc.

Equipment, etc., Mount Vernon Memorial Highway patrol.

Proviso.
Funds for rent, etc., for departments may be transferred to Director.

Contingent expenses.

Uniforms for employees.

Mall, grading, etc.

Printing and binding.

For all printing and binding for the Office of Public Buildings and Public Parks of the National Capital, $2,500.

Total, Office of Public Buildings and Public Parks of the National Capital, $3,322,500.

PUBLIC BUILDINGS COMMISSION

Public Buildings Commission.

Expenses of transferring offices, etc.

For all necessary expenses incident to moving various Government departments, bureaus, divisions, and independent establishments and parts thereof from one building to another or moves within a building in the District of Columbia in connection with the assignment, allocation, transfer, and survey of space, including the removal and erection of building partitions, including personal

services, without reference to civil-service rules, at rates of pay fixed and determined by the commission and without reference to the Classification Act of 1923 as amended: *Provided*, That the money herein appropriated may be used for reimbursing the Government departments, bureaus, divisions, independent establishments, and offices for actual expenses incurred by them in complying with the orders of the commission; to be expended on vouchers signed by the chairman of the commission; to be available immediately, and to remain available until expended, $80,000.

Proviso.
Reimbursing offices for expenses incurred.

Smithsonian Institution.

SMITHSONIAN INSTITUTION

Administrative expenses.

For expenses of the general administrative office, Smithsonian Institution, compensation of necessary employees, traveling expenses, purchase of books and periodicals, supplies and equipment, and any other necessary expenses, $32,500.

International exchanges.

International exchanges: For the system of international exchanges between the United States and foreign countries, under the direction of the Smithsonian Institution, including necessary employees, and purchase of necessary books and periodicals, and traveling expenses, $38,500.

American ethnology.

American ethnology: For continuing ethnological researches among the American Indians and the natives of Hawaii, the excavation and preservation of archæologic remains under the direction of the Smithsonian Institution, including necessary employees, the preparation of manuscripts, drawings, and illustrations, the purchase of books and periodicals, and traveling expenses, $50,000.

Astrophysical Observatory.

Astrophysical Observatory: For maintenance of the Astrophysical Observatory, under the direction of the Smithsonian Institution, including assistants, purchase of books, periodicals, and apparatus, making necessary observations in high altitudes, repairs and alterations of buildings, preparation of manuscripts, drawings, and illustrations, traveling expenses, and miscellaneous expenses, $26,500.

National Museum.

NATIONAL MUSEUM

Equipment, etc.

For cases, furniture, fixtures, and appliances required for the exhibition and safe-keeping of collections; heating, lighting, electrical, telegraphic, and telephonic service, repairs and alterations of buildings, shops, and sheds, including approaches and all necessary material; personal services, and traveling and other necessary incidental expenses, $128,500.

Preserving collections, etc.

For continuing preservation, exhibition, and increase of collections from the surveying and exploring expeditions of the Government, and from other sources, including personal services, traveling expenses, purchasing and supplying uniforms to guards and elevator conductors, postage stamps and foreign postal cards and all other necessary expenses, and not exceeding $5,500 for preparation of manuscripts, drawings, and illustrations for publications, and not exceeding $3,000 for purchase of books, pamphlets, and periodicals, $509,000.

Contingent expenses.

National Gallery of Art.

NATIONAL GALLERY OF ART

Administrative expenses.

For the administration of the National Gallery of Art by the Smithsonian Institution, including compensation of necessary employees, purchase of books of reference and periodicals, traveling expenses, uniforms for guards, and necessary incidental expenses, $29,500.

PRINTING AND BINDING

For all printing and binding for the Smithsonian Institution, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, $5,500. Printing and binding.

Total, Smithsonian Institution, $820,000, of which amount not to exceed $750,000 may be expended for personal services in the District of Columbia. Services in the District.

SUPREME COURT BUILDING COMMISSION

Supreme Court Building Commission.

Supreme Court Building: For completing the construction of the building for the United States Supreme Court in accordance with the provisions of the Act entitled "An Act to provide for the construction of a building for the Supreme Court of the United States", approved December 20, 1929 (46 Stat., pp. 50–51), $3,490,000, to remain available until expended. Construction expenses. Vol. 46, p. 51. Available until expended.

TARIFF COMMISSION

Tariff Commission.

For salaries and expenses of the United States Tariff Commission, including purchase and exchange of labor-saving devices, the purchase of professional and scientific books, law books, books of reference, gloves and other protective equipment for photostat and other machine operators, rent in the District of Columbia and elsewhere, subscriptions to newspapers and periodicals, and contract stenographic reporting services, as authorized by sections 330 to 341 of the Tariff Act of 1930, approved June 17, 1930 (U.S.C., Supp. VI, title 19, secs. 1330–1341); $785,000, of which amount not to exceed $692,000 may be expended for personal services in the District of Columbia; not to exceed $2,500 for expenses, except membership fees, of attendance at meetings concerned with subjects under investigation by the commission; and not to exceed $7,500 for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U.S.C., Supp. VI, title 5, sec. 118a), but not to exceed $720 may be so used for any one person: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) when the aggregate amount involved does not exceed $50: *Provided further*, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative. Salaries and expenses. *Post*, p. 1027. Reporting. Vol. 46, p. 696. U.S.C., Supp. VI, p. 319. Living quarters. Vol. 46, p. 818. U.S.C., Supp. VI, p. 20. *Provisos.* Supplies and services. R.S., sec. 3709, p. 733. U.S.C., p. 1309. Salary restriction. Vol. 46, p. 701.

For all printing and binding for the Tariff Commission, $15,000. Printing and binding. *Post*, p. 1027.

Total, Tariff Commission, $800,000.

UNITED STATES GEOGRAPHIC BOARD

United States Geographic Board.

For salaries and expenses of the United States Geographic Board, including personal services in the District of Columbia, and for stationery and office supplies, $7,700. Salaries and expenses.

For printing and binding, $1,300. Printing and binding.

Total, United States Geographic Board, $9,000.

Shipping Board.

UNITED STATES SHIPPING BOARD

Commissioners, personnel, and other expenses.

For three commissioners and for all other expenditures authorized by law, including the compensation of a secretary to the board, attorneys, officers, naval architects, special experts, examiners, and clerks, including one admiralty counsel at not to exceed $10,000 per annum, one technical expert in connection with construction loan fund, at not to exceed $10,000 per annum, and other employees in the District of Columbia and elsewhere; and for all other expenses of the Board, including the rental of quarters outside the District of Columbia, law books, books of reference, periodicals, and not exceeding $600 for newspapers, and traveling expenses of members of the Board, its special experts, and other employees, while upon official business away from their designated posts of duty, including attendance at meetings or conventions of members of any society or association, the purpose of which the Board may consider of interest to the development and maintenance of an American merchant marine, when incurred on the written authority of the chairman of the Board, and for the employment by contract of expert stenographic reporters for its official reporting work including the investigation of foreign discrimination against vessels and shippers of the United States and for the investigation of transportation of immigrants in vessels of the United States Shipping Board, $300,000, of which amount not to exceed $263,000 may be expended for personal services in the District of Columbia: *Provided*, That the annual estimates of the Shipping Board for the fiscal year 1935 shall be accompanied by a statement showing the number and compensation of employees of the Fleet Corporation assigned to the Shipping Board: *Provided further*, That employees of the Merchant Fleet Corporation assigned to and serving with the Shipping Board whose compensation is within the range of salary prescribed for the appropriate grade to which the position has been allocated under the Classification Act of 1923, as amended, shall not be subject to reduction in salary by reason of their transfer during the fiscal year 1934 to the pay roll of the Shipping Board.

Outside rent.

Investigating discrimination against American vessels, etc.

Provisos.
Estimates of assignments from Fleet Corporation.

No salary reduction, etc.
Vol. 46, p. 1003.
U.S.C., Supp. VI, p. 31.

Printing and binding.

For all printing and binding for the United States Shipping Board, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, $10,000.

Shipping Board fund.

UNITED STATES SHIPPING BOARD SHIPPING FUND

Merchant Fleet Corporation expenses payable from.

For expenses of the United States Shipping Board Merchant Fleet Corporation during the fiscal year ending June 30, 1934, for administrative purposes, including the salaries of employees of the Fleet Corporation assigned to the Shipping Board, miscellaneous adjustments, losses due to the maintenance and operation of ships, including operation through an agreement to pay a lump-sum compensation, for the protection of the interests of the United States in any vessel on which the United States holds a mortgage, for the repair of ships, for the purchase, exchange, maintenance, repair, and operation of motor vehicles for official purposes only; for the payment of premiums for liability, fire, theft, property damage, and collision insurance and for other forms of insurance, including schedule and fidelity bonds, commonly carried by commercial corporations engaged in the same or a similar business, and for carrying out the provisions of the Merchant Marine Act, 1920, and amendments thereto, (a) the amount of operating funds on hand July 1, 1933, not to exceed $50,000,000; (b) all amounts received during the fiscal year ending June 30, 1934, other than the proceeds of sales of ships and surplus property; (c) so much of the total proceeds of sales of ships and surplus

Sources of.
Vol. 41, p. 988.
U.S.C., p. 1537; Supp. VI, p. 816.

property received during the fiscal year 1934, but not exceeding $1,000,000, as is necessary to meet the expenses of liquidation, including the costs incident to the delivery of vessels to purchasers, the cost of maintaining the laid-up fleet and the salaries and expenses of the personnel engaged in liquidation: *Provided*, That no part of these sums, (a), (b), and (c) shall be used for the payment of claims arising out of the construction and requisitioning of vessels; (d) all interest earned on the funds, excepting the construction loan fund, of the United States Shipping Board Merchant Fleet Corporation is to accrue to these funds and is made available for the purposes hereinbefore set forth subject to the limitations herein established: *Provided further*, That the unexpended balances of the sums made available by the Independent Offices Appropriation Act, 1930, for reconditioning and operating ships for carrying coal to foreign ports continued available for the same purposes for the fiscal year 1933, are hereby made available for the general purposes hereinbefore set forth for the Merchant Fleet Corporation for the fiscal year 1934: *Provided further*, That, if and when the President of the United States shall so direct, not to exceed $4,000,000 of the funds hereinbefore made available may be transferred to the Post Office Department and, when so transferred, shall be available only for meeting the cost in the fiscal year 1934 of foreign mail contracts entered into by that Department under the provisions of the Merchant Marine Act, 1928, approved May 22, 1928, for service upon steamship lines sold by the United States Shipping Board subsequently to December 1, 1932.

Liquidation expenses.

Provisos.
Claims not payable therefrom.

Interest earned.

Operating ships for carrying coal to foreign ports.
Balance available.
Vol. 45, p. 1244.

Transfer of funds to Post Office Department for foreign mail contracts.

Vol. 45, p. 689.

That portion of the special claims appropriation contained in the Independent Offices Appropriation Act for the fiscal year 1923 committed prior to July 1, 1923, and remaining unexpended on June 30, 1933, shall continue available until June 30, 1934, for the same purposes and under the same conditions.

Special claims.
Balance for, continued available.
Vol. 42, p. 647.

To enable the United States Shipping Board Merchant Fleet Corporation to operate ships or lines of ships which have been or may be taken back from purchasers by reason of competition or other methods employed by foreign shipowners or operators, there is hereby reappropriated the unexpended balance of the appropriation of $10,000,000 made for similar purposes in the Independent Offices Appropriation Act for the fiscal year 1927: *Provided*, That no expenditure shall be made for the purposes of this paragraph from this sum without the prior approval of the President of the United States.

Operation of ships taken back from purchasers.
Balance reappropriated.
Vol. 44, p. 318.

Proviso.
President's approval required.

Not more than two passenger-carrying motor vehicles may be maintained and/or operated in the District of Columbia from the appropriations in this Act for the United States Shipping Board and the United States Shipping Board Fleet Corporation. Such vehicles shall be for the use of the officers and employees of the Shipping Board and the Fleet Corporation, under the direction of the chairman of the Shipping Board and the president of the Merchant Fleet Corporation.

Motor vehicle restriction.

No part of the sums appropriated in this Act shall be used to pay the compensation of any attorney, regular or special, for the United States Shipping Board or the United States Shipping Board Merchant Fleet Corporation unless the contract of employment has been approved by the Attorney General of the United States.

Employment of attorneys subject to approval of Attorney General.

No part of the funds of the United States Shipping Board Merchant Fleet Corporation shall be available for the rent of buildings in the District of Columbia during the fiscal year 1934 if suitable space is provided for said corporation by the Public Buildings Commission.

Rent in the District.

Foreign fuel oil.

No part of the funds of the United States Shipping Board Merchant Fleet Corporation shall be available during the fiscal year 1934 for the purchase of any kind of fuel oil of foreign production for issue, delivery, or sale to ships at points either in the United States or its possessions, where oil of the production of the United States or its possessions is available, if the cost of such oil compared with foreign oil costs be not unreasonable.

Regular attorneys.

Of the sums herein made available under the United States Shipping Board, not to exceed an aggregate of $150,000 shall be expended for compensation of regular attorneys employed on a yearly salary basis, including their clerical and legal assistants.

Loans to mail-carrying corporations.
Forbidden, without approval of Comptroller.

None of the money herein appropriated or authorized shall be used to make loans to any corporation with which the Postmaster General has made a contract for the carrying of mail under the provisions of the Merchant Marine Act of 1928, which contract has not been approved by the Comptroller General.

Total, United States Shipping Board, $310,000.

Veterans' Administration.

VETERANS' ADMINISTRATION

MILITARY SERVICES

Administration, medical, hospital, and domiciliary services.
Salaries and expenses.

Administration, medical, hospital, and domiciliary services: For all salaries and expenses of the Veterans' Administration, including the expenses of maintenance and operation of medical, hospital, and domiciliary services of the Veterans' Administration, in carrying out the duties, powers, and functions devolving upon it pursuant to the authority contained in the Act entitled "An Act to authorize the President to consolidate and coordinate governmental activities affecting war veterans", approved July 3, 1930 (U.S.C., Supp. VI, title 38, secs. 11–11f), and any and all laws for which the Veterans' Administration is now or may hereafter be charged with administering, $85,773,000: *Provided*, That when found to be to the best interest of the United States, not to exceed $500,000 of this amount may be used for payments to State institutions caring for and maintaining veterans, suffering from neuropsychiatric ailments, who are in such institutions on the date of the enactment of this Act: *Provided*, That not to exceed $8,000,000 of this amount shall be available for all expenses and maintenance of all regional offices of the Veterans' Administration: *Provided*, That not to exceed $3,500 of this amount shall be available for expenses, except membership fees, of employees detailed by the Administrator of Veterans' Affairs to attend meetings of associations for the promotion of medical science and annual national conventions of organized war veterans: *Provided further*, That this appropriation shall be available also for personal services and rentals in the District of Columbia and elsewhere, including traveling expenses; examination of estimates of appropriations in the field, including actual expenses of subsistence or per diem allowance in lieu thereof; for expenses incurred in packing, crating, drayage, and transportation of household effects and other property, not exceeding in any one case five thousand pounds, of employees when transferred from one official station to another for permanent duty and when specifically authorized by the administrator; furnishing and laundering of such wearing apparel as may be prescribed for employees in the performance of their official duties; purchase and exchange of law books, books of reference, periodicals, and newspapers; for passenger-carrying and other motor vehicles, including purchase, maintenance, repair, and operation of same, including not more than two

Vol. 46, p. 1016. U.S.C., Supp. VI, p. 707.

Provisos.
Payments to State institutions.

Regional offices.
Expenses.

Attendance at meetings.

Objects designated.
Services, rentals, etc., in District and elsewhere.

Transfer of effects.

Wearing apparel.

Motor vehicles.

passenger automobiles for general administrative use of the bureau in the District of Columbia and three for the Washington, District of Columbia regional office; and notwithstanding any provisions of law to the contrary, the Administrator is authorized to utilize Government-owned automotive equipment in transporting children of Veterans' Administration employees located at isolated stations to and from school under such limitations as he may by regulation prescribe; and notwithstanding any provisions of law to the contrary, the Administrator is authorized to expend during the fiscal year 1934 not to exceed $2,000 for actuarial services by contract, without obtaining competition, at such rates of compensation as he may determine to be reasonable; for operating expenses of the Arlington Building and annex, and the Wilkins Building, including repairs and mechanical equipment, fuel, electric current, ice, ash removal, and miscellaneous items; for allotment and transfer to the Public Health Service, the War, Navy, and Interior Departments, for disbursement by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans' Administration, including minor repairs and improvements of existing facilities under their jurisdiction necessary to such care and treatment; for expenses incidental to the maintenance and operation of farms; for recreational articles and facilities at institutions maintained by the Veterans' Administration; for administrative expenses incidental to securing employment for war veterans; for funeral, burial, and other expenses incidental thereto for beneficiaries of the Veterans' Administration accruing during the fiscal year 1934 or prior fiscal years: *Provided further*, That the appropriations herein made for the care and maintenance of veterans in hospitals or homes under the jurisdiction of the Veterans' Administration shall be available for the purchase of tobacco to be furnished, subject to such regulations as the Administrator of Veterans' Affairs shall prescribe, to veterans receiving hospital treatment or domiciliary care in Veterans' Administration hospitals or homes: *Provided further*, That the appropriations herein made for medical and hospital services under the jurisdiction of the Veterans' Administration shall be available, not to exceed $5,000, for experimental purposes to determine the value of certain types of treatment: *Provided further*, That the appropriations herein made for domiciliary care shall be available for continuing aid to State or Territorial homes for the support of disabled volunteer soldiers and sailors, in conformity with the Act approved August 27, 1888 (U.S.C., title 24, sec. 134), as amended, including all classes of veterans admissible to the Veterans' Administration homes: *Provided further*, That the Administrator of Veterans' Affairs may, with the concurrence of the Attorney General, transfer to the Department of Justice such personnel and/or funds as may be deemed necessary in connection with the defense of suits against the United States under section 19 of the World War Veterans' Act, 1924, as amended: *Provided further*, That Section 6, Title I, of the Act entitled "An Act to maintain the credit of the United States Government," approved March 20, 1933, is hereby amended to read as follows: "Sec. 6. In addition to the pensions provided in this title the Administrator of Veterans' Affairs is hereby authorized under such limitations as may be prescribed by the President, and within the limits of existing Veterans' Administration facilities, to furnish to men discharged from the Army, Navy, Marine Corps, or Coast Guard for disabilities incurred in line of duty and to veterans of any war, including the Boxer rebellion and the Philippine insurrection, domiciliary care where

Transportation of employees' children to schools.

Contract actuarial services.

Arlington and Wilkins Buildings.
Transfer of funds to other departments.

Farms, maintenance, etc.
Recreation facilities.
Vol. 46, p. 991.
Funeral expenses.

Fund available for purchasing tobacco.

Experiments in determining value of different treatments.

State and Territorial homes.
Continuing aid to.
Vol. 25, p. 450.
U.S.C., 677.

Defense of suits.
Transfer of funds and personnel to Department of Justice for.
Vol. 43, p. 612; Vol. 45, p. 964; Vol. 46, p. 992.
U.S.C., p. 1218; Supp. VI, p. 719.

Domiciliary care.
Persons discharged for disabilities incurred in line of duty.
Ante, p. 9.
Post, p. 525.

they are suffering with permanent disabilities, tuberculosis, or neuropsychiatric ailments and medical and hospital treatment for diseases or injuries."

Use for new hospital sites, hospitals, etc., forbidden.
Amount for improvements, etc.

No part of this appropriation shall be expended for the purchase of any site for or toward the construction of any new hospital or home, or for the purchase of any hospital or home; and not more than $4,000,000 of this appropriation may be used to repair, alter, improve, or provide facilities in the several hospitals and homes under the jurisdiction of the Veterans' Administration either by contract or by the hire of temporary employees and the purchase of materials.

Printing and binding.

For printing and binding for the Veterans' Administration, including all its bureaus and functions located in Washington, District of Columbia, and elsewhere, $150,000: *Provided*, That the Administrator of Veterans' Affairs is authorized to utilize the printing and binding equipment which the various hospitals and homes of the Veterans' Administration use for occupational therapy purposes for the purpose of doing such printing and binding as may, in his judgment, be found advisable for the use of the Veterans' Administration, notwithstanding the provisions of section 87 of the Act entitled "An Act providing for the public printing and binding and the distribution of public documents", approved January 12, 1895, and section 11 of the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes, approved March 1, 1919 (U.S.C., title 44, sec. 111).

Proviso.
Use of branch equipment.

Printing restrictions waived.
Vol. 28, p. 622; Vol. 40, p. 1270.
U.S.C., p. 1421.

Pensions.

Pensions: For the payment of pensions, gratuities, and allowances, now authorized under any Act of Congress, or regulation of the President based thereon, or which may hereafter be authorized, including emergency officers' retirement pay and annuities, the administration of which is now or may hereafter be placed in the Veterans' Administration, $319,230,000, to be immediately available: *Provided*, That Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose.

Proviso.
Navy from naval fund.

Military and naval insurance.

For military and naval insurance accruing during the fiscal year 1934 or in prior fiscal years, $123,000,000.

Compromise judgments, yearly renewable term insurance.
Attorney General authorized to agree to.

That the Attorney General of the United States is hereby authorized to agree to a judgment to be rendered by the presiding judge of the United States court having jurisdiction of the case, pursuant to compromise approved by the Attorney General upon the recommendation of the United States Attorney charged with the defense, upon such terms and for such sums within the amount claimed to be payable, in any suit pending on March 20, 1933, and on the date of the enactment of this Act, brought under the provisions of the World War Veterans' Act, 1924, as amended, on a contract of yearly renewable term insurance, and the Administrator of Veterans' Affairs is hereby authorized and directed to make payments in accordance with any such judgment: *Provided*, That the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of disbursing officers of the Veterans' Administration for all payments of insurance made in accordance with any such judgment: *Provided further*, That all such judgment shall constitute final settlement of the claim and no appeal therefrom shall be authorized.

Provisos.
Credits to be allowed in accounts for disbursements under.

Judgment to constitute final settlement of claim.

Hospital, domiciliary, etc., facilities.
Vol. 46, p. 1550.

Hospital and domiciliary facilities: For carrying out the provisions of the Act entitled "An Act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary

facilities for persons entitled to hospitalization under the World War Veterans' Act, 1924, as amended, and for other purposes," approved March 4, 1931 (46 Stat., p. 1550), $1,000,000, to remain available until expended.

Adjusted service certificate fund: For an amount necessary under the World War Adjusted Compensation Act (U.S.C., title 38, secs. 591–683; U.S.C., Supp. VI, title 38, secs. 612–682), to provide for the payment of the face value of each adjusted service certificate in twenty years from its date or on the prior death of the veteran, and to make loans to veterans and repayments to banks in accordance with section 507 of the Act, as amended (U.S.C., Supp. VI, title 38, secs. 642, 647, 650; Act July 21, 1932, 47 Stat., pp. 724–725), $50,000,000, to become available July 1, 1933, and remain available until expended.

Adjusted service certificate fund.
Vol. 43, p. 128.
U.S.C., p. 1232; Supp. VI, p. 728.
Loans, etc.
Vol. 43, p. 128; Vol. 46, p. 1429; Vol. 47, p. 724.
U.S.C., p. 1233; Supp. VI, pp. 730, 731, 732.

Such amount as may be necessary of the fund entitled "Recreation fund, Army," created by the War Department Appropriation Act, approved March 4, 1933, is hereby appropriated and made available for reimbursement to the Veterans' Administration for all expenses (including transportation to bona fide residence) incurred in connection with indigent veterans in attendance at the convention of the rank and file organization of World War Veterans held in Washington, District of Columbia, during the month of May, 1933, and the decision of the Administrator of Veterans' Affairs in connection with such expenditures shall be final and conclusive.

Recreation fund, Army.
Funds from, for aid to indigent veterans, convention held in Washington.
Vol. 47, p. 1573.

Adjusted service and dependent pay: For payment of adjusted service credits of not more than $50 each and the quarterly installments due to dependents of deceased veterans, as provided in the Act of May 19, 1924, as amended (U.S.C., title 38, secs. 631–632, 663, 666; U.S.C., Supp. VI, title 38, secs. 661–662, 664–665, 667), $2,835,000, to be immediately available and to remain available until expended.

Adjusted service and dependent pay.
Vol. 43, pp. 125, 129, 130; Vol. 44, pp. 828, 829; Vol. 45, pp. 947, 948; Vol. 46, p. 496.
U.S.C., pp. 1231, 1233; Supp. VI, p. 732.

Payments to beneficiaries of the Veterans' Administration who are now receiving reduced monthly benefits in order to effect recovery of amounts due the United States shall continue in such reduced amounts until June 30, 1933: *Provided*, That such payments are otherwise authorized: *Provided further*, That no disbursing officer shall be held liable for any payment made under the provisions of this section or for the uncollected balance of any over payment involved.

Reduced payments to beneficiaries to recover amounts due, continued to June 30, 1933.
Provisos.
Payments otherwise authorized.
Disbursing officers not liable for payments hereunder.

Total, Military Services, $581,988,000.

CIVIL-SERVICE RETIREMENT FUND

Civil-Service Retirement Fund.

For financing of the liability of the United States, created by the Act entitled "An Act for the retirement of employees in the classified civil service, and for other purposes", approved May 22, 1920, and Acts amendatory thereof (U.S.C., Supp. VI, title 5, sec. 707a), $20,850,000, which amount shall be placed to the credit of the "civil-service retirement and disability fund."

Contribution to.
Vol. 41, p. 614; Vol. 44, p. 912; Vol. 46, p. 468.
U.S.C., p. 71, Supp. VI, p. 46.

Total, Veterans' Administration, $602,838,000: *Provided*, That no part of this appropriation shall be expended for the purchase of oleomargarine or butter substitutes except for cooking purposes.

Proviso.
Oleomargarine restriction.

INTERNATIONAL INSTITUTE OF AGRICULTURE

International Institute of Agriculture.

The sum of $48,500, or so much thereof as may be necessary, is hereby appropriated for the expenses of participation by the United States in the International Institute of Agriculture at Rome, Italy,

Expenses of participation.

to be expended under the direction of the Secretary of State in the following manner:

Support of Institute.

(1) Not to exceed the equivalent in United States currency of one hundred and ninety-two thousand gold francs for the payment of the quota of the United States for the support of the institute, including the shares of the Territory of Hawaii, and of the dependencies of the Philippine Islands, Puerto Rico, and the Virgin Islands.

Salary, United States member of permanent committee.

(2) Not to exceed $5,000 for the salary of a United States member of the permanent committee of the International Institute of Agriculture.

Living quarters. Vol. 46, p. 818.
Compensation to employees, travel expenses, etc.

(3) Not to exceed $5,500 for rent of living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (46 Stat. 818); compensation of subordinate employees without regard to the Classification Act of 1923, as amended; actual and necessary traveling expenses; and other contingent expenses incident to the maintenance of an office at Rome, Italy, for a United States member of the permanent committee of the International Institute of Agriculture.

Bureau of Fisheries.

BUREAU OF FISHERIES

Black bass law, enforcement. Vol. 44, p. 576; Vol. 46, p. 845. U.S.C., Supp. VI, p. 234.

Enforcement of black bass law: To enable the Secretary of Commerce to carry into effect the Act entitled "An Act to amend the Act entitled 'An Act to regulate interstate transportation of black bass, and for other purposes', approved May 20, 1926" (U.S.C., Supp. V, title 16, secs. 851–856), approved July 2, 1930 (46 Stat., pp. 845–847), $13,110, of which not to exceed $1,530 may be expended for personal services in the District of Columbia.

Total appropriated by this Act, $631,802,546.

Salaries limited to average rates under Classification Act. Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003. U.S.C., p. 65; Supp. VI, p. 31.

SEC. 2. In expending appropriations or portions of appropriations contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended:

Proviso. Restriction not applicable to clerical-mechanical service.

Provided further, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade, in the same or different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

No reduction in fixed salaries. Vol. 42, p. 1490. U.S.C., p. 66.

Transfers to another position without reduction.

Salary increases through reallocation of position forbidden.

SEC. 3. No part of the appropriations contained in this Act or prior appropriation Acts shall be used to pay any increase in the salary of any officer or employee of the United States Government by reason of the reallocation of the position of such officer or employee to a higher grade after June 30, 1932, by the Personnel Classification Board or the Civil Service Commission, and salaries paid accordingly shall be payment in full.

Impoundment of appropriations. *Ante*, p. 14.

SEC. 4. Title II of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, to the extent that it provides for the impoundment of appropriations

shall not operate to require such impoundment under appropriations contained in this Act.

Modification of contracts for transportation.

SEC. 5. Whenever it shall appear to the President, in respect of any contract entered into by the United States prior to the date of enactment of this Act for the transportation of persons and/or things, that the full performance of such contract is not required in the public interest, and that modification or cancellation of such contract will result in substantial savings to the United States, the President is hereby, upon giving sixty days' notice and opportunity for public hearing to the parties to such contract, authorized, in his discretion, on or before April 30, 1935, to modify or cancel such contract. Whenever the President shall modify or cancel any such contract, he shall determine just compensation therefor; and if the amount thereof, so determined by the President, is unsatisfactory to the individual, firm, or corporation entitled to receive the same, such individual, firm, or corporation shall be entitled to receive such portion thereof as the President shall determine and shall be entitled to sue the United States to recover such further sum as, added to said portion so received, will make up such amount as will be just compensation therefor, in the manner provided for by paragraph 20 of section 41 and section 250 of title 28 of the United States Code: *Provided*, That where any such contract makes provision for settlement in the event of modification or cancellation, the amount of just compensation as determined hereunder shall not exceed such amount as is authorized by said contract. Any appropriation out of which payments upon the said contract were authorized to be made is hereby made available for the payment of such just compensation.

Cancellation.

Notice of intention.

Hearing.

Compensation.

Suits against United States authorized when accord not reached.

U.S.C., pp. 867, 897.

Proviso.

Compensation, when contract contains settlement clause in event of modification.

Appropriations authorized.

Air mail contracts.

SEC. 6. Hereafter the Postmaster General shall not award any air mail contract or any ocean mail contract under the Merchant Marine Act of 1928 to any individuals, companies, or corporations, which singly or in combination with other individuals, companies, or corporations pay any salary or salary combined with bonus, to any officer, agent, or employee in excess of $17,500. If such individuals, companies, or corporations employ any officer, agent, or employee on a part-time basis, such salary, or salary combined with bonus, shall be reduced in proportion to such part-time employment.

Awarding prohibited, when salary exceeding $17,500 paid.

Salary reduction, employment on part-time basis.

Services rendered and articles sold by Executive Department, etc.

SEC. 7. Whenever the President after investigation shall find that the charge or charges established by or in accordance with existing law for any service rendered or article sold by any executive department, commission, or other executive agency of the United States is less than the cost of such service or thing determined by the President in accordance with sound principles of accounting, he is hereby authorized, in his discretion, by Executive order to increase such charge or charges in such amount as he may determine will return to the Government the cost of such service. The authority granted to the President to order increases in charges hereunder shall cease upon the expiration of two years after the date of the enactment of this Act.

Executive order increasing charges for.

Termination of authority.

Retirement provision, employees having thirty years service.

Vol. 46, p. 468.

U.S.C., Supp. VI, p. 40.

SEC. 8. (a) Whenever at any time hereafter prior to July 1, 1935, any employee of the United States or the District of Columbia to whom the Civil Service Retirement Act, approved May 29, 1930 (U.S.C., Supp. VI, title 5, chap. 14), applies, who has an aggregate period of service of at least thirty years computed as prescribed in section 5 of such Act, is involuntarily separated from the service for reasons other than his misconduct, such employee shall be entitled to an annuity computed as provided in section 4 of such Act payable from the civil service retirement and disability fund less a sum equal to 3½ per centum of such annuity:

Annuity payment when involuntarily separated for other than misconduct.

Proviso. Deduction from annuity, when to cease.

Provided, That when an annuitant hereunder attains the age which would have been the retirement age prescribed for automatic separation from the service applicable to such annuitant had he continued in the service to such retirement age, such deduction from the annuity shall cease. If and when any such annuitant shall be reemployed in the service of the District of Columbia or the United States (including any corporation the majority of the stock of which is owned by the United States), the right to the annuity provided by this section shall cease and the subsequent annuity rights of such person shall be determined in accordance with the applicable provisions of retirement law existing at the time of the subsequent separation of such person from the service.

Reemployment of annuitant.

Determination of subsequent annuity rights.

Canal Zone employees. Vol. 46, p. 1471.

(b) Whenever at any time hereafter prior to July 1, 1935, any person to whom the Canal Zone Retirement Act, approved March 2, 1931 (Public, Numbered 781, Seventy-first Congress), applies, who has an aggregate period of service of at least thirty years computed as prescribed in section 7 of such Act, is involuntarily separated from the service for reasons other than his misconduct, such employee shall be entitled to an annuity computed as provided in section 6 of such Act payable from the Canal Zone retirement and disability fund less a sum equal to 5 per centum of such annuity: *Provided*, That when an annuitant hereunder attains the age at which he would have been entitled to retirement with annuity computed as provided in section 6 of such Act, such deduction from the annuity shall cease. If and when any such annuitant shall be reemployed in the service of the District of Columbia or the United States (including any corporation the majority of the stock of which is owned by the United States), the right to the annuity provided by this section shall cease and the subsequent annuity rights of such person shall be determined in accordance with the applicable provisions of retirement law existing at the time of the subsequent separation of such person from the service.

Annuity payment when involuntarily separated, etc.

Deduction.

Proviso. When deduction to cease.

Reemployment of annuitant.

Determination of subsequent annuity rights.

Furlough provision effective during fiscal year 1934. *Post*, p. 523.

SEC. 9. (a) Until July 1, 1934, in cases in which the number of officers and employees in any particular service is in excess of the number necessary for the requirements of such service, the heads of the several executive departments and independent establishments of the United States Government and the municipal government of the District of Columbia, respectively, are hereby authorized to furlough, without pay, any officers and employees carried on their respective rolls for such periods as in their judgment may be necessary to distribute, as far as practicable, employment on the available work in such service among all the officers and employees of such service, in rotation: *Provided*, That no employee under the classified civil service shall be furloughed under the provisions of this section for a total of more than ninety days during the fiscal year 1934, except after full and complete compliance with all the provisions of the civil service laws and regulations relating to reductions in personnel. Rules and regulations shall be promulgated by the President with a view to securing uniform action by the heads of the various executive departments and independent Government establishments in the application of the provisions of this section. The provisions of this section relating to furloughs shall not apply to carriers in the Rural Mail Delivery Service, but the President is authorized to suspend, or to reduce, for the duration of the fiscal year 1934, the allowance paid to such carriers for equipment maintenance.

Proviso. Limitation on furlough period.

Uniform application of provisions.

Rural Mail Delivery Service. Carriers excepted. Executive Order No. 6176, June 16, 1933.

Vol. 47, p. 407, repealed.

(b) Section 216 of the Legislative Appropriation Act for the fiscal year 1933, and such section as continued and amended for the fiscal year 1934, are hereby repealed.

Reduction of extra pay for flying duty authorized.

SEC. 10. The President is authorized, in his discretion, to suspend the extra pay or reduce the rate of extra pay allowed to commissioned officers, warrant officers, and enlisted men of the Army, Navy, Marine Corps, and Coast Guard while on flying duty, and to distinguish between degrees of hazard in various types of flying duty and make different rates of extra pay applicable thereto.

Naval Academy graduates. Vol. 22, p. 285. U.S.C., p. 1148.

SEC. 11. So much of the Act of August 5, 1882 (22 Stat. 285), as is contained in the proviso at the end of section 1057, title 34, United States Code, is hereby amended by repealing the words "and one year's sea pay", so that the said proviso will read as follows: "*Provided*, That if there be a surplus of graduates, those who do not receive such appointments shall be given a certificate of graduation and an honorable discharge."

Ante, p. 123.

Compensation reduction, employees, etc., of the insular possessions.

SEC. 12. From the date of the approval of this Act and until July 1, 1934, the compensation of all officers and employees of the insular possessions of the United States, including the Philippine Islands, which is now fixed by Acts of Congress and which is not subject to reduction under the provisions of title II of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, is hereby reduced 15 per centum: *Provided*, That nothing herein shall be construed as applying to officers whose compensation may not, under the Constitution, be diminished during their continuance in office.

Ante, p. 12.

Proviso. Exception, officers whose compensation may not be reduced under Constitution.

Judges, retirement pay. *Post*, p. 521.

SEC. 13. For the period of the fiscal year ending June 30, 1933, remaining after the date of the enactment of this Act, and during the fiscal year ending June 30, 1934, the retired pay of judges (whose compensation, prior to retirement or resignation, could not, under the Constitution, have been diminished) is reduced by 15 per centum.

Reduction during fiscal year 1934.

Federal employees. Reduction of disability compensation. Vol. 39, p. 742. U.S.C., p. 77.

SEC. 14. The compensation authorized by sections 3, 4, and 10 of the Act of September 7, 1916, as amended, accruing during the fiscal year 1934, shall be reduced below the amounts prescribed by the said Act by the same percentage as that prescribed for the reduction of compensation of officers and employees under section 3 of title II of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933: *Provided further*, That the monthly pay as defined in section 40 of the Act of September 7, 1916, shall be determined without regard to the temporary reductions in pay required by the Act of March 20, 1933: *Provided further*, That the funds made available for the purposes of the Act entitled "An Act for the relief of unemployment through the performance of useful public work, and for other purposes", approved March 31, 1933, shall be available for the payment of compensation for injuries as required by section 3 of said Act, but such payment shall be made through the Employees' Compensation Commission.

Ante, p. 13.

Provisos. Determination of monthly pay. Vol. 39, p. 750. U.S.C., p. 81.

Funds available. *Ante*, p. 23.

Payments through Employees Compensation Commission.

Pensions payable under private relief act. *Ante*, pp. 8, 11.

SEC. 15. For the fiscal year ending June 30, 1934, every pension payable under any private relief Act, not subject to the provisions of sections 1 and 17 of title I of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, shall, irrespective of the provisions of section 18 of title I of such Act, be reduced by the same percentage as that prescribed for the reduction of compensation of officers and employees under section 3 of title II of said Act.

Reduction of.

Assistant Solicitor General, Department of Justice. Appointment.

SEC. 16. (a) There shall be in the Department of Justice an Assistant Solicitor General to assist the Solicitor General in the performance of his duties, who shall be appointed by the President, by and with the advice and consent of the Senate. Said Assistant Solicitor General shall be allocated to the same classification grade and be paid the same rate of compensation as apply to Assistant

Allocation; compensation.

Position abolished.

Attorneys General and shall perform such additional duties as may be required of him by the Attorney General. (b) One of the existing positions of Assistant Attorney General is hereby abolished.

Classification Act of 1923.
Vol. 42, p. 1489; Vol. 45, p. 785; Vol. 46, p. 1003.
U.S.C., p. 65; Supp. VI, p. 31.
Adjustment of field service pay.

SEC. 17. That section 3 of the Act of Congress approved May 28, 1928, entitled "An Act to amend the salary rates contained in the compensation schedules of the Act of March 4, 1923, entitled 'An Act to provide for the classification of civilian positions within the District of Columbia and in the field services'", as amended by the Act of July 3, 1930, be further amended by adding thereto the following: "*Provided*, That in all cases where, since December 6, 1924, in such adjustment the position occupied by an employee has been or shall be allocated to a grade with a maximum salary below the salary received by the incumbent, the rate of pay fixed for such position prior to such allocation may be paid after the date of the enactment of this Act so long as the position is held by the incumbent occupying it at the time of such allocation and the Comptroller General of the United States is authorized and directed to allow credit in disbursing officers' accounts for all payments heretofore made at such higher rates."

Rate of pay when reclassification of position to lower grade.

Post office, Long Beach, Calif.
Modification of construction contract authorized.
Relief for earthquake damages.

SEC. 18. The Secretary of the Treasury is hereby authorized to effect a modification of the contract for the construction of the Long Beach (California) Post Office, so as to afford such relief as he deems to be proper for losses caused the contractor for restoration of damages to the building occasioned by the earthquake of March 10, 1933, and to make such structural and other changes in the building as may be necessary to minimize a recurrence of earthquake damage to the building: *Provided*, That the present appropriation for the Long Beach project shall be available for the purposes named, and that any additional cost incurred by reason of the above shall not exceed the present limit of cost: *Provided further*, That the contractor shall not be allowed any profit in connection with the restoration of such earthquake damages.

Sums available.

No profit to be allowed.

Emergency Farm Mortgage Act of 1933.
Ante, p. 49, amended.
Loans to drainage districts, etc., by Reconstruction Finance Corporation authorized.
Aggregate amount.

SEC. 19. Section 36 of the "Emergency Farm Mortgage Act of 1933", approved May 12, 1933, is hereby amended to read as follows:

"SEC. 36. The Reconstruction Finance Corporation is authorized and empowered to make loans as hereinafter provided, in an aggregate amount not exceeding $50,000,000 to or for the benefit of drainage districts, levee districts, levee and drainage districts, irrigation districts, and similar districts duly organized under the laws of any State, and to or for the benefit of political subdivisions of States, which prior to the date of enactment of this Act have completed projects devoted chiefly to the improvement of lands for agricultural purposes. Such loans shall be made for the purpose of enabling any such district or political subdivision (hereafter referred to as the "borrower") to reduce and refinance its outstanding indebtedness incurred in connection with any such projects, and shall be subject to the same terms and conditions as loans made under section 5 of the Reconstruction Finance Corporation Act, as amended; except that (1) the term of any such loan shall not exceed forty years; (2) each such loan shall be secured by bonds, notes, or other obligations which are a lien on the real property within the project or on the assessments, taxes, or other charges imposed by the borrower pursuant to State law, or by such other collateral as may be acceptable to the Corporation; (3) the borrower shall agree not to issue during the term of the loan any other bonds so secured except with the consent of the Corporation; (4) the borrower shall agree, insofar as it lawfully may, to pay to the Corporation, until all bonds or other obligations of the borrower acquired by the Corporation are retired, an amount equal to the amount by which the assessments, taxes, and other charges collected by the borrower exceed the cost of operation

Purpose to reduce, etc., outstanding indebtedness.

Terms and conditions.
Vol. 47, p. 6.

Security required.

Agreement respecting bond issues.
Repayment.

and maintenance of the project and maturities of interest and principal on its outstanding obligations, and (5) the borrower shall agree, to the satisfaction of the Corporation, to reduce, insofar as it lawfully may, the annual taxes, assessments, and other charges imposed by it for or on account of the project by an amount proportional to the reduction in the corresponding annual requirements for principal and interest of its outstanding indebtedness by reason of the operation of this section. No loan shall be made under this section until the Reconstruction Finance Corporation (A) has caused an appraisal to be made of the property securing and/or underlying the outstanding bonds of the applicant, (B) has determined that the project of the applicant is economically sound, and (C) has been satisfied that an agreement has been entered into between the applicant and holders of its outstanding bonds or other obligations under which the applicant will be able to purchase or refund all or a major portion of such bonds or other obligations at a price determined by the Corporation to be reasonable after taking into consideration the average market price of such bonds over the six months' period ending March 1, 1933, and under which a substantial reduction will be brought about in the amount of the outstanding indebtedness of the applicant."

Reduction of annual taxes, assessments, and charges.

Conditions of loan.
Appraisal of borrower's property.

Determination of economic soundness.
Corporation to approve refunding agreement between borrower and holders of outstanding bonds.

SEC. 20. The President is hereby authorized under the provisions of Public Law Numbered 2, Seventy-third Congress, to establish such number of special boards (the majority of the members of which were not in the employ of the Veterans' Administration at the date of enactment of this Act), as he may deem necessary to review all claims (where the veteran entered service prior to November 11, 1918, and whose disability is not the result of his own misconduct), in which presumptive service connection has heretofore been granted under the World War Veterans' Act, 1924, as amended, wherein payments were being made on March 20, 1933, and which are held not service connected under the regulations issued pursuant to Public Law Numbered 2, Seventy-third Congress. Members of such boards may be appointed without regard to the Civil Service laws and regulations, and their compensation fixed without regard to the Classification Act of 1923, as amended. Such special boards shall determine, on all available evidence, the question whether service connection shall be granted under the provisions of the regulations issued pursuant to Public Law Numbered 2, Seventy-third Congress (notwithstanding the evidence may not clearly demonstrate the existence of the disease or any specific clinical findings within the terms of or period prescribed by regulation 1, part 1, subparagraph (c), or instruction numbered 2, regulation numbered 1, issued under Public Law Numbered 2, Seventy-third Congress), and shall in their decisions resolve all reasonable doubts in favor of the veteran, the burden of proof in such cases being on the Government.

Board to review veterans claims in which presumptive service connection heretofore granted and denied.

Ante, p. 8.

Vol. 43, p. 607.

Appointment of members.

Determination of service connection.

Ante, p. 8.

Reasonable doubts; burden of proof.

Notwithstanding the provisions of section 17, title I, Public Numbered 2, Seventy-third Congress, any claim for yearly renewable term insurance on which premiums were paid to the date of death of the insured and any claim for pension, compensation allowance, or emergency officers' retirement pay under the provisions of laws repealed by said section 17 wherein claim was duly filed prior to March 20, 1933, may be adjudicated by the Veterans' Administration on the proofs and evidence received by the Veterans' Administration prior to March 20, 1933, and any person found entitled to the benefits claimed shall be paid such benefits in accordance with and in the amounts provided by such prior laws: *Provided*, That the payments hereby authorized to be made shall continue only to include June 30, 1933, and only one original adjudicatory

Adjudication of claims by Veterans' Administration when filed prior to March 20, 1933.

Ante, p. 11; *post*, p. 526.

Proviso.
Payments authorized; actions and appeals.

Burial expenses, veterans dying prior to March 20, 1933. *Ante*, p. 11.

action and one appeal may be had in such cases. Where a veteran died prior to March 20, 1933, under conditions which warrant the payment of, or reimbursement for, burial expenses, such payment or reimbursement may be made in accordance with the laws in effect prior to March 20, 1933, provided that claim for such payment or reimbursement must be filed within three months from the date of passage of this Act.

Filing claim.

Finality of Board decision.

Notwithstanding the provisions of Public Law Numbered 2, Seventy-third Congress, the decisions of such special boards shall be final in such cases, subject to such appellate procedure as the President may prescribe, and, except for fraud, mistake, or misrepresentation, 75 per centum of the payments being made on March 20, 1933, therein shall continue to October 31, 1933, or the date of special board decision, whichever is the earlier date: *Provided*, That where any case is pending before any one of the special boards on October 31, 1933, the President may provide for extending the time of payment until decision can be rendered. The President shall prescribe such rules governing reviews and hearings, as may be deemed advisable. Payment of salaries and expenses of such boards and personnel assigned thereto shall be paid out of and in accordance with appropriations for the Veterans' Administration.

Percentage of payments made on March 20, 1933, to continue.

Proviso.
Extension of time for Board decision.

Rules governing reviews and hearings.

Payment of salaries and expenses.

Limitation on reduction of payments for directly service-connected disabilities. *Ante*, p. 8; *post*, p. 524.

Notwithstanding any of the provisions of Public Law Numbered 2, Seventy-third Congress, in no event shall the rates of compensation payable for directly service-connected disabilities to those veterans who entered the active military or naval service prior to November 11, 1918, and whose disabilities are not the result of their own misconduct, where they were except by fraud, mistake, or misrepresentation, in receipt of compensation on March 20, 1933, be reduced more than 25 per centum, except in accordance with the regulations issued under Public Law Numbered 2, Seventy-third Congress, pertaining to Federal employees, hospitalized cases and cases of beneficiaries residing outside of the continental limits of the United States; and in no event shall death compensation, except by fraud, mistake, or misrepresentation, being paid to widows, children, and dependent parents of deceased World War veterans under the World War Veterans' Act of 1924, as amended, on March 20, 1933, be reduced or discontinued, whether the death of the veteran on whose account compensation is being paid was directly or presumptively connected with service.

Death compensation.

Minimum pension, 50 per centum disabled veteran of Spanish-American War, etc.

Notwithstanding any of the provisions of Public Law Numbered 2, Seventy-third Congress, any veteran of the Spanish-American War, including the Boxer rebellion and the Philippine insurrection, who served ninety days or more, was honorably discharged from the service, is fifty-five years of age or over, is 50 per centum disabled, and in need as defined by the President, shall be paid a pension of not less than $15 per month.

Short title.

SEC. 21. This Act hereafter may be referred to as the "Independent Offices Appropriation Act, 1934."

Approved, June 16, 1933, 1:25 p.m.

[CHAPTER 102.]

June 16, 1933.
[S. 813.]
[Public, No. 79.]

AN ACT

To remove the limitation on the filling of the vacancy in the office of senior circuit judge for the ninth judicial circuit.

Ninth Judicial Circuit.

Filling vacancy of judgeship in, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized, by and with the advice and consent of the Senate, to appoint a circuit judge to fill the vacancy in the United States Circuit Court of Appeals for the Ninth Judicial Circuit occasioned

by the death of Honorable William B. Gilbert. A vacany [1] occurring at any time in the office of circuit judge referred to in this section is authorized to be filled.

Vacancy hereafter to be filled.
Vol. 45, p. 1411.

Approved, June 16, 1933 4 p.m.

[CHAPTER 103.]

AN ACT

To provide for the survival of certain actions in favor of the United States.

June 16, 1933.
[S. 815.]
[Public, No. 80.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no civil action to recover damages, brought by the United States or in its behalf, or in which the United States shall be directly or indirectly interested, and pending against any defendant prior to the time of his death, in any court of the United States, shall abate by reason of the death of any such defendant; but any such action shall survive and be enforceable against the estate of any such deceased defendant. This Act shall not be construed to deprive the plaintiff in any such action of any remedy which he may have against a surviving defendant.

United States Courts.
Survival of civil actions for damages.

Rights against surviving defendant not affected.

Approved, June 16. 1933, 4:15 p.m.

[CHAPTER 104.]

AN ACT

To amend Public Act Numbered 435 of the Seventy-second Congress, relating to sales of timber on Indian land.

June 16, 1933.
[S. 1513.]
[Public, No. 81.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Act Numbered 435 of the Seventy-second Congress entitled "An Act to authorize the Secretary of the Interior to modify the terms of existing contracts for the sale of timber on Indian land when it is in the interest of the Indians so to do" is hereby amended by adding to the first section thereof the following proviso: "*Provided*, That the restrictions as to reducing prices below the basic sales prices shall not apply to the Klamath Indian Reservation in Oregon: *And provided further*, That the authority granted herein shall terminate one year from the date of enactment of this Act."

Timber sales, Indian lands.
Terms of existing contracts may be modified with consent of Indians.
Vol. 47, p. 1568.
Post, p. 397.
Provisos.
Klamath Indian Reservation, Oreg., excluded from provisions herein.
Time limitation.

Approved, June 16, 1933, 5 p.m.

[CHAPTER 105.]

AN ACT

To legalize the manufacture, sale, or possession of 3.2 per centum beer in the State of Oklahoma when and if the same is legalized by a majority vote of the people of Oklahoma or by act of the Legislature of the State of Oklahoma.

June 16, 1933.
[H.R. 5690.]
[Public, No. 82.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the manufacture, sale, and/or possession of 3.2 per centum beer is legalized in the State of Oklahoma when and if the same is legalized by a majority of the legal votes cast at an election held in said State, or by an act of the Legislature of the State of Oklahoma, and all Acts or parts of Acts in conflict therewith are hereby repealed.

Oklahoma.
Sale of 3.2 beer in, legalized.

Approved, June 16, 1933.

[1] So in original.

PUBLIC LAWS OF THE SEVENTY-THIRD CONGRESS

OF THE

UNITED STATES OF AMERICA

Passed at the second session, which was begun and held at the city of Washington, in the District of Columbia, on Wednesday, the third day of January, 1934, and was adjourned without day on Monday, the eighteenth day of June, 1934.

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President; KEY PITTMAN, President of the Senate *pro tempore;* HENRY T. RAINEY, Speaker of the House of Representatives.

[CHAPTER 1.]

AN ACT

To raise revenue by taxing certain intoxicating liquors, and for other purposes.

January 11, 1934.
[H.R. 6131.]
[Public, No. 83.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Liquor Taxing Act of 1934.

TITLE I

SECTION 1. This Act may be cited as the "Liquor Taxing Act of 1934".

Citation of Act.
Post, p. 538.

SEC. 2. Paragraphs (3) and (4) of subdivision (a) of section 600 of the Revenue Act of 1918, as amended (relating to the tax on distilled spirits generally and the tax on distilled spirits diverted for beverage purposes) [U.S.C., Sup. VI, title 26, sec. 1150 (a) (1) and (2)], are amended to read as follows:

Distilled spirits for beverage purposes.
Vol. 40, p. 1105; Vol. 44, p. 104.
U.S.C., Supp. VII, p. 609.

"(3) On and after January 1, 1928, and until the effective date of Title I of the Liquor Taxing Act of 1934, $1.10 on each proof gallon or wine gallon when below proof and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon; and

Existing tax rate continued until effective date of this title.

"(4) On and after the effective date of Title I of the Liquor Taxing Act of 1934, $2.00 on each proof gallon or wine gallon when below proof and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon."

New rates.

SEC. 3. Subdivision (c) of section 600 of the Revenue Act of 1918 (relating to the internal-revenue tax on imported perfumes containing distilled spirit) [U.S.C., Sup. VI, title 26, sec. 1150 (a) (4)], is amended by striking out "$1.10 per wine gallon" and inserting in lieu thereof "$2.00 per wine gallon".

Imported perfumes, containing distilled spirits.
Vol. 40, p. 1106; U.S.C., Supp. VII, p. 626.

SEC. 4. In lieu of the rate of drawback provided in section 3329 of the Revised Statutes, as amended [U.S.C., Sup. VI, title 26, sec. 1239], the rate of drawback allowed upon the exportation of distilled spirits exported on or after the effective date of this title shall be equal to the rate of the internal-revenue tax paid in respect of the distilled spirits exported but shall not exceed a rate of $2.00 per proof gallon.

Drawback on exported distilled spirits.
R.S., sec. 3329, p. 647; U.S.C., Supp. VII, p. 626.

SEC. 5. Section 3309 of the Revised Statutes, as amended (relating to the tax on deficiencies in distilled spirits production) [U.S.C., Sup. VI, title 26, sec. 1197], is amended by striking out "at the rate of $1.10" wherever such phrase appears and inserting in lieu thereof "at the rate of tax imposed by law".

Assessment for deficiencies in spirits production.
R.S., sec. 3309, p. 641; U.S.C., Supp. VII, p. 619.

Still wines.
Vol. 40, p. 1110; Vol. 45, p. 868; U.S.C., Supp. VII, p. 633.

SEC. 6. So much of section 611 of the Revenue Act of 1918, as amended (relating to the tax on still wines) [U.S.C., Sup. VI, title 26, sec. 1300 (a) (1)], as reads:

"On wines containing not more than 14 per centum of absolute alcohol, 4 cents per wine gallon, the per centum of alcohol taxable under this section to be reckoned by volume and not by weight;

"On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 10 cents per wine gallon;

"On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, 25 cents per wine gallon;

"All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall pay tax accordingly."

is amended to read as follows:

"On wines containing not more than 14 per centum of absolute alcohol, 10 cents per wine gallon, the per centum of alcohol under this section to be reckoned by volume and not by weight;

"On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 20 cents per wine gallon;

"On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, 40 cents per wine gallon;

Classed as distilled spirits, if over 24% alcohol.
Post, p. 315.

"All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall be taxed accordingly."

Sparkling wines, etc.
Vol. 40, p. 1110; Vol. 41, p. 521; U.S.C., Supp. VII, p. 633.

SEC. 7. So much of section 613 of the Revenue Act of 1918 [U.S.C., Sup. VI, title 26, sec. 1300 (a) (2)] as reads:

"On each bottle or other container of champagne or sparkling wine, 12 cents on each one-half pint or fraction thereof;

"On each bottle or other container of artificially carbonated wine, 6 cents on each one-half pint or fraction thereof;

"On each bottle or other container of liqueurs, cordials, or similar compounds, by whatever name sold or offered for sale, containing sweet wine fortified with grape brandy, 6 cents on each one-half pint or fraction thereof."

is amended to read as follows:

"On each bottle or other container of champagne or sparkling wine, 5 cents on each one-half pint or fraction thereof;

"On each bottle or other container of artificially carbonated wine, 2½ cents on each one-half pint or fraction thereof;

"On each bottle or other container of liqueurs, cordials, or similar compounds, by whatever name sold or offered for sale, containing sweet wine fortified with grape brandy, 2½ cents on each one-half pint or fraction thereof;

"Any of the foregoing articles containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall be taxed accordingly."

Grape brandy, etc., for wine fortification.
Vol. 40, p. 1110; U.S.C., Supp. VII, p. 633.

SEC. 8. Section 612 of the Revenue Act of 1918, as amended (relating to the tax on grape brandy and wine spirits withdrawn and used in the fortification of wines) [U.S.C., Sup. VI, title 26, sec. 1301], is amended by striking out "10 cents per proof gallon" and inserting in lieu thereof "20 cents per proof gallon".

Malt liquors, etc.
Vol. 40, p. 1109; U.S.C., Supp. VII, p. 636.

SEC. 9. (a) Section 608 of the Revenue Act of 1918, as amended (relating to the tax on malt liquors) [U.S.C., Sup. VI, title 26, sec. 1330 (a)], is amended by striking out "a tax of $6.00" and inserting in lieu thereof "a tax of $5.00".

Tax on nonintoxicating liquor.

(b) Subsection (a) of section 1 of the Act entitled "An Act to provide revenue by the taxation of certain nonintoxicating liquor,

and for other purposes", approved March 22, 1933, is hereby repealed. *Ante*, p. 16.

(c) Paragraph "First" of section 3244 of the Revised Statutes, as amended, is amended to read as follows: Occupational tax amendment. R.S., sec. 3244, p. 622; U.S.C., p. 740.

"First. Brewers shall pay $100 in respect of each brewery: *Provided*, That any brewer of less than 500 barrels a year shall pay the sum of $50. Every person who manufactures fermented liquors of any name or description for sale, from malt, wholly or in part, or from any substitute therefor, shall be deemed a brewer." Brewers' tax. *Ante*, p. 16. *Proviso.* "Brewer," defined.

SEC. 10. (a) Upon all distilled spirits produced in or imported into the United States upon which the internal-revenue tax imposed by law has been paid, and which, on the day this title takes effect, are held by any person and intended for sale or for use in the manufacture or production of any article intended for sale, there shall be levied, assessed, collected, and paid a floor tax equal to the amount if any, by which the tax provided for under this title exceeds the tax so paid, not including in the computation of the tax so paid the 30 cent tax imposed by section 605 of the Revenue Act of 1918. Floor taxes. Distilled spirits.

(b) Upon all articles specified in section 6 or 7 of this title produced in or imported into the United States upon which the internal-revenue tax imposed by law has been paid, and which, on the day this title takes effect, are held by any person and intended for sale or for use in the manufacture or production of any article intended for sale, there shall be levied, assessed, collected, and paid a floor tax equal to the amount, if any, by which the tax provided for under such sections of this title exceeds the tax so paid, not including in the computation of the tax so paid the 30 cent tax imposed by section 605 of the Revenue Act of 1918. Wines, etc. *Ante*, p. 314.

(c) Upon all wines held by the producer thereof upon the day this title takes effect and intended for sale or for use in the manufacture or production of any article intended for sale, there shall be levied, assessed, collected, and paid a floor tax equal to the amount, if any, by which the tax provided for under section 8 of this title exceeds the tax paid upon the grape brandy or wine spirits used in the fortification of such wine. Grape brandy for fortifying wines.

(d) The person required by this section to pay any floor tax shall, within thirty days after the effective date of this title, make return under oath in such form and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Payment of the tax shown to be due may be extended to a date not exceeding seven months after the effective date of this title, upon the filing of a bond for payment in such form and amount and with such sureties as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. All provisions of law (including penalties) applicable in respect of internal-revenue taxes on distilled spirits or wines shall, in so far as applicable and not inconsistent with this section, be applicable in respect of the taxes imposed by this section. Assessment and collection provisions.

(e) As used in this section and in Title II, the term "person" includes an individual, a partnership, an association, and a corporation; and the term "distilled spirits" includes products produced in such manner that the person producing them is a rectifier within the meaning of section 3244 of the Revised Statutes, as amended. Terms defined. "Person"; "distilled spirits." Rectifier. R.S., sec. 3244, p. 622.

SEC. 11. As used in this Act, the term "internal-revenue taxes" does not include taxes imposed under the Agricultural Adjustment Act. Taxes under Agricultural Adjustment Act, not included herein.

Advertisements, etc., by mail; provisions repealed.
Vol. 39, p. 1069; U.S.C., p. 488; Supp. VII, p. 350.
Ante, p. 17.

SEC. 12. That section 5 of the Act entitled "An Act making appropriations for the Post Office Department for the year ending June 30, 1918", approved March 3, 1917, as amended, is amended to read as follows:

Shipments, etc., of, contrary to State, etc., laws; punishment for.

"SEC. 5. Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, and mechanical purposes, into any State, Territory, or the District of Columbia, the laws of which prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes, shall be fined not more than $1,000 or imprisoned not more than six months, or both; and for any subsequent offense shall be imprisoned not more than one year."

Ethyl alcohol for Government, etc., use.
Vol. 40, p. 329.

Nothing in this Act shall be construed to amend or repeal any provision of section 1110 of the Revenue Act of 1917.

Effective date of title.

SEC. 13. This title shall take effect on the day following its enactment.

Internal revenue.

TITLE II

Affixing tax-paid stamps to containers.

SEC. 201. No person shall (except as provided in section 202) transport, possess, buy, sell, or transfer any distilled spirits, unless the immediate container thereof has affixed thereto a stamp denoting the quantity of distilled spirits contained therein and evidencing payment of all internal-revenue taxes imposed on such spirits. The provisions of this title shall not apply to—

Exceptions.

(a) Distilled spirits placed in a container for immediate consumption on the premises or for preparation for such consumption;

(b) Distilled spirits in bond or in customs custody;

(c) Distilled spirits in immediate containers required to be stamped under existing law;

(d) Distilled spirits in actual process of rectification, blending, or bottling, or in actual use in processes of manufacture;

(e) Distilled spirits on which no internal-revenue tax is required to be paid;

(f) Distilled spirits not intended for sale or for use in the manufacture or production of any article intended for sale; or

(g) Any regularly established common carrier receiving, transporting, delivering, or holding for transportation or delivery distilled spirits in the ordinary course of its business as a common carrier.

Stamps on present stock.

SEC. 202. Every person who, on the effective date of this title, holds for sale (or use in the manufacture or production of an article intended for sale) any distilled spirits in containers required to be stamped by section 201, on which all internal-revenue taxes have been paid, may possess such spirits, but shall, not later than the tenth day after such date, apply for, and shall be sold (in accordance with section 203) the requisite stamps. Such stamps shall be promptly affixed to the immediate containers of such spirits, except that when such spirits contained in bottles in closed cases are held for sale or sold otherwise than at retail, such stamps need not be affixed until the cases are opened or sold at retail, when such stamps shall be immediately affixed to the bottles, but such stamps shall be sold or transferred in connection with any sale or transfer of such spirits and the person in possession of such spirits shall be in possession of such stamps therefor.

Purchase and issue of stamps.

SEC. 203. Any person placing or intending to place any distilled spirits upon which all internal-revenue taxes have been paid into any container upon which a stamp is required by this title, or withdrawing or intending to withdraw any imported spirits in such containers from customs custody, shall be entitled to purchase sufficient stamps for stamping such containers. Such stamps shall be

issued by the Commissioner of Internal Revenue to each Collector of Internal Revenue, upon his requisition, in such numbers as may be necessary in his district, and shall be sold by the Collectors to persons entitled thereto upon application therefor and compliance with regulations under this title, at a price of 1 cent for each stamp, except that in the case of stamps for containers of less than one half pint the price shall be one quarter of 1 cent for each stamp. When in his judgment there is no danger to the revenue, and upon the giving of such bonds or other security as he may deem necessary, the Commissioner may authorize (1) the sale prior to the effective date of this title of such stamps and (2) the sale of such stamps to importers for stamping containers in the country from which imported.

Defacing stamps.

SEC. 204. Every person emptying any container stamped under the provisions of this title shall at the time of emptying such container destroy the stamp thereon.

Regulations to be prescribed.

SEC. 205. The Commissioner, with the approval of the Secretary of the Treasury, shall prescribe (a) regulations with respect to the time and manner of applying for, issuing, affixing, and destroying stamps required by this title, the form and denominations of such stamps, proof that applicants are entitled to such stamps, and the method of accounting for receipts from the sale of such stamps, and (b) such other regulations as he shall deem necessary for the enforcement of this title.

Forfeiture of spirits, unstamped container.

SEC. 206. All distilled spirits found in any container required to bear a stamp by this title, which container is not stamped in compliance with this title and regulations issued thereunder, shall be forfeited to the United States. Distilled spirits placed in such containers prior to the effective date of this title shall not be subject to this section until the expiration of 10 days after the effective date of this title, nor (when it is established that application for stamps therefor was made within the proper time) until such stamps are received by the applicant.

Existing stock.

Violations and penalties.

Counterfeiting, etc., stamps.

SEC. 207. Any person who violates any provision of this title, or who, with intent to defraud, falsely makes, forges, alters, or counterfeits any stamp made or used under this title, or who uses, sells, or has in his possession any such forged, altered, or counterfeited stamp, or any plate or die used or which may be used in the manufacture thereof, or any stamp required to be destroyed by this title, or who makes, uses, sells, or has in his possession any paper in imitation of the paper used in the manufacture of any such stamp, or who reuses any stamp required to be destroyed by this title, or who places any distilled spirits in any bottle which has been filled and stamped under this title without destroying the stamp previously affixed to such bottle, or who affixes any stamp issued under this title to any container of distilled spirits on which any tax due is unpaid, or who makes any false statement in any application for stamps under this title, or who has in his possession any such stamps obtained by him otherwise than as provided in sections 202 and 203, or who sells or transfers any such stamp otherwise than as provided in section 202, shall on conviction be punished by a fine not exceeding $1,000, or by imprisonment at hard labor not exceeding five years, or by both. Any officer authorized to enforce any provisions of law relating to internal revenue stamps is authorized to enforce the provisions of this section and the provisions of section 7 of the Act of March 3, 1897, relating to the bottling of distilled spirits in bond.

Reuse or misuse.

Ante, p. 316.

Enforcement.

Vol. 29, p. 628. U.S.C., p. 767.

Effective date of title.

SEC. 208. This title shall take effect on the thirtieth day following the date of the enactment of this Act, except that if on or before the twentieth day following the date of the enactment of this Act

the Secretary of the Treasury finds that it is impracticable to put this title into effect on the thirtieth day following the date of the enactment of this Act and so proclaims, specifying the date, not later than the sixtieth day following the date of the enactment of this Act, on which it will be practicable to put this title into effect, this title shall take effect on the date specified in such proclamation. Notwithstanding the previous provisions of this section, this section and sections 202, 203, and 205 shall take effect on the date of the enactment of this Act.

Effective date of designated sections.

Approved January 11, 1934, 11.50 p.m.

[CHAPTER 2.]

JOINT RESOLUTION

January 18, 1934.
[H.J.Res. 228.]
[Pub. Res., No. 12.]

To provide for certain expenses incident to the second session of the Seventy-third Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of certain expenses incident to the second session of the Seventy-third Congress, namely:

Appropriations for certain legislative expenses, second session, Seventy-third Congress.

Senate.

SENATE

Mileage.

For mileage of Senators, $38,250.

House of Representatives.

HOUSE OF REPRESENTATIVES

Mileage, etc.

For mileage of Representatives, the Delegate from Hawaii, and the Resident Commissioner from Puerto Rico, and for expenses of the Delegate from Alaska and the Resident Commissioners from the Philippine Islands, $131,250.

Stationery.

For stationery for Representatives, Delegates, and Resident Commissioners, including $4,400 for stationery for the use of the committees and officers of the House, $44,000, to be available for expenditure notwithstanding the provisions of section 304 of the Act of June 30, 1932 (47 Stat. 408), as continued and made applicable to the fiscal year 1934 by section 4 (a), Title II, of the Act of March 20, 1933 (48 Stat. 13): *Provided*, That from such sum each Representative, Delegate, and Resident Commissioner shall be allowed $90 for stationery allowance or commutation therefor.

Limitations waived.
Vol. 47, p. 408.
Ante, p. 13.

Proviso.
Stationery allowance.

Approved, January 18, 1934.

[CHAPTER 3.]

AN ACT

January 20, 1934.
[S. 2125.]
[Public, No. 84.]

To continue the functions of the Reconstruction Finance Corporation, to provide additional funds for the Corporation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until February 1, 1935, or such earlier date as the President may fix by proclamation, the Reconstruction Finance Corporation is hereby authorized to continue to perform all functions which it is authorized to perform under existing law, and the liquidation and winding up of its affairs as provided for by section 13 of the Reconstruction Finance Corporation Act, as amended, are hereby postponed during the period that the functions of the Corporation are continued pursuant to this Act.

Reconstruction Finance Corporation.
Functions, etc., continued.
Vol. 47, p. 5.

Liquidation, etc., postponed.
Vol. 47, p. 10.

SEC. 2. No funds shall be disbursed on any commitment or agreement to make a loan or advance hereafter made by the Reconstruction Finance Corporation after the expiration of one year from the date of such commitment or agreement; but within the period of such one-year limitation no provision of law terminating any of the functions of the Reconstruction Finance Corporation shall be construed to prohibit disbursement of funds on prior commitments or agreements to make loans or advances.

No disbursement on any loan commitment, etc., after one year.

Prior agreements not affected.

SEC. 3. The amount of notes, debentures, and bonds or other such obligations which the Reconstruction Finance Corporation is authorized and empowered to have outstanding at any one time pursuant to section 9 of the Reconstruction Finance Corporation Act, as amended, is hereby increased by $850,000,000.

Corporation notes, etc., increased.
Ante, p. 50.
Vol. 47, p. 9.

Approved, January 20, 1934.

[CHAPTER 4.]

AN ACT

To control the manufacture, transportation, possession, and sale of alcoholic beverages in the District of Columbia.

January 24, 1934.
[H.R. 6181.]
[Public, No. 85.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Prohibition Act, as amended and supplemented, insofar as it affects the manufacture, sale, and possession in the District of Columbia, and the transportation in, into, and from the District of Columbia, of alcoholic beverages, is hereby repealed, with the exception of title III, and section 4 of title II insofar as it affects denatured alcohol.

District of Columbia Alcoholic Beverage Control Act.
Post, p. 349.
National Prohibition Act; certain limitations not to apply hereunder.
Vol. 41, pp. 309, 319; U.S.C., pp. 854, 861.

SEC. 2. This Act may be cited as the "District of Columbia Alcoholic Beverage Control Act." It shall apply only to the District of Columbia and shall not authorize the delivery of alcoholic beverages outside of the District of Columbia in violation of the law of the place of delivery.

Title.

Territory embraced.

SEC. 3. In the interpretation of this Act, unless the context indicates a different meaning:

Definitions.

(a) The word "alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, from whatever source or by whatever processes produced.

"Alcohol."

(b) The word "spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, including brandy, rum, whisky, cordials, and gin.

"Spirits."

(c) The word "wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling, artificially carbonated and fortified wine. No other product obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar shall be called "wine" unless designated by appropriate prefix descriptions of the fruit or other product from which the same was predominently produced, or as artificial or imitation wine. Light wines shall mean wines containing 14 per centum or less of alcohol by volume, other than champagne.

"Wine."

U.S.C., p. 768.

(d) The word "beer" means any fermented beverages of any name or description manufactured from malt, wholly or in part, or from any substitute therefor.

"Beer."

"Alcoholic beverage", etc.

(e) The words "alcoholic beverage" or "beverage" include the four varieties of liquor above defined (alcohol, spirits, wine, and beer) and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties above defined is considered as belonging to that variety which has the higher percentage of alcohol, according to the order in which they are above defined, except as provided in subsection (c) hereof. The provisions of this section and of this Act shall not apply to any liquid or solid containing less than one half of 1 per centum of alcohol by volume, nor shall anything contained in this Act be construed as affecting the manufacture of apple cider or the sale thereof.

Containing more than one of foregoing ingredients.

Less than one half of 1 percent excluded.

Apple cider.

"Board."

(f) The word "Board" shall mean the Alcoholic Beverage Control Board created by this Act.

"Club."

(g) The word "club" means a corporation for the promotion of some common object (not including corporations organized for any commercial or business purpose, the object of which is money profit), owning, hiring, or leasing a building or space in a building of such extent and character as in the judgment of the Board may be suitable and adequate for the reasonable and comfortable use and accommodations of its members and their guests, and including such space outside of the building and adjoining it as may be approved by the Board, and provided with such suitable and adequate kitchen and dining room space and equipment, implements, and facilities, and employing such a sufficient number of employees for cooking, preparing, and serving meals for its members and their guests, as shall satisfy the Board that the sale of beverages intended is not more than an incident to and is not the prime source of revenue from such space; and the affairs and management of such corporation are conducted by a board of directors, executive committee, or similar body chosen by the members at least once each calendar year and no officer, agent, or employee of the club is paid directly or indirectly, or receives in the form of salary or other compensation, any profit from the disposition or sale of beverages to the club or to the members of the club or guests introduced by members, beyond the amount of such salary as may be fixed and voted by the members, or by its directors, or other governing body.

"Commissioners."

(h) The word "Commissioners" shall mean the Commissioners of the District of Columbia.

"District."

(i) The word "District" shall mean the District of Columbia.

"Hotel"; to contain 30 or more rooms, etc.

(j) The word "hotel" means a suitable building or other structure, approved by the Board, including such suitable space outside of the building and adjoining it as may be approved by the Board, kept, used, maintained, advertised, or held out to the public to be a place where meals are served and sleeping accommodations offered for pay to transient guests; in which thirty or more rooms are used for the sleeping accommodations of such transient guests, and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building or in connecting buildings, and such building or buildings, structure or structures being provided with such adequate kitchen and dining room equipment and capacity and having employed therein such number and kinds of employees for preparing, cooking, and serving meals for its guests as shall satisfy the Board that such dining room is intended for use primarily as a place for preparing, cooking, and serving meals and that the chief source of revenue to be derived from the operation of such dining

room shall be from the preparation, cooking, and serving of meals and not from the sale of beverages. No such dining room shall be considered suitable if any business is conducted therein other than the preparation, cooking, and serving of meals, except such a business as is incidental to a bona fide dining room. Dining room restrictions.

(k) The word "manufacture" shall include rectification. "Manufacture."

(l) The word "meals" means the usual assortment of foods commonly ordered at various hours of the day; and such food and victuals as sandwiches and salads shall not be regarded as a "meal." "Meals."

(m) The word "person" includes an individual, partnership, corporation, and association. "Person."

(n) The word "restaurant" means a suitable space in a suitable building, approved by the Board, including such suitable space outside of the building and adjoining it as may be approved by the Board, kept, used, maintained, advertised, or held out to the public to be a place where meals are served, such space being provided with such adequate kitchen and dining room equipment and capacity, and having employed therein such number and kinds of employees for preparing, cooking, and serving meals for its guests as shall satisfy the Board that such space is intended for use primarily as a place for preparing, cooking, and serving meals, and that the chief source of revenue to be derived from the operation of such place shall be from the preparation, cooking, and serving of meals and not from the sale of beverages. No such space shall be considered suitable if any business is conducted therein other than the preparation, cooking, and serving of meals, except such a business as is incidental to a bona fide restaurant. "Restaurant." Restrictions.

(o) The word "sell" or "sale" shall include offering for sale, keeping for sale, trafficking in, bartering, delivering for value, exchanging for goods, or in any way other than purely gratuitously, and every delivery of any alcoholic beverage made otherwise than by purely gratuitous title shall constitute a sale. "Sell" or "sale."

(p) The word "table" shall not include a counter, bar, or similar contrivance. "Table."

(q) The word "tavern" means a suitable space in a suitable building approved by the Board, including such suitable space outside of the building and adjoining it, as may be approved by the Board, kept, used, maintained, advertised, or held out to the public to be a place where sandwiches or light lunches are prepared and served for consumption on the premises in such quantities as to satisfy the Board that the sale of beer intended is no more than an incident to and is not the prime source of revenue of such "tavern." "Tavern."

SEC. 4. The Commissioners of the District of Columbia, within fifteen days after the approval of this Act, shall appoint a Board of three persons, subject to removal by the Commissioners, to be called the "Alcoholic Beverage Control Board", each of the members of which shall be a citizen of the United States and a resident of the District of Columbia for at least three years immediately preceding his appointment and have during that period claimed residence nowhere else. Of the three persons first appointed as members of said Board, one shall be appointed for two years, one for three years and one for four years, and thereafter all appointments shall be for the term of four years, except such appointments as may be made for the remainder of unexpired terms. Vacancies caused by death, resignation or otherwise shall be filled by the Commissioners only for the unexpired terms. Members shall be eligible for reappointment. The Commissioners shall designate one of the members of the Board to be chairman thereof. The salary of each of the members of the Board shall be $5,000 per annum. The Commissioners Alcoholic Beverage Control Board appointed. Qualifications, tenure of office, etc. Chairman. Salaries, etc.

Personnel; salaries under Classification Act.

U.S.C., p. 65; Supp. VII, p. 34.

are authorized to employ such other personal services, including three additional assistant corporation counsel, as may be necessary to carry out the provisions of this Act, and to provide for the expenses of the Board. The salaries of employees, other than members of the Board, shall be fixed in accordance with the provisions of the Classification Act of 1923, as amended. The Commissioners shall include in their annual estimates such amounts as may be required for the salaries and expenses herein authorized.

Interest in alcoholic beverages restricted.

SEC. 5. No member or employee of the Board, directly or indirectly, individually, or as a member of a partnership or association, or stockholder in a corporation shall have any interest whatsoever in dealing in, manufacturing, transporting, or storing alcoholic beverages, nor receive any commission or profit whatsoever from any person authorized by virtue of this Act to manufacture or sell alcoholic beverages. No provision of this section, however, shall prevent any such member or such employee from purchasing, transporting, and keeping in his possession any alcoholic beverage for the personal use of himself or members of his family or guests.

Revocation, etc., of licenses.

SEC. 6. The right, power, and jurisdiction to issue, transfer, and revoke all licenses under this Act shall be vested solely in the Board, and the action of the Board on any question of fact shall be final and conclusive; except that, in case a license is revoked by the

Appeals allowed.

Board, the licensee may, within ten days after the order of revocation is entered, appeal in writing to the Commissioners to review said action of the Board, the hearings on said appeal to be submitted either orally or in writing at the discretion of the Commissioners, and the Commissioners shall not be required to take evidence, either oral,

License suspended pending appeal.

written, or documentary. The decision of the Commissioners on any question of fact involved in such appeal shall be final and conclusive. Pending such appeal the license shall stand suspended unless the Commissioners shall otherwise order.

Additional powers, duties, etc.

Said Board shall have such other authority and perform such other duties as the Commissioners may, by regulation, prescribe.

Rules, etc., to be prescribed.

SEC. 7. The Commissioners are hereby authorized to prescribe such rules and regulations not inconsistent with this Act as they may deem necessary to carry out the purposes thereof and to control and regulate the manufacture, sale, keeping for sale, offer for sale, solicitation of orders for sale, importation, exportation, and transportation of alcoholic beverages in the District of Columbia for the protection of the public health, comfort, safety, and morals.

Licenses, etc.

The Commissioners shall have specific authority to make rules and regulations for the issuance, transfer, and revocation of licenses; to facilitate and insure the collection of taxes; to govern the operation of the business of licensees, with full power and authority to prescribe the terms and conditions under which alcoholic beverages may be sold by each class of licensees; to forbid the issuance of licenses for manufacture, sale, or storage of alcoholic beverages in such localities in, and such sections and portions of, the District of Columbia

Limitations; number, locality, etc.

as they may deem proper in the public interest; to limit the number of licenses of each class to be issued in the District of Columbia and to limit the number of licenses of each class in any locality in, or sections or portions of, the District of Columbia as they may deem proper in the public interest; to forbid the issuance of licenses for businesses conducted on such premises as they, in the public interest, may deem inappropriate; to forbid the issuance of any class or classes of licenses for businesses established subsequent to the date of enactment of this Act near or around schools, colleges, universities, churches, or public institutions, to prescribe the hours during which

beverages may be sold and to forbid the sale on Sundays; but the Commissioners shall not authorize the sale by any licensee, other than the holder of a retailer's license, class E, of any beverages on Sundays other than light wines and beer, and any such sale is hereby prohibited. The powers and authorities expressly enumerated are to be construed as in addition to, and not by way of limitation of, the general powers herein granted. Different regulations may be prescribed for the different classes of licenses, for the different classes of beverages, and for different localities in or sections or portions of the District of Columbia.

Sunday sales.

Additional powers hereby vested.

Any regulations promulgated hereunder shall become effective five days after being published in any daily newspaper of general circulation in the District of Columbia. Such regulations may be altered or amended from time to time as the Commissioners may deem desirable. The Commissioners shall also have authority in any time of public emergency, without previous notice or advertisement, to prohibit the sale of any or all beverages during the period of such emergency.

Effective date of regulations.

Emergency exceptions.

SEC. 8. No provision of this Act shall apply to alcohol intended for use in the manufacture and sale of any of the following when they are unfit for beverage purposes, namely:

Alcohol for non-beverage purposes.

(a) Denatured alcohol produced and used pursuant to Acts of Congress and regulations promulgated thereunder;

(b) Patent, proprietary, medicinal, pharmaceutical, antiseptic and toilet preparations;

(c) Flavoring extracts, syrups, and food products;

(d) Scientific, chemical, mechanical, and industrial products.

Any person who shall knowingly sell any of the products enumerated in paragraphs (a), (b), (c), or (d), for beverage purposes, or who shall sell any of the same under circumstances from which he might reasonably deduce the intention of the purchaser to use them for such purposes, shall be subject to the penalties provided for in section 33 of this Act.

Penalty for unlawful sales.

Post, p. 336.

SEC. 9. (a) No individual, partnership, association, or corporation shall, within the District of Columbia, manufacture for sale, keep for sale, or sell any alcoholic beverage without having first obtained a license under this Act for such manufacture or sale, except as provided in sections 31 and 32 hereof.

Licenses.
Manufacture, sale, etc., without, forbidden.
Exception.
Post, p. 335.

(b) No individual shall, within the District of Columbia, offer for sale or solicit any order for the sale of any alcoholic beverage, irrespective of whether such sale is to be made within or without the District of Columbia, unless such individual has first obtained a license of the character described in section 11, subsection (k).

Solicitor to obtain, regardless of place of sale.
Post, p. 327.

Nothing in this subsection shall apply to any offer for sale or solicitation made upon the premises designated in the license of the vendor.

"On premises" excepted.

No individual shall within the District of Columbia offer any beverage for sale to, or solicit orders for the sale of any beverage from, any person not a licensee under this Act, irrespective of whether such sale is to be made within or without the District of Columbia.

Trading with a non-licensee forbidden.

(c) A physician may administer alcoholic beverages to a bona fide patient in cases of actual need when, in the judgment of the physician, the use of alcoholic beverages is necessary.

Physician.

(d) A dentist who deems it necessary that a bona fide patient being then under treatment by him is in actual need of and should be supplied with alcoholic beverages as a stimulant or restorative, may administer to the patient alcoholic beverages.

Dentist.

Veterinarian.

(e) A veterinarian who deems it necessary may, in the course of his practice, administer or cause to be administered alcoholic beverages to a dumb animal.

Hospital, etc.

(f) A person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, may administer or cause to be administered alcoholic beverages to any bona fide patient or inmate of the institution who is in need of the same, either by way of external application or otherwise for emergency medicinal purposes, and may charge for the alcoholic beverages so administered.

Licenses, to whom may be issued.

SEC. 10. The Board is authorized to issue licenses to individuals, partnerships, or corporations, but not to unincorporated associations, on application duly made therefor, for the manufacture, sale, offer for sale or solicitation of orders for sale of alcoholic beverages within the District of Columbia. The Board shall keep a full record of all applications for licenses, and of all recommendations for and remonstrances against the granting of licenses and of the action taken thereon.

Records of applications for.

License classifications.

SEC. 11. Licenses issued under authority of this Act shall be of eleven kinds:

Manufacturer's, class A.

(a) MANUFACTURER'S LICENSE, CLASS A.—To operate a rectifying plant, a distillery, or a winery. Such a license shall authorize the holder thereof to operate a rectifying plant for the manufacture of the products of rectification by purifying or combining alcohol, spirits, wine, or beer; a distillery for the manufacture of alcohol or spirits by distillation or redistillation; or a winery for the manufacture of wine; at the place therein described, but such license shall not authorize more than one of said activities, namely, that of a rectifying plant, a distillery or a winery, and a separate license shall be required for each such plant. Such a license shall also authorize the sale from the licensed place of the products manufactured under such license by the licensee to another license holder for resale or to a dealer outside of the District of Columbia for resale. It shall not authorize the sale of beverages to any other person except as may be provided by regulations promulgated by the Commissioners under this Act. The annual fee for such license for a rectifying plant shall be $3,500; for a distillery shall be $3,500; and for a winery shall be $500: *Provided, however*, That if a manufacturer shall operate a distillery only for the manufacture of alcohol and more than 50 per centum of such alcohol is sold for nonbeverage purposes, the annual fee shall be $1,000. If said manufacturer holding a license issued at the rate last mentioned shall sell during any license period 50 per centum or more of said alcohol for beverage purposes, he shall pay to the Collector of Taxes the difference between the license fee paid and the license fee for a distiller of spirits.

Separate license for each plant.
Further provisions.

Annual fee.

Proviso.
Nonbeverage distillery.

If 50% or more alcohol is sold for beverage purposes.

Manufacturer's, class B.

(b) MANUFACTURER'S LICENSE, CLASS B.—To operate brewery. Such a license shall authorize the holder thereof to operate a brewery for the manufacture of beer at the place therein described. It shall also authorize the sale from the licensed place of the beer manufactured under such license to another license holder for resale or to a dealer outside of the District of Columbia for resale, or to a consumer. Said manufacturer may sell beer to the consumer only in barrels, kegs, and sealed bottles and said barrels, kegs, and bottles shall not be opened after sale, nor the contents consumed, on the premises where sold. The annual fee for such license shall be $2,500.

"On sale" by, forbidden.

Annual fee.

Wholesalers', Class A.

(c) WHOLESALERS' LICENSE, CLASS A.—Such a license shall authorize the holder thereof to sell beverages from the place therein described to another license holder for resale or to a dealer outside of the District of Columbia for resale and, in addition, in the case of beer or light wines, to a consumer, said beverages to be sold only in barrels, kegs, sealed bottles, and other closed containers, which said barrels, kegs, sealed bottles, and other closed containers shall not be opened after sale, nor the contents consumed, on the premises where sold.

Post, p. 654.

Restriction on use of premises.

No holder of such a license except a wholesale druggist or a wholesale grocer shall be engaged in any business on the premises for which the license is issued other than the sale of alcoholic and nonalcoholic beverages.

Annual fee.

The annual fee for such license shall be $1,500.

Wholesaler's, Class B.

(d) WHOLESALER'S LICENSE, CLASS B.—Such a license shall authorize the holder thereof to sell beer and light wines from the place therein described to another license holder for resale or to a dealer outside of the District of Columbia for resale or to a consumer in barrels, kegs, sealed bottles, and other closed containers, which said barrels, kegs, sealed bottles, and other closed containers shall not be opened after sale nor the contents consumed on the premises where sold.

Annual fee.

The annual fee for such license shall be $750.

Retailer's, Class A. "Off sale" of all alcoholic beverages.

(e) RETAILER'S LICENSE, CLASS A.—Such a license shall authorize the holder thereof to sell beverages from the place therein described and to deliver the same in the barrel, keg, sealed bottle, or other closed container in which the same was received by the licensee, which said barrel, keg, sealed bottle, or other closed container shall not be opened nor the contents consumed on the premises where sold. Such license shall not authorize the licensee to sell to other licensees for resale.

Restriction.

Annual fee.

The annual fee for such license shall be $750.

Retailer's, Class B. "Off sale" of beer and light wines.

(f) RETAILER'S LICENSE, CLASS B.—Such a license shall authorize the holder thereof to sell beer and light wines from the place therein described and to deliver the same in the barrel, keg, sealed bottle, or other closed container in which the same was received by the licensee, which said barrel, keg, sealed bottle, or other closed container shall not be opened nor the contents consumed on the premises where sold. Such license shall not authorize the licensee to sell to other licensees for resale.

Restriction.

Annual fee.

The annual fee for such license shall be $100.

Retailer's, Class C. Restaurants, hotels, etc., serving meals.

Sale of spirits, for consumption on premises.

(g) RETAILER'S LICENSE, CLASS C.—Such a license shall be issued only for a bona fide restaurant, hotel, or club, or a passenger-carrying marine vessel serving meals, or a club car or a dining car on a railroad. It shall authorize the holder thereof to keep for sale and to sell spirits, wine and beer at the place therein described for consumption only in said place. Except in the case of clubs and hotels no beverage shall be sold or served to a customer in any closed container. In the case of restaurants and passenger-carrying marine vessels and club cars or dining cars on a railroad, said spirits and wine, except light wines, shall be sold or served only to persons seated at public tables and beer and light wines shall be sold and served only to persons seated at public tables or at bona fide lunch counters, except that spirits, wine, and beer may be sold or served to assemblages of more than six individuals in a private room when such room has been previously approved by the Board. In the case of hotels, said beverages may be sold and served only in the private room of a registered guest or to persons seated at public tables or to assemblages of more than six individuals in a private room, when

such room has been previously approved by the Board. Beer and light wines may also be sold and served to persons seated at bona fide lunch counters. And in the case of clubs, said beverages may be sold and served in the private room of a member or guest of a member, or to persons seated at tables. No license shall be issued to a club which has not been established for at least three months immediately prior to the making of the application for such license.

Annual fees.

The fee for such a license shall be for a restaurant, $500 per annum; for a hotel, under one hundred rooms, $500 per annum; for a hotel of one hundred or more rooms, $1,000 per annum; for a club, $250 per annum; for a marine vessel serving meals, $50 per month or $500 per annum; and for each railroad dining car or club car, $2 per month or $20 per annum.

Retailer's, Class D. Sales of beer and light wines by restaurants, etc., serving meals.

(h) RETAILER'S LICENSE, CLASS D.—Such a license shall be issued only for a bona fide restaurant, tavern, hotel, or club, or a passenger-carrying marine vessel serving meals, light lunches, or sandwiches,

"On premises" only.

or a club car or a dining car on a railroad. Such a license shall authorize the holder thereof to sell beer and light wines at the place

Closed containers.

therein described for consumption only in said place. Except in the case of clubs and hotels, no beer or light wines shall be sold

Served at public tables or bona fide lunch counters only.

or served to a customer in any closed container. In the case of restaurants, taverns, and passenger-carrying marine vessels and club cars or dining cars on a railroad, said beer shall be sold or served only to persons seated at public tables or at bona fide lunch counters, except that beer and light wines may be sold or served to assemblages of more than six individuals in a private room when such room has

Exceptions.

been previously approved by the Board. In the case of hotels, beer may be sold and served only in the private room of a registered guest or to persons seated at public tables or at bona fide lunch counters or to assemblages of more than six individuals in a private room when such room has been previously approved by the Board.

Club provisions.

And in the case of clubs, beer and light wines may be sold and served in the private room of a member or guest of a member, or to persons seated at tables. No license shall be issued to a club which has not been established for at least three months immediately prior to the making of the application for such license.

Annual fees.

The annual fee for such a license shall be $200; except that in the case of a marine vessel, the fee shall be $20 per month or $200 per annum, and in the case of each railroad dining car or club car, $1 per month or $10 per annum.

Retailer's, Class E. Druggists, selling beverages on physicians' prescription.

(i) RETAILER'S LICENSE, CLASS E.—Such a license shall authorize a person entitled to retail, compound, and dispense medicines and poisons, to sell from the place therein described, beverages in sealed packages, not to exceed one quart each, for medical purposes, and only upon prescription of a duly licensed practicing physician for liquors as defined by the United States Pharmacopoeia. Such package shall not be opened after sale, nor its contents consumed, on the premises where sold. Such prescription, when filled, shall be canceled by writing across its face the word "Canceled" together with the date on which it is presented and filled, and such prescriptions shall be numbered consecutively as filled and kept on file in consecutive order. No such prescription shall be refilled. The annual fee for such license shall be $25.

Annual fee.

Retailer's, Class F. Sales of beer, etc., at public gatherings.

(j) RETAILER'S LICENSE, CLASS F.—Such license shall authorize the holder thereof temporarily to sell beer and light wines on the premises therein described for consumption on the premises where sold. Such permits may be issued for a banquet, picnic, bazaar, fair, or similar public or private gathering, where food is served for consumption on the premises. No beer or light wines shall be sold or

served to a customer in any unopened container. The issuance of such a permit shall be solely in the discretion of the Board. The fee for each such license shall be $5 per day. Fee.

(k) SOLICITOR'S LICENSES.—Such a license shall authorize the licensee to offer for sale to or solicit orders from licensees for the sale of any beverage. Solicitor's licenses.

A solicitor's license shall set forth the name of the vendor whom the solicitor represents and such solicitor shall not represent any vendor whose name does not appear upon such license. Vendor represented to be stated.

The annual fee for such license shall be $100. Annual fee.

Nothing in this Act shall be construed as repealing any portion of section 7 of the District of Columbia Appropriation Act for the fiscal year ending June 30, 1903, approved July 1, 1902, as amended. Certain license tax provisions not repealed. Vol. 32, p. 622.

SEC. 12. (a) The holder of a manufacturer's or wholesaler's license issued hereunder shall not be entitled to hold any other class of license. A person, not licensed hereunder, owning an establishment for the manufacture of beverages located outside the District of Columbia may hold one wholesale license, and shall not be entitled to hold any other license. Manufacturer or wholesale dealer prohibited from holding another class license. Establishments outside the District.

(b) No licensee holding a retailer's license, class C or class D, shall, by direct ownership, stock ownership, or interlocking directors, hold, directly or indirectly, any license other than retailer's licenses class C, class D, or class E. No licensee holding a retailer's license class A or class B shall, by direct ownership, stock ownership, or interlocking directors, hold, directly or indirectly, more than one license except retailer's licenses class E. When used in this subsection the word "licensee" shall include any stockholder holding directly or indirectly 25 per centum or more of the common stock or any officer of such licensee if such licensee is a corporation. Retail licensees C or D; restrictions. "Licensee" construed.

SEC. 13. Every license shall particularly describe the place where the rights thereunder are to be exercised, and beverages shall not be manufactured or kept for sale or sold by any licensee except at the place so described in his license: *Provided, however*, That the holder of a manufacturer's or wholesaler's license may store beverages, with the consent of the Board, upon premises other than the premises designated in the license. Every annual license shall date from the 1st day of February in each year and expire on the 31st day of January next after its issuance, except as hereinafter provided. Licenses issued at any time after the beginning of the license year shall date from the first day of the month in which the license was issued and end on the last day of the license year above described, and payments shall be made of the proportionate amount of the annual license fee. Every monthly license shall date from the first day of the month in which it is issued and expire on the last day of the month named in the license. Monthly licenses shall not be issued for periods exceeding six months. Premises to be described in license. *Proviso.* Storehouse provision. License year. Fractions. Monthly licenses.

SEC. 14. (a) Any individual, partnership, or corporation desiring a license under this Act shall file with the Board an application in such form as the Commissioners may prescribe, and such application shall contain such additional information as the Board may require, and (except in the case of an application for a manufacturer's license, retailer's license class E, or solicitor's license) shall contain a statement setting forth the name and address of the true and actual owner of the premises upon which the business to be licensed is to be conducted. Before a license is issued the Board shall satisfy itself: Qualifications of applicants. Owner of business premises to be stated. Information to be furnished.

1. That the applicant, if an individual, or, if a partnership, each of the members of the partnership, or if a corporation, each of its Applicant's character etc.

principal officers and directors, is of good moral character and generally fit for the trust to be in him reposed.

Citizenship, age, etc.

2. That the applicant, if an individual, or, if a partnership, each of the members of the partnership, or, if a corporation, each of its principal officers, is a citizen of the United States, not less than twenty-one years of age, and has not, within five years prior to the filing of such application, been convicted of a misdemeanor under the National Prohibition Act, as amended and supplemented, or, within ten years prior to such filing, been convicted of any felony.

Prior offenses.

Ownership, etc., statement.

3. Except in the case of an application for a solicitor's license, that the applicant is the true and actual owner of the business for which the license is desired, and that he intends to carry on the business authorized by the license for himself and not as the agent of any individual, partnership, association or corporation, and that he intends to superintend in person the management of the business licensed, or intends to have some other person, to be approved by the Board, manage the business for him, which said manager must possess all of the qualifications required of a licensee hereunder.

Interest of manufacturer in retail business, etc.

4. That in the case of an applicant for a wholesaler's license or a retailer's license (except a retailer's license class E), no manufacturer or wholesaler of beverages other than the applicant (including a stockholder holding 25 per centum or more of the common stock, or an officer of any manufacturer or wholesaler of beverages, if such manufacturer or wholesaler is a corporation), has such a substantial interest, direct or indirect, in the business for which the license is requested, or in the premises in respect of which such license is to be issued, as in the judgment of the Board may tend to influence such licensee to purchase beverages from such manufacturer or wholesaler, and that such business will not be conducted with any money, equipment, furniture, fixtures, or property rented from or loaned or given by any such manufacturer or wholesaler (including such stockholder or officer) or sold by such manufacturer or wholesaler (including such stockholder or officer) to any such licensee for less than the fair market value or upon a conditional sale agreement or chattel trust.

Character of premises.

5. That the place for which the license is to be issued is an appropriate one considering the character of the premises, its surroundings, and the wishes of the persons residing or owning property in the neighborhood of the premises for which the license is desired.

Advertising application for retailer's license required.

(b) Before granting a retailer's license, except a retailer's license class E or class F, the Board shall give notice by advertisement published once a week and for at least two weeks in some newspaper of general circulation published in the District of Columbia. The advertisement so published shall contain the name of the applicant and a description by street and number, or other plain designation, of the particular location for which the license is requested and the class of license desired. Such notice shall state that remonstrants are entitled to be heard before the granting of such licenses and shall name the time and place of such hearing. There shall also be posted by the Board a notice, in a conspicuous place, on the outside of the premises. This notice shall state that remonstrants are entitled to be heard before the granting of such license and shall name the same time and place for such hearing as set out in the public advertisement; and, if remonstrance against the granting of such license is filed, no final action shall be taken by the Board until the remonstrant shall have had an opportunity to be heard, under rules and regulations prescribed by said Board. Any person willfully removing, obliterating, marring, or defacing said notice shall be deemed guilty of a violation of this Act.

Hearing of protests.

Posting notice on premises.

Deferring action pending opportunity of remonstrant to be heard.

Defacing, etc., notices.

(c) Except in the case of a retailer's license class C or class D, to be issued for a hotel or club, or a retailer's license class B or class E, no place for which a license under this Act has not been issued and in effect on the date the written objections hereinafter provided for are filed, shall be deemed appropriate if the owners of a majority of the real property within a radius of six hundred feet of the boundary lines of the lot or parcel of ground upon which is situated the place for which the license is desired, shall, on a form to be prescribed by the Commissioners and filed with the Board, object to the granting of such license. In determining the sufficiency of such objections the owners of all such property not lying within a residential use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission shall be taken as consenting to the granting of such license, except that the Commissioners shall have power to file objections on behalf of any property lying within such radius owned by the United States or the District of Columbia. This subsection shall be construed as a limitation upon the discretion of the Board in granting a license and not as a limitation upon the discretion of the Board in refusing a license: *Provided, however,* That none of the provisions of this Act shall prevent the Board from promulgating regulations to permit the lawful bona fide owners of warehouse receipts for bonded liquors stored in Government warehouses either in the District of Columbia or elsewhere from withdrawing such bonded liquors for personal use on payment to the Collector of Taxes for the District of Columbia, taxes at such rates as provided in this Act: *Provided,* That such bona fide holder of such warehouse receipts held legal title to such warehouse receipts prior to the passage of this Act.

Objections of property owners may be filed.

Sufficiency of, to be determined.

Proximity of Government property.

Provisos.
Removal of bonded liquor in Government warehouses.

Pre-existing title to be shown.

(d) A separate application shall be filed with respect to each place of business. The required license fee shall be paid to the Collector of Taxes and his duplicate receipt shall accompany the application for license. In the event the license is denied the fee shall be returned. Each application (except an application for a retailer's license, class F, or a solicitor's license) shall be accompanied by a bond on a form to be prescribed by the Commissioners, executed by the applicant with corporate surety approved by the Board, in the penal sum of $1,000, said bond to run to the District of Columbia and be conditioned upon the payment by the applicant of any and all taxes due the District of Columbia under this Act and any and all fines that may be imposed upon the applicant under this Act. Said bond shall not become operative unless and until the license applied for is issued, and in the event said application is denied said bond shall be returned. Every such application shall be verified by the affidavit of the applicant, if an individual, or by all of the members of a partnership, or by the president or vice president of a corporation. If any false statement is knowingly made in such application, or in any accompanying statement under oath which may be required by the Commissioners or the Board, the person making the same shall be deemed guilty of perjury. The making of a false statement in any such application, or in any such accompanying statement, whether made with or without the knowledge or consent of the applicant, shall, in the discretion of the Board, constitute sufficient cause for the revocation of the license.

Application to be filed for each location; fee.

Bond.

Verification.

Penalty for false statements.

SEC. 15. No retailer's licenses except of class E shall be issued for any business conducted in a residential-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission, except for a restaurant or tavern conducted in a hotel,

Issuing licenses in certain districts restricted.

Post, p. 974.
Hotel, club, etc., provisions.

apartment house, or club, and then only when the entrance to such restaurant or tavern is entirely inside of the hotel, apartment house, or club and no sign or display is visible from the outside of the building.

Wholesaler's, etc., establishments.

No wholesaler's license shall be issued for any establishment conducted in such residential-use district and no manufacturer's license shall be issued for any establishment conducted in a residential- or first commercial-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission. Nothing herein contained shall be construed as permitting the establishment of a bottling works in violation of said zoning regulations.

Bottling works.

Transfer provisions.

SEC. 16. No license shall be transferred by the licensee to any other person or to any other place, except with the written consent of the Board, upon a regular application therefor in writing and after notice and hearing, as herein provided for an original application for license, and the fee to be paid by the party applying for such transfer shall be $25, which shall be paid to the Collector of Taxes for the District of Columbia before such transfer is made: *Provided*, That the Board shall not allow the transfer of the license of any person against whom there is pending in the courts or before the Board any charge of keeping a disorderly house, or of violating this law or the laws against gambling in the District of Columbia.

Fee.

Proviso.
Conditions imposed.

Revocation of licenses.

SEC. 17. If any licensee violates any of the provisions of this Act or any of the rules or regulations promulgated pursuant thereto or fails to superintend in person, or through a manager approved by the Board, the business for which the license was issued, or allows the premises with respect to which the license of such licensee was issued, to be used for any unlawful, disorderly, or immoral purpose, or knowingly employs in the sale or distribution of beverages any person who has, within five years prior thereto, been convicted of a misdemeanor under the National Prohibition Act, as amended and supplemented, or, within ten years prior thereto, been convicted of any felony, or such licensee otherwise fails to carry out in good faith the provisions of this Act, the license of said licensee may be revoked by the Board after the licensee has been given an opportunity to be heard in his defense, subject to review by the Commissioners as herein provided. In case a license issued hereunder shall be revoked, no part of the license fee shall be returned, and the Board may, in its discretion, subject to review by the Commissioners, as a part of the order of revocation provide that no license shall be granted for the same place for the period of one year next after such revocation, and in case such order shall be made, no license shall, during said year, be issued for said place or to a person or persons whose license is so revoked for any other location.

Unlawful use of premises.

Ex-convict employees.

Hearing permitted.

No part of fee to be returned.

Discretionary closing for ensuing year.

Manufacturer of beverages; interest in certain business forbidden.

SEC. 18. If any manufacturer of beverages, whether licensed hereunder or not, by direct ownership, stock ownership, interlocking directors, mortgage, or lien, or by any other means shall have such a substantial interest, whether direct or indirect, in the business of any wholesale or retail licensee or in the premises on which said business is conducted as in the judgment of the Board may tend to influence such licensee to purchase beverages from such manufacturer, the Board may, in its discretion, revoke the license issued in respect of the business in which such manufacturer is interested, subject to review by the Commissioners as herein provided. No such manufacturer of beverages shall loan or give any money to any wholesale or retail licensee or sell to such licensee for less than the fair market value or upon a conditional sale agreement or chattel trust, or rent, loan or give to such licensee any equipment, furniture, fixtures or property, or give or sell any service to such

licensee for less than the fair market value thereof. No wholesale or retail licensee shall receive or accept any loan or gift of money from any such manufacturer or purchase from any such manufacturer for less than the fair market value or upon a conditional sale agreement or chattel trust, or rent from, borrow or receive by gift from such manufacturer any equipment, furniture, fixtures or property, or accept or receive any service from such manufacturer for less than the fair market value thereof. Nothing herein contained, however, shall prohibit the reasonable extension of credit by a manufacturer for beverages sold to a wholesale or retail licensee. When used in this section the word "manufacturer" shall include any stockholder holding directly or indirectly 25 per centum or more of the common stock or any officer of a manufacturer of beverages, if a corporation, whether licensed hereunder or not. This section shall not apply to retail licenses class E, or to the wholesale license held by a person not licensed hereunder owning an establishment for the manufacture of beverages.

Accepting favors etc., forbidden.

Extending credit permitted.

"Manufacturer" includes stockholder.

Druggists exempt.

SEC. 19. If any wholesaler of beverages, whether licensed hereunder or not, by direct ownership, stock ownership, interlocking directors, mortgage, or lien or by any other means shall have such a substantial interest either direct or indirect in the business of any retail licensee or in the premises on which said business is conducted as in the judgment of the Board may tend to influence such licensee to purchase beverages from such wholesaler, the Board may in its discretion revoke the license issued in respect of the business in which such wholesaler is interested, subject to review by the Commissioners as herein provided. No such wholesaler of beverages shall lend or give any money to any retail licensee or sell to such licensee for less than the fair market value or upon a conditional sale agreement or chattel trust, or rent, loan or give to such licensee any equipment, furniture, fixtures or property, or give or sell any service to such licensee for less than the fair market value thereof. No retail licensee shall receive or accept any loan or gift of money from any such wholesaler or purchase from any such wholesaler for less than the fair market value or upon a conditional sale agreement or chattel trust, or rent from, borrow or receive by gift from such wholesaler any equipment, furniture, fixtures, or property, or receive any service from such wholesaler for less than the fair market value thereof. Nothing herein contained, however, shall prohibit the reasonable extension of credit by a wholesaler for beverages sold to a retail licensee. When used in this section the word "wholesaler" shall include any stockholder holding directly or indirectly 25 per centum or more of the common stock or any officer of a wholesaler of beverages, if a corporation, whether licensed hereunder or not. This section shall not apply to retail licenses class E.

Wholesaler of beverages.
Interest in retail business, etc., forbidden.

Accepting favors.

Extending credit not prohibited.

SEC. 20. Licenses issued hereunder shall not authorize the sale or delivery of beverages, with the exception of beer and light wines, to any person under the age of twenty-one years, or beer or light wines, to any person under the age of eighteen years, either for his own use or for the use of any other person; or the sale of beverages to any intoxicated person or to any person of notoriously intemperate habits or to any person who appears to be intoxicated; and ignorance of the age of any such minor shall not be a defense to any action instituted under this section. No licensee shall be liable to any person for damages claimed to arise from refusal to sell such alcoholic beverages.

Sale, etc., limitations.

Minors or intoxicated persons.

SEC. 21. If any person holding a license under this Act shall become bail for any person complained of for the violation of any provisions

Licensees becoming bail.

of this Act, his license shall become void as of the date of becoming such bail.

Reports by licensees required.

SEC. 22. (a) Each holder of a manufacturer's license shall, on or before the 10th day of each month, furnish to the Board on a form to be prescribed by the Commissioners, a statement under oath, showing the quantity of each kind of beverages, except beer, manufactured during the preceding calendar month. Beverages shall not be considered as manufactured within the meaning of this section and section 23 until they are ready for sale.

Post, pp. 654, 656.

(b) Each holder of a wholesaler's or retailer's license shall, on or before the 10th day of each month, furnish to the Board on a form to be prescribed by the Commissioners, a statement under oath, showing the quantity of each kind of beverages, except beer, purchased by him during the preceding calendar month, and also showing the date of each such purchase, the name of the person from whom purchased, giving the license number of the vendor, if licensed hereunder, and the quantity and kind of beverages in each such purchase.

Tax rates.

Post, pp. 654, 1014.

SEC. 23. There shall be levied and collected by the District of Columbia on all beverages, except beer, manufactured by a holder of a manufacturer's license and on all beverages, except beer, purchased by the holder of a wholesaler's or retailer's license, except such beverages as may have been purchased from a licensee under this Act, a tax of 35 cents for every wine gallon of wine containing more than 14 per centum of alcohol by volume, except champagne or any wine artificially carbonated, and at a like rate for any other quantity or for fractional parts thereof; a tax of 50 cents for every wine gallon of champagne or any wine artificially carbonated, and at a like rate for any other quantity or for the fractional parts thereof; a tax of 50 cents on every wine gallon of spirits, and at a like rate for any other quantity or for the fractional parts thereof; and a tax of $1.10 on every wine gallon of alcohol, and at a like rate for any other quantity or for the fractional parts thereof. The taxes imposed by this section shall be paid to the Collector of Taxes of the District of Columbia on or before the fifteenth day of each month for beverages manufactured by the holders of manufacturers' licenses or purchased by the holders of wholesalers' or retailers' licenses during the preceding calendar month, and such taxes shall be deposited in the Treasury of the United States to the credit of the District of Columbia. No tax shall be levied and collected on any alcohol exempt from tax under the laws of the United States, or on any alcohol sold for nonbeverage purposes, in accordance with regulations promulgated by the Commissioners. If any Act of Congress shall hereafter prescribe for a Federal volume tax on alcoholic beverages under which a portion of said tax shall be returned to the District of Columbia, the taxes levied under this section shall not be collected after the effective date of such Act.

Wine gallon of wine.

Champagne, etc.

Spirits.

Alcohol.

Payment of taxes.

Licensees doing business outside of the District.

SEC. 24. No person holding a wholesaler's or retailer's license shall purchase any beverage, except beer or tax-free wines, from any manufacturer or wholesaler doing business outside of the District of Columbia and not holding a license issued under the provisions of this Act, and transport or cause the same to be transported into the District of Columbia for resale, unless such wholesaler or retailer has delivered to the Board a memorandum of the order for such beverages, in duplicate, on a form to be prescribed by the Board, one copy to be retained by the Board and the other copy to have noted thereon by the Board the fact of its delivery to the Board, which said last-mentioned copy of said order shall accompany the shipment of said beverages to the licensed premises. This section shall not apply to beverages transported into the District of Columbia on club

Common carriers.

cars or dining cars of a railroad or passenger-carrying marine vessels for sale thereon.

Limitation on employees distributing, etc., beverages.

SEC. 25. No licensee under this Act shall allow any person who has, within five years prior thereto, been convicted of a misdemeanor under the National Prohibition Act, as amended and supplemented, or, within ten years prior thereto, been convicted of any felony, to sell, give, furnish, or distribute any beverage, nor allow any minor under the age of twenty-one years of age to sell, give, furnish, or distribute any beverage, except beer, or any minor under the age of eighteen years of age to sell, give, furnish, or distribute beer.

Taking testimony.

SEC. 26. Said Board is hereby authorized and empowered to summon any person before it to give testimony on oath or affirmation, or to produce all books, records, papers, documents, or other legal evidence as to any matter affecting the operation of this Act and any member of said Board shall have the power to administer all oaths and affirmations for the purposes of the administration of this Act. Such summons may be served by any member of the Metropolitan Police Department. If any witness having been personally summoned shall neglect or refuse to obey the summons issued as herein provided, then and in that event any member of the Board may report that fact to the Supreme Court of the District of Columbia or one of the justices thereof and said court or any justice thereof hereby is empowered to compel obedience to said summons to the same extent as witnesses may be compelled to obey the subpenas of that court. Witnesses, other than those employed by the District of Columbia or the United States Government, summoned to appear before said Board shall be entitled to the same fees as are paid witnesses for attendance before the Supreme Court of the District of Columbia, but said fees need not be paid said witnesses in advance of their appearing and testifying, or producing books, records, papers, documents, or other legal evidence before said Board. Any person who shall willfully swear falsely in any proceeding, matter, or hearing before said Board shall be deemed guilty of perjury.

Witness fees allowed.

Operating conveyance, etc., while intoxicated, prohibited. Vol. 46, p. 1128.

SEC. 27. (a) No person shall be intoxicated while in charge of or operating any locomotive or while acting as a conductor or brakeman of a car or train of cars, or while in charge of or operating any street car, elevator, watercraft or horse-drawn vehicle in the District of Columbia.

Punishment for.

(b) Any person violating the provisions of this section shall be punished by a fine of not more than $300, or by imprisonment for not longer than three months, or by both such fine and imprisonment in the discretion of the court.

Traffic Acts of D.C. not affected. Vol. 46, p. 1424.

(c) Nothing herein contained shall be construed as repealing or modifying any provision of the Act of Congress entitled "An Act to amend the Acts approved March 3, 1925, and July 3, 1926, known as the District of Columbia Traffic Acts, and so forth" approved February 27, 1931.

Drinking, etc., in certain public places unlawful.

SEC. 28. (a) No person shall in the District of Columbia drink any alcoholic beverage in any street, alley, park or parking, or in any vehicle in or upon the same, or in any place to which the public is invited for which a license has not been issued hereunder permitting the sale and consumption of such alcoholic beverage upon such premises. No person shall be drunk or intoxicated in any street, alley, park or parking, or in any vehicle in or upon the same or in any place to which the public is invited or at any public gathering and no person anywhere shall be drunk or intoxicated and disturb the peace of any person.

Punishment for.

(b) Any person violating the provisions of this section shall be punished by a fine of not more than $100 or by imprisonment for not

more than thirty days or by both such fine and imprisonment in the discretion of the court.

Vol. 39, p. 1127. *Ante*, p. 28.

(c) Section 11 of the Act of Congress entitled "An Act to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes", approved March 3, 1917, as amended by the Act of Congress entitled "An Act to provide revenue for the District of Columbia by the taxation of beverages, and for other purposes", approved April 5, 1933, and section 20 of said Act approved March 3, 1917, are hereby repealed.

Search warrants.

SEC. 29. (a) A search warrant may be issued by any judge of the police court of the District of Columbia or by a United States Commissioner for the District of Columbia when any alcoholic beverages are manufactured for sale, kept for sale, or sold in violation of the provisions of this Act, and any such alcoholic beverages and any other property designed for use in connection with such unlawful manufacture for sale, keeping for sale, or selling may be seized thereunder, and shall be subject to such disposition as the court may make thereof, and such alcoholic beverages may be taken on the warrant from any house or other place in which it is concealed.

(b) A search warrant cannot be issued but upon probable cause supported by affidavit particularly describing the property and the place to be searched.

(c) The judge or commissioner must, before issuing the warrant, examine on oath the complainant and any witness he may produce, and require their affidavits or take their depositions in writing and cause them to be subscribed by the parties making them.

(d) The affidavits or depositions must set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist.

(e) If the judge or commissioner is thereupon satisfied of the existence of the grounds of the application or that there is probable cause to believe their existence, he must issue a search warrant signed by him with his name of office to the major and superintendent of police of the District of Columbia or any member of the Metropolitan Police Department, stating the particular grounds or probable cause for its issue and the names of the persons whose affidavits have been taken in support thereof, and commanding him forthwith to search the place named for the property specified and to bring it before the judge or commissioner.

(f) A search warrant may in all cases be served by any of the officers mentioned in its direction, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution.

(g) The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance.

(h) The judge or commissioner must insert a direction in the warrant that it be served in the daytime unless the affidavit is positive that the property is in the place to be searched in which case he must insert a direction that it be served at any time in the day or night.

(i) A search warrant must be executed and returned to the judge or commissioner who issued it within ten days after its date; after the expiration of this time the warrant, unless executed, is void.

(j) When the officer takes property under the warrant, he must give a copy of the warrant together with a receipt for the property taken (specifying it in detail) to the person from whom it was taken

by him, or in whose possession it was found; or, in the absence of any person, he must leave it in the place where he found the property. Search warrants—Continued.

(k) The officer must forthwith return the warrant to the judge or commissioner and deliver to him a written inventory of the property taken, made publicly or in the presence of the person from whose possession it was taken, and of the applicant for the warrant, if they are present, verified by the affidavit of the officer at the foot of the inventory and taken before the judge or commissioner at the time, to the following effect: "I, R. S., the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on the warrant."

(l) The judge or commissioner must thereupon, if required, deliver a copy of the inventory to the person from whose possession the property was taken and to the applicant for the warrant.

(m) The judge or commissioner must annex the affidavits, search warrant, return, inventory, and evidence, and at once file the same, together with a copy of the record of his proceedings, with the clerk of the police court.

(n) Whoever shall knowingly and willfully obstruct, resist, or oppose any such officer or person in serving or attempting to serve or execute any such search warrant, or shall assault, beat, or wound any such officer or person, knowing him to be an officer or person so authorized, shall be fined not more than $1,000 or imprisoned not more than two years.

(o) If the accused be discharged, the beverages and other property seized shall be returned to the person in whose possession they were found; if he be convicted, the said beverages and other property shall be forfeited, and may be destroyed by the police department or delivered for medicinal, mechanical, or scientific uses to any department or agency of the United States Government or the District of Columbia government or any hospital or other charitable institution in the District of Columbia, or sold at public auction, as the court may direct.

(p) If any of said property so seized, other than the said beverages and the containers thereof, shall be subject to a lien which is established by intervention or otherwise to the satisfaction of the court as being bona fide and as having been created without the lienor's having any notice that said property was to be used in connection with the illegal manufacture for sale, keeping for sale, or selling of alcoholic beverages, the court, upon the conviction of the accused, shall order a sale of said property at public auction and the officer making the sale, after deducting the expenses of keeping the property, the fee for the seizure and the cost of the sale, shall pay all such liens according to their priorities, and such lien or liens shall be transferred from the property to the proceeds of the sale thereof.

Minor misrepresenting age, to procure any beverage.

SEC. 30. That any minor who falsely represents his age for the purpose of procuring any beverage shall be deemed guilty of a misdemeanor and be fined for each offense not more than $25 and, in default in the payment of such fine, shall be imprisoned not exceeding ten days.

Permits to sell 3.2% beer.

SEC. 31. After the date of the approval of this Act no permit shall be issued under the Act of Congress entitled "An Act to provide revenue for the District of Columbia by the taxation of beverages and for other purposes", approved April 5, 1933, and no permits issued thereunder shall be renewed, but the Commissioners are hereby authorized to extend the expiration dates of permits issued under said Act to a date designated by them, not to exceed sixty days after the approval of this Act, upon such terms and conditions, including

Ante, p. 25.

Temporary extension permitted.

the payment of such fees as the Commissioners may prescribe. Any permittee thereunder may make an application for a license under this Act, and, if said application is approved by the Board, such permittee shall surrender his permit and he shall be allowed a refund of the permit fee prorated as hereinafter provided. Any permittee under said Act of April 5, 1933, may surrender his permit and receive a refund of the permit fee prorated from the date of surrender of such permit to the date of expiration thereof. All such refunds shall be paid from the permanent indefinite appropriation for refunding erroneously paid taxes in the District of Columbia. All permits issued under said Act of April 5, 1933, shall remain in force and effect for the respective periods for which they were issued, unless sooner surrendered. After the approval of this Act no taxes shall be collected under section 11 of the Act approved April 5, 1933.

Refunds.

Taxes hereunder.

Ante, p. 28.

Repeal in one year.

The said Act approved April 5, 1933, is repealed, effective one year from the date of approval of this Act.

Ante, p. 25.

Sales of spirits on hand by druggists.

SEC. 32. Any druggist or other person holding, on the date of the approval of this Act, a permit to manufacture, use, compound, or sell intoxicating liquors issued under the authority of the National Prohibition Act, as amended and supplemented, may, during such period of time as the Commissioners may designate, not to exceed sixty days after the approval of this Act, continue to manufacture, use, compound, and sell alcoholic beverages as provided in said permit notwithstanding the provisions of section 9 and section 36 of this Act, and the provision of section 11 (i) of this Act requiring the sale only of such liquors as are defined by the United States Pharmacopœia, but such manufacture, use, compounding, and sale shall be subject to all other provisions of this Act to the same extent as if such permittee were licensed hereunder. No rectified or blended spirits shall be sold under this section unless the container in which it is sold shall bear a label containing in letters not less than one inch high the legend: "Rectified spirits", or "Blended spirits", as the case may be.

Ante, pp. 323, 326.

Labeling requirements.

Fine, etc., where no specific penalty is provided.

SEC. 33. Whosoever violates any of the provisions of this Act for which no specific penalty is provided, or any of the rules and regulations promulgated pursuant thereto, shall be punished by a fine of not more than $1,000 or by imprisonment for not longer than one year or by both such fine and imprisonment in the discretion of the court.

Prosecutions for violations.

Prosecutions for violations of this Act shall be on information filed in the police court by the corporation counsel or any of his assistants, except for such violations as are felonies, and prosecutions for such violations as are felonies shall be by the United States Attorney in and for the District of Columbia or any of his assistants.

Inconsistent laws repealed.

SEC. 34. All laws which prohibit the sale of alcoholic beverages in certain defined sections or parts of the District of Columbia are hereby repealed.

Selling spirits on credit prohibited; exceptions.

SEC. 35. No holder of a retailer's license, except a retailer's license class E, shall sell on credit any beverages except beer and light wines. This section shall not prohibit a club from extending credit to its members or the guests of members or a hotel from extending credit to its registered guests.

Labeling, showing nature of spirits, etc.

SEC. 36. No rectified or blended spirits shall be sold unless the container in which it is sold shall bear a legible label firmly affixed thereto stating the nature and percentage of each ingredient therein (except water), the age of each such ingredient, and the alcoholic content of such spirits by volume.

SEC. 37. Any offense committed, or any right accrued, or any penalty or obligation incurred, or any seizure or forfeiture made, prior to the effective date of this Act, under the provisions of the National Prohibition Act, as amended and supplemented, or under any permit or regulation issued thereunder, or under any other provision of law repealed by this Act, may be prosecuted or enforced in the same manner and with the same effect as if this Act had not been enacted.

Saving clause; continuing prosecutions, etc.

SEC. 38. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Separability of provisions.

Approved, January 24, 1934.

[CHAPTER 5.]

AN ACT

Relating to contracts and agreements under the Agricultural Adjustment Act.

January 25, 1934.
[S. 2284.]
[Public, No. 86.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section 3741 of the Revised Statutes (U.S.C., title 41, sec. 22) and sections 114 and 115 of the Criminal Code of the United States (U.S.C., title 18, secs. 204 and 205) shall not apply to any contracts or agreements heretofore or hereafter entered into under the Agricultural Adjustment Act.

Contracts, etc., under Agricultural Adjustment Act.
Participation in, by Members of Congress, etc., permitted.
R.S. sec. 3741, p. 737; Vol. 35, p. 1109; U.S.C., p. 475.

Approved, January 25, 1934.

[CHAPTER 6.]

AN ACT

To protect the currency system of the United States, to provide for the better use of the monetary gold stock of the United States, and for other purposes.

January 30, 1934.
[H.R. 6976.]
[Public, No. 87.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the short title of this Act shall be the "Gold Reserve Act of 1934."

Gold Reserve Act of 1934.
Post, p. 1060.

SEC. 2. (a) Upon the approval of this Act all right, title, and interest, and every claim of the Federal Reserve Board, of every Federal Reserve bank, and of every Federal Reserve agent, in and to any and all gold coin and gold bullion shall pass to and are hereby vested in the United States; and in payment therefor credits in equivalent amounts in dollars are hereby established in the Treasury in the accounts authorized under the sixteenth paragraph of section 16 of the Federal Reserve Act, as heretofore and by this Act amended (U.S.C., title 12, sec. 467). Balances in such accounts shall be payable in gold certificates, which shall be in such form and in such denominations as the Secretary of the Treasury may determine. All gold so transferred, not in the possession of the United States, shall be held in custody for the United States and delivered upon the order of the Secretary of the Treasury; and the Federal Reserve Board, the Federal Reserve banks, and the Federal Reserve agents shall give such instructions and shall take such action as may be necessary to assure that such gold shall be so held and delivered.

Gold coin and bullion.
Title of Federal Reserve Board, etc., vested in United States.
Payments.
Credits established.
Vol. 40, p. 238; U.S.C., p. 287.
Balances payable in gold certificates.
Custody and delivery.

(b) Section 16 of the Federal Reserve Act, as amended, is further amended in the following respects:

Federal Reserve notes.
Vol. 38, p. 265; U. S. C., p. 284; *Post*, p. 398.

(1) The third sentence of the first paragraph is amended to read as follows: "They shall be redeemed in lawful money on demand at the Treasury Department of the United States, in the city of Washington, District of Columbia, or at any Federal Reserve bank."

Redemption in lawful money.

Application for notes; collateral required.
Post, p. 398.

(2) So much of the third sentence of the second paragraph as precedes the proviso is amended to read as follows: "The collateral security thus offered shall be notes, drafts, bills of exchange, or acceptances acquired under the provisions of section 13 of this Act, or bills of exchange endorsed by a member bank of any Federal Reserve district and purchased under the provisions of section 14 of this Act, or bankers' acceptances purchased under the provisions of said section 14, or gold certificates:".

Vol. 38, p. 263; U.S. C., p. 284.

Reserves against deposits and circulating notes.
Vol. 40, p. 236; U.S. C., p. 285.

(3) The first sentence of the third paragraph is amended to read as follows: "Every Federal Reserve bank shall maintain reserves in gold certificates or lawful money of not less than 35 per centum against its deposits and reserves in gold certificates of not less than 40 per centum against its Federal Reserve notes in actual circulation: *Provided, however*, That when the Federal Reserve agent holds gold certificates as collateral for Federal Reserve notes issued to the bank such gold certificates shall be counted as part of the reserve which such bank is required to maintain against its Federal Reserve notes in actual circulation."

Proviso.
Gold certificates held as collateral included in.

Redemption of notes at the Treasury.
Reimbursement by issuing bank.
Vol. 40, p. 236; U.S. C., p. 285.

(4) The fifth and sixth sentences of the third paragraph are amended to read as follows: "Notes presented for redemption at the Treasury of the United States shall be paid out of the redemption fund and returned to the Federal Reserve banks through which they were originally issued, and thereupon such Federal Reserve bank shall, upon demand of the Secretary of the Treasury, reimburse such redemption fund in lawful money or, if such Federal Reserve notes have been redeemed by the Treasurer in gold certificates, then such funds shall be reimbursed to the extent deemed necessary by the Secretary of the Treasury in gold certificates, and such Federal Reserve bank shall, so long as any of its Federal Reserve notes remain outstanding, maintain with the Treasurer in gold certificates an amount sufficient in the judgment of the Secretary to provide for all redemptions to be made by the Treasurer. Federal Reserve notes received by the Treasurer otherwise than for redemption may be exchanged for gold certificates out of the redemption fund hereinafter provided and returned to the Reserve bank through which they were originally issued, or they may be returned to such bank for the credit of the United States."

Maintenance of gold certificate reserve for redemptions.

Disposition of notes received otherwise than for redemption.

Vol. 40, p. 237; U.S. C., p. 285.

(5) The fourth, fifth, and sixth paragraphs are amended to read as follows:

Gold certificates deposited in Treasury for redemption of issued notes.

Minimum amount.

"The Federal Reserve Board shall require each Federal Reserve bank to maintain on deposit in the Treasury of the United States a sum in gold certificates sufficient in the judgment of the Secretary of the Treasury for the redemption of the Federal Reserve notes issued to such bank, but in no event less than 5 per centum of the total amount of notes issued less the amount of gold certificates held by the Federal Reserve agent as collateral security; but such deposit of gold certificates shall be counted and included as part of the 40 per centum reserve hereinbefore required. The Board shall have the right, acting through the Federal Reserve agent, to grant in whole or in part, or to reject entirely the application of any Federal Reserve bank for Federal Reserve notes; but to the extent that such application may be granted the Federal Reserve Board shall, through its local Federal Reserve agent, supply Federal Reserve notes to the banks so applying, and such bank shall be charged with the amount of the notes issued to it and shall pay such rate of interest as may be established by the Federal Reserve Board on only that amount of such notes which equals the total amount of its outstanding Federal Reserve notes less the amount of gold certificates held by the Federal Reserve agent as collateral security.

Reserve Board authority respecting note issues.

Interest rate.

Federal Reserve notes issued to any such bank shall, upon delivery, together with such notes of such Federal Reserve bank as may be issued under section 18 of this Act upon security of United States 2 per centum Government bonds, become a first and paramount lien on all the assets of such bank.

Lien created.

"Any Federal Reserve bank may at any time reduce its liability for outstanding Federal Reserve notes by depositing with the Federal Reserve agent its Federal Reserve notes, gold certificates, or lawful money of the United States. Federal Reserve notes so deposited shall not be reissued, except upon compliance with the conditions of an original issue.

Reduction of liability for outstanding notes by depositing gold certificates, etc.

Reissue of deposited notes denied.

"The Federal Reserve agent shall hold such gold certificates or lawful money available exclusively for exchange for the outstanding Federal Reserve notes when offered by the Reserve bank of which he is a director. Upon the request of the Secretary of the Treasury the Federal Reserve Board shall require the Federal Reserve agent to transmit to the Treasurer of the United States so much of the gold certificates held by him as collateral security for Federal Reserve notes as may be required for the exclusive purpose of the redemption of such Federal Reserve notes, but such gold certificates when deposited with the Treasurer shall be counted and considered as if collateral security on deposit with the Federal Reserve agent."

Use of deposit as collateral for redemption.

Deposited gold certificates as security.

(6) The eighth paragraph is amended to read as follows:

Vol. 40, p. 238; U.S. C., p. 285, amended.

"All Federal Reserve notes and all gold certificates and lawful money issued to or deposited with any Federal Reserve agent under the provisions of the Federal Reserve Act shall hereafter be held for such agent, under such rules and regulations as the Federal Reserve Board may prescribe, in the joint custody of himself and the Federal Reserve bank to which he is accredited. Such agent and such Federal Reserve bank shall be jointly liable for the safekeeping of such Federal Reserve notes, gold certificates, and lawful money. Nothing herein contained, however, shall be construed to prohibit a Federal Reserve agent from depositing gold certificates with the Federal Reserve Board, to be held by such Board subject to his order, or with the Treasurer of the United States for the purposes authorized by law."

Custody of Reserve notes and collateral deposited with Reserve agent.

Liability for safekeeping.

Deposits of gold certificates with Reserve Board, etc., permitted.

(7) The sixteenth paragraph is amended to read as follows:

Vol. 40, p. 238; U.S. C., p. 287.

"The Secretary of the Treasury is hereby authorized and directed to receive deposits of gold or of gold certificates with the Treasurer or any Assistant Treasurer of the United States when tendered by any Federal Reserve bank or Federal Reserve agent for credit to its or his account with the Federal Reserve Board. The Secretary shall prescribe by regulation the form of receipt to be issued by the Treasurer or Assistant Treasurer to the Federal Reserve bank or Federal Reserve agent making the deposit, and a duplicate of such receipt shall be delivered to the Federal Reserve Board by the Treasurer at Washington upon proper advices from any Assistant Treasurer that such deposit has been made. Deposits so made shall be held subject to the orders of the Federal Reserve Board and shall be payable in gold certificates on the order of the Federal Reserve Board to any Federal Reserve bank or Federal Reserve agent at the Treasury or at the Subtreasury of the United States nearest the place of business of such Federal Reserve bank or such Federal Reserve agent. The order used by the Federal Reserve Board in making such payments shall be signed by the governor or vice governor, or such other officers or members as the Board may by regulation prescribe. The form of such order shall be approved by the Secretary of the Treasury."

Deposits of gold and gold certificates with U.S. Treasurer by Reserve bank or agent.

Receipt.

Payments in gold certificates.

Orders for payment.

Acceptance of deposits as reserves.

(8) The eighteenth paragraph is amended to read as follows: "Deposits made under this section standing to the credit of any Federal Reserve bank with the Federal Reserve Board shall, at the option of said bank, be counted as part of the lawful reserve which it is required to maintain against outstanding Federal Reserve notes, or as a part of the reserve it is required to maintain against deposits."

Federal control over gold.

Secretary of the Treasury to issue regulations governing.

SEC. 3. The Secretary of the Treasury shall, by regulations issued hereunder, with the approval of the President, prescribe the conditions under which gold may be acquired and held, transported, melted or treated, imported, exported, or earmarked: (a) for industrial, professional, and artistic use; (b) by the Federal Reserve banks for the purpose of settling international balances; and, (c) for such other purposes as in his judgment are not inconsistent with the purposes of this Act. Gold in any form may be acquired, transported, melted or treated, imported, exported, or earmarked or held in custody for foreign or domestic account (except on behalf of the United States) only to the extent permitted by, and subject to the conditions prescribed in, or pursuant to, such regulations. Such regulations may exempt from the provisions of this section, in whole or in part, gold situated in the Philippine Islands or other places beyond the limits of the continental United States.

Places beyond continental limits.

Forfeiture of gold illegally withheld, etc.

SEC. 4. Any gold withheld, acquired, transported, melted or treated, imported, exported, or earmarked or held in custody, in violation of this Act or of any regulations issued hereunder, or licenses issued pursuant thereto, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law; and in addition any person failing to comply with the provisions of this Act or of any such regulations or licenses, shall be subject to a penalty equal to twice the value of the gold in respect of which such failure occurred.

Penalty.

No gold hereafter to be coined.

Vol. 31, p. 45; U.S.C., p. 995.

Proviso.

Coinage for foreign countries.

U.S.C., p. 999.

Withdrawal of gold coin; formed into bars.

SEC. 5. No gold shall hereafter be coined, and no gold coin shall hereafter be paid out or delivered by the United States: *Provided, however*, That coinage may continue to be executed by the mints of the United States for foreign countries in accordance with the Act of January 29, 1874 (U.S.C., title 31, sec. 367). All gold coin of the United States shall be withdrawn from circulation, and, together with all other gold owned by the United States, shall be formed into bars of such weights and degrees of fineness as the Secretary of the Treasury may direct.

United States currency not redeemable in gold.

SEC. 6. Except to the extent permitted in regulations which may be issued hereunder by the Secretary of the Treasury with the approval of the President, no currency of the United States shall be redeemed in gold: *Provided, however*, That gold certificates owned by the Federal Reserve banks shall be redeemed at such times and in such amounts as, in the judgment of the Secretary of the Treasury, are necessary to maintain the equal purchasing power of every kind of currency of the United States: *And provided further*, That the reserve for United States notes and for Treasury notes of 1890, and the security for gold certificates (including the gold certificates held in the Treasury for credits payable therein) shall be maintained in gold bullion equal to the dollar amounts required by law, and the reserve for Federal Reserve notes shall be maintained in gold certificates, or in credits payable in gold certificates maintained with the Treasurer of the United States under section 16 of the Federal Reserve Act, as heretofore and by this Act amended.

Provisos.

Exception, gold certificates owned by Reserve banks.

Reserves to be maintained.

In gold bullion.

In gold certificates.

No redemptions in gold shall be made except in gold bullion bearing the stamp of a United States mint or assay office in an amount equivalent at the time of redemption to the currency surrendered for such purpose.

Redemptions in gold to be in bullion only. Amount.

SEC. 7. In the event that the weight of the gold dollar shall at any time be reduced, the resulting increase in value of the gold held by the United States (including the gold held as security for gold certificates and as a reserve for any United States notes and for Treasury notes of 1890) shall be covered into the Treasury as a miscellaneous receipt; and, in the event that the weight of the gold dollar shall at any time be increased, the resulting decrease in value of the gold held as a reserve for any United States notes and for Treasury notes of 1890, and as security for gold certificates shall be compensated by transfers of gold bullion from the general fund, and there is hereby appropriated an amount sufficient to provide for such transfers and to cover the decrease in value of the gold in the general fund.

Increase in value of gold due to weight reduction of gold dollar covered into Treasury. *Post*, p. 1730.

Gold bullion transfers to compensate depreciation.

Appropriation. *Post*, p. 1060.

SEC. 8. Section 3700 of the Revised Statutes (U.S.C., title 31, sec. 734) is amended to read as follows:

R.S. sec. 3700, p. 731; U.S.C., p. 1024, amended.

"SEC. 3700. With the approval of the President, the Secretary of the Treasury may purchase gold in any amounts, at home or abroad, with any direct obligations, coin, or currency of the United States, authorized by law, or with any funds in the Treasury not otherwise appropriated, at such rates and upon such terms and conditions as he may deem most advantageous to the public interest; any provision of law relating to the maintenance of parity, or limiting the purposes for which any of such obligations, coin, or currency, may be issued, or requiring any such obligations to be offered as a popular loan or on a competitive basis, or to be offered or issued at not less than par, to the contrary notwithstanding. All gold so purchased shall be included as an asset of the general fund of the Treasury."

Gold purchases authorized.

Rates, terms, conditions.

Added to general fund.

SEC. 9. Section 3699 of the Revised Statutes (U.S.C., title 31, sec. 733) is amended to read as follows:

R.S., sec. 3699, p. 731; U.S.C., p. 1024.

"SEC. 3699. The Secretary of the Treasury may anticipate the payment of interest on the public debt, by a period not exceeding one year, from time to time, either with or without a rebate of interest upon the coupons, as to him may seem expedient; and he may sell gold in any amounts, at home or abroad, in such manner and at such rates and upon such terms and conditions as he may deem most advantageous to the public interest, and the proceeds of any gold so sold shall be covered into the general fund of the Treasury: *Provided, however*, That the Secretary of the Treasury may sell the gold which is required to be maintained as a reserve or as security for currency issued by the United States, only to the extent necessary to maintain such currency at a parity with the gold dollar."

Anticipating interest payment on public debt.

Sale of gold in public interest.

Proviso. Parity maintenance.

SEC. 10. (a) For the purpose of stabilizing the exchange value of the dollar, the Secretary of the Treasury, with the approval of the President, directly or through such agencies as he may designate, is authorized, for the account of the fund established in this section, to deal in gold and foreign exchange and such other instruments of credit and securities as he may deem necessary to carry out the purpose of this section. An annual audit of such fund shall be made and a report thereof submitted to the President.

Stabilization fund established; purposes.

Annual audit; report to President.

(b) To enable the Secretary of the Treasury to carry out the provisions of this section there is hereby appropriated, out of the receipts which are directed to be covered into the Treasury under section 7 hereof, the sum of $2,000,000,000, which sum when available

Appropriation for maintenance of fund.

Fund to be under exclusive control of Secretary of Treasury; finality of decisions.

Availability of fund.

Proceeds of sales, etc. hereunder.

shall be deposited with the Treasurer of the United States in a stabilization fund (hereinafter called the "fund") under the exclusive control of the Secretary of the Treasury, with the approval of the President, whose decisions shall be final and not be subject to review by any other officer of the United States. The fund shall be available for expenditure, under the direction of the Secretary of the Treasury and in his discretion, for any purpose in connection with carrying out the provisions of this section, including the investment and reinvestment in direct obligations of the United States of any portions of the fund which the Secretary of the Treasury, with the approval of the President, may from time to time determine are not currently required for stabilizing the exchange value of the dollar. The proceeds of all sales and investments and all earnings and interest accruing under the operations of this section shall be paid into the fund and shall be available for the purposes of the fund.

Duration of powers conferred.

(c) All the powers conferred by this section shall expire two years after the date of enactment of this Act, unless the President shall sooner declare the existing emergency ended and the operation of the stabilization fund terminated; but the President may extend such period for not more than one additional year after such date by proclamation recognizing the continuance of such emergency.

Rules and regulations authorized.

SEC. 11. The Secretary of the Treasury is hereby authorized to issue, with the approval of the President, such rules and regulations as the Secretary may deem necessary or proper to carry out the purposes of this Act.

Fixing weight of the gold dollar, etc.
Ante, p. 53.

SEC. 12. Paragraph (b) (2), of section 43, title III, of the Act approved May 12, 1933 (Public, Numbered 10, Seventy-third Congress), is amended by adding two new sentences at the end thereof, reading as follows:

Reduction, not exceeding 60% of present weight, authorized.
Executive powers defined; duration.

"Nor shall the weight of the gold dollar be fixed in any event at more than 60 per centum of its present weight. The powers of the President specified in this paragraph shall be deemed to be separate, distinct, and continuing powers, and may be exercised by him, from time to time, severally or together, whenever and as the expressed objects of this section in his judgment may require; except that such powers shall expire two years after the date of enactment of the Gold Reserve Act of 1934 unless the President shall sooner declare the existing emergency ended, but the President may extend such period for not more than one additional year after such date by proclamation recognizing the continuance of such emergency."

Ante, p. 53.

Paragraph (2) of subsection (b) of section 43, title III, of an Act entitled "An Act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes", approved May 12, 1933, is amended by adding at the end of said paragraph (2) the following:

Coinage of silver at fixed ratio.
Issue of silver certificates.
Ante, p. 53.
Post, p. 1178.

"The President, in addition to the authority to provide for the unlimited coinage of silver at the ratio so fixed, under such terms and conditions as he may prescribe, is further authorized to cause to be issued and delivered to the tenderer of silver for coinage, silver certificates in lieu of the standard silver dollars to which the tenderer would be entitled and in an amount in dollars equal to the number of coined standard silver dollars that the tenderer of such silver for coinage would receive in standard silver dollars.

Silver certificates against any silver reserve in the Treasury.

"The President is further authorized to issue silver certificates in such denominations as he may prescribe against any silver bullion, silver, or standard silver dollars in the Treasury not then

held for redemption of any outstanding silver certificates, and to coin standard silver dollars or subsidiary currency for the redemption of such silver certificates.

Seigniorage charges, etc.

"The President is authorized, in his discretion, to prescribe different terms and conditions and to make different charges, or to collect different seigniorage, for the coinage of silver of foreign production than for the coinage of silver produced in the United States or its dependencies. The silver certificates herein referred to shall be issued, delivered, and circulated substantially in conformity with the law now governing existing silver certificates, except as may herein be expressly provided to the contrary, and shall have and possess all of the privileges and the legal tender characteristics of existing silver certificates now in the Treasury of the United States, or in circulation.

Legal tender, circulation privilege, etc

"The President is authorized, in addition to other powers, to reduce the weight of the standard silver dollar in the same percentage that he reduces the weight of the gold dollar.

Weight of silver dollar may be reduced.

"The President is further authorized to reduce and fix the weight of subsidiary coins so as to maintain the parity of such coins with the standard silver dollar and with the gold dollar."

Subsidiary coins.

SEC. 13. All actions, regulations, rules, orders, and proclamations heretofore taken, promulgated, made or issued by the President of the United States or the Secretary of the Treasury, under the Act of March 9, 1933, or under section 43 or section 45 of title III of the Act of May 12, 1933, are hereby approved, ratified, and confirmed.

Designated Executive orders, proclamations, etc., approved. *Ante*, pp. 1, 51, 53.

SEC. 14. (a) The Second Liberty Bond Act, as amended, is further amended as follows:

Second Liberty Bond Act amendments. Vol. 40, pp. 288, 502, 844; Vol. 46, p. 1506. U.S.C., p. 1026; Supp. VII, p. 770.

(1) By adding at the end of section 1 (U.S.C., title 31, sec. 752; Supp. VII, title 31, sec. 752), a new paragraph as follows:

Bonds, other than public issue, permitted.

"Notwithstanding the provisions of the foregoing paragraph, the Secretary of the Treasury may from time to time, when he deems it to be in the public interest, offer such bonds otherwise than as a popular loan and he may make allotments in full, or reject or reduce allotments upon any applications whether or not the offering was made as a popular loan."

Applications and allotments.

(2) By inserting in section 8 (U.S.C., title 31, sec. 771), after the words "certificates of indebtedness", a comma and the words "Treasury bills".

Deposit of proceeds. Vol. 40, p. 291; U.S.C., p. 1029, amended. Treasury bills added.

(3) By striking out the figures "$7,500,000,000" where they appear in section 18 (U.S.C., title 31, sec. 753) and inserting in lieu thereof the figures "$10,000,000,000."

United States notes, issue. Vol. 40, p. 1310; U.S.C., p. 1026.

(4) By adding thereto two new sections, as follows:

Obligations herein authorized may be used to pay outstanding indebtedness, etc.

"SEC. 19. Notwithstanding any other provisions of law, any obligations authorized by this Act may be issued for the purchase, redemption, or refunding, at or before maturity, of any outstanding bonds, notes, certificates of indebtedness, or Treasury bills, of the United States, or to obtain funds for such purchase, redemption, or refunding, under such rules, regulations, terms, and conditions as the Secretary of the Treasury may prescribe.

Short-term non-interest-bearing obligations, on discount basis.

"SEC. 20. The Secretary of the Treasury may issue any obligations authorized by this Act and maturing not more than one year from the date of their issue on a discount basis and payable at maturity without interest. Any such obligations may also be offered for sale on a competitive basis under such regulations and upon such terms and conditions as the Secretary of the Treasury may prescribe, and the decisions of the Secretary in respect of any issue shall be final."

Sale, on competitive basis.

Cumulative sinking fund.
Vol. 40, p. 1311; Vol. 42, p. 1427; Vol. 47, p. 724.
Uses "for refunding purposes" repealed.
Issue of gold certificates authorized.

(b) Section 6 of the Victory Liberty Loan Act (U.S.C., title 31, sec. 767; Supp. VII, title 31, secs. 767–767a) is amended by striking out the words " for refunding purposes ", together with the preceding comma, at the end of the first sentence of subsection (a).

(c) The Secretary of the Treasury is authorized to issue gold certificates in such form and in such denominations as he may determine, against any gold held by the Treasurer of the United States, except the gold fund held as a reserve for any United States notes and Treasury notes of 1890. The amount of gold certificates issued and outstanding shall at no time exceed the value, at the legal standard, of the gold so held against gold certificates.

Limitation.

Definitions.

SEC. 15. As used in this Act the term " United States " means the Government of the United States; the term " the continental United States " means the States of the United States, the District of Columbia, and the Territory of Alaska; the term " currency of the United States " means currency which is legal tender in the United States, and includes United States notes, Treasury notes of 1890, gold certificates, silver certificates, Federal Reserve notes, and circulating notes of Federal Reserve banks and national banking associations; and the term " person " means any individual, partnership, association, or corporation, including the Federal Reserve Board, Federal Reserve banks, and Federal Reserve agents. Wherever reference is made in this Act to equivalents as between dollars or currency of the United States and gold, one dollar or one dollar face amount of any currency of the United States equals such a number of grains of gold, nine tenths fine, as, at the time referred to, are contained in the standard unit of value, that is, so long as the President shall not have altered by proclamation the weight of the gold dollar under the authority of section 43, title III, of the Act approved May 12, 1933, as heretofore and by this Act amended, twenty-five and eight tenths grains of gold, nine tenths fine, and thereafter such a number of grains of gold, nine tenths fine, as the President shall have fixed under such authority.

Equivalents as between dollars or currency, and gold; face value, etc.

Revaluation provision.
Ante, p. 52.

Rights reserved.
Saving clause.

SEC. 16. The right to alter, amend, or repeal this Act is hereby expressly reserved. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Inconsistent Acts, etc., repealed.

SEC. 17. All Acts and parts of Acts inconsistent with any of the provisions of this Act are hereby repealed.

Approved, January 30, 1934.

[CHAPTER 7.]

January 31, 1934.
[H.R. 6670.]
[Public, No. 88.]

AN ACT

To provide for the establishment of a corporation to aid in the refinancing of farm debts, and for other purposes.

Federal Farm Mortgage Corporation Act.
Corporation established to aid in refinancing of farm debts, etc.
Principal office, management, etc.
Board of directors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a corporation to be known as the " Federal Farm Mortgage Corporation ", hereinafter in this Act referred to as the " corporation." The principal office of the corporation shall be located in the District of Columbia and the management of the corporation shall be vested in a board of directors consisting of the Secretary of the Treasury, or an officer of the Treasury designated by him, the Governor of the Farm Credit Administration, hereinafter in this Act referred to as the " Governor ", and the Land Bank

Governor, etc.

Commissioner. The directors shall receive no additional compensation for their services as directors of the corporation, but may be allowed actual necessary traveling and subsistence expenses when engaged in the business of the corporation outside of the District of Columbia. The Governor shall be the chairman of the board of directors. The directors shall have power to adopt such bylaws, rules, regulations, and amendments thereto as they deem necessary for the conduct of the business of the corporation authorized under this Act. The directors shall have power, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, to employ and fix the compensation and duties of such agents, officers, and employees of the corporation as may be necessary to carry out the powers and duties conferred upon the corporation by this Act, to require bonds of them and fix the penalties thereof and dismiss them at pleasure, and to prescribe the manner in which the obligations of the corporation shall be incurred and its expenses allowed and paid, but the rates of compensation of such agents, officers, and employees of the corporation shall not exceed the rates of compensation prescribed for comparable duties by the Classification Act of 1923, as amended.

No additional pay; expenses allowed.

Powers of directors.

Employees; pay, duties, etc.

Bonds required.

Pay limitations. U.S.C., p. 65; Supp. VII, p. 34.

SEC. 2. The corporation shall have succession until dissolved by Act of Congress; shall have power to sue and be sued in any court, to adopt and use a corporate seal, to make contracts, and to acquire, hold, and dispose of real and personal property necessary and incident to the conduct of its business; and shall have such other powers as may be necessary and incident to carrying out its powers and duties under this Act. The corporation shall be entitled to the free use of the United States mails in the same manner as the executive departments of the Government. The corporation, with the consent of any board, commission, independent establishment, or executive department of the Government, may avail itself of the use of information, services, facilities, officers, agents, and employees thereof, in carrying out the provisions of this Act.

Corporation to have succession and general corporate powers.

Franking privilege.

Other facilities, etc.

SEC. 3. The capital of the corporation shall be in the sum of $200,000,000, which shall be subscribed by the Governor on behalf of the United States in such amounts and at such times as he deems necessary for the purposes of the corporation. For the purpose of such capital subscription, the funds and proceeds thereof made available to the Land Bank Commissioner under section 32 of the Emergency Farm Mortgage Act of 1933 and the mortgages taken by the Commissioner and the credit instruments secured thereby are hereby transferred to the corporation.

Capital; subscribed by United States.

Funds available to Land Bank Commissioner. *Ante*, p. 48.

SEC. 4. (a) With the approval of the Secretary of the Treasury, the corporation is authorized to issue and have outstanding at any one time bonds in an aggregate amount not exceeding $2,000,000,000. Such bonds shall be in such forms and denominations, shall have such maturities, shall bear such rates of interest, shall be subject to such terms and conditions, and shall be issued in such manner and sold at such prices, as may be prescribed by the corporation, with the approval of the Secretary of the Treasury. Such bonds shall be fully and unconditionally guaranteed both as to interest and principal by the United States and such guaranty shall be expressed on the face thereof, and such bonds shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof. In the event that the corporation shall be unable to pay upon demand,

Bond issue authorized; aggregate amount.

Maturities, interest, etc.

To be unconditionally guaranteed.

Lawful investment and security for public funds.

Secretary of Treasury to purchase if corporation unable to pay.

when due, the principal of, or interest on, such bonds, the Secretary of the Treasury shall pay to the holder the amount thereof which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such bonds. The Secretary of the Treasury, in his discretion, is authorized to purchase any bonds of the corporation issued hereunder, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities hereafter issued under the Second Liberty Loan Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of the corporation's bonds hereunder. The Secretary of the Treasury may, at any time, sell any of the bonds of the corporation acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of the bonds of the corporation shall be treated as public debt transactions of the United States. Such bonds shall be fully and adequately secured by such assets of the corporation and in such manner as shall be prescribed by its board of directors. The corporation shall have power to purchase such bonds in the open market at any time and at any price. On such terms and conditions as may be agreed upon, the corporation may exchange such bonds, upon application of any Federal land bank for consolidated farm loan bonds of equal face value issued under the Federal Farm Loan Act, as amended, and may exchange such consolidated farm loan bonds held by it for bonds of the corporation of equal face value.

Purchase of corporation bonds.

Available funds.

Vol. 40, p. 288; U.S.C., p. 1026; Supp. VII, p. 770.

Operations to be treated as public debt transactions.

Security.

Open market purchases.

Exchange for consolidated farm loan bonds.

(b) The corporation is further authorized to purchase from time to time, for cash, such consolidated farm-loan bonds at such prices and upon such terms as may be approved by the board of directors of the corporation, to make loans to Federal land banks on the security of such consolidated bonds, and to invest its funds in mortgage loans made under section 32 of the Emergency Farm Mortgage Act of 1933, as amended.

Purchase of such bonds authorized.

Investments in direct mortgage loans.
Ante, p. 48.

(c) In order to furnish bonds for delivery by the Federal Farm Mortgage Corporation, the Secretary of the Treasury is hereby authorized to prepare suitable bonds in such form, subject to the provisions of this Act, as the board of directors may approve, such bonds when prepared to be held in the Treasury subject to delivery upon order of the corporation. The engraved plates, dies, bedpieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The corporation shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such bonds.

Form, delivery, etc., of bonds.

Custody of plates, etc.

Reimbursement.

SEC. 5. After ninety days after the enactment of this Act, no Federal land bank shall issue any bonds under the provisions of the last paragraph of section 32 of the Federal Farm Loan Act, as amended, subject to the guarantee of interest on such bonds by the United States except for the purpose of refinancing any bond which is or has been issued subject to such guarantee of interest.

Bond issues by Federal land bank to cease in 90 days.
Ante, p. 41.

Except for refinancing.

SEC. 6. Direct loans made under section 7 of the Federal Farm Loan Act, as amended (U.S.C., Sup. VII, title 12, sec. 723), may, at the option of the Federal land bank, be made in bonds of the Federal Farm Mortgage Corporation.

Federal Farm Loan Act, amendment.
Vol. 39, p. 367; Vol. 47, p. 1547.
Loans in Farm Mortgage Corporation bonds.
Vol. 39, p. 372.
Ante, p. 42.
U.S.C., Supp. VII, p. 193.

SEC. 7. The thirteenth paragraph of section 12 of the Federal Farm Loan Act, as amended (U.S.C., Sup. VII, title 12, sec. 772), is amended to read as follows:

"Amounts transmitted to farm loan associations by Federal land banks to be loaned to its members shall, at the option of the bank, be in current funds or Federal Farm Mortgage Corporation bonds, or, at the option of the borrower, in farm loan bonds."

Disbursements for loans; optional classes.

SEC. 8. (a) Section 13 of the Federal Farm Loan Act, as amended (U.S.C., Sup. VII, title 12, sec. 781), is amended by inserting at the end thereof the following new paragraphs:

Vol. 39, p. 372. *Ante*, p. 42. U.S.C., Supp. VII, p. 195.

"Fifteenth. To exchange farm loan bonds for Federal Farm Mortgage Corporation bonds of equal face value, and to purchase Federal Farm Mortgage Corporation bonds at or below par.

Interchange of bonds.

"Sixteenth. To exchange Federal Farm Mortgage Corporation bonds for farm loan bonds of equal face value."

(b) The seventh paragraph of section 22 of the Federal Farm Loan Act, as amended (U.S.C., title 12, sec. 897), is amended by adding the following after the first subparagraph (d) thereof:

Vol. 39, p. 378; U.S.C., p. 311.

"(e) To purchase Federal Farm Mortgage Corporation bonds."

To purchase Corporation bonds. *Ante*, p. 48.

SEC. 9. Section 32 of the Emergency Farm Mortgage Act of 1933 (U.S.C., Sup. VII, title 12, sec. 1016) is amended by inserting at the end thereof the following: "Until February 1, 1936, the Land Bank Commissioner shall, in his name, make loans under this section on behalf of the Federal Farm Mortgage Corporation, either in cash or in bonds of the corporation at his election, but no such loans shall be made by him after February 1, 1936, except for the purpose of refinancing loans previously made by him under this section. Not to exceed $600,000,000 of the bonds and proceeds thereof issued under section 4 of the Federal Farm Mortgage Corporation Act are hereby made available for the purposes of this section, in addition to the amounts transferred to such corporation under section 3 of such Act."

Land Bank Commissioner authorized to make loans on behalf of Corporation until February 1, 1936.

Sums made available.

SEC. 10. Section 32 of the Emergency Farm Mortgage Act of 1933 is amended by striking out "$5,000" and inserting in lieu thereof "$7,500."

Maximum loan increased. *Ante*, p. 48.

SEC. 11. Section 62 of the Farm Credit Act of 1933 (relating to fiscal agents of the United States) (U.S.C., Sup. VII, title 12, sec. 1138b) is amended by inserting after "Associations," the following: "the Federal Farm Mortgage Corporation,".

Corporation to act as U.S. fiscal agents. *Ante*, p. 267; U.S.C., Supp. VII, p. 216.

SEC. 12. (a) The corporation, including its franchise, its capital, reserves, and surplus, and its income shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority; except that any real property of the corporation shall be subject to State, Territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

To be exempt from taxes, except real property taxes.

(b) Mortgages executed to the Land Bank Commissioner and mortgages held by the corporation, and the credit instruments secured thereby, and bonds issued by the corporation under the provisions of this Act, shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation (except estate, inheritance, and gift taxes).

Mortgages and credit instruments deemed Federal instrumentalities.

Tax exemptions. *Post*, p. 360.

Exceptions.

SEC. 13. Section 64 of the Farm Credit Act of 1933 (relating to unlawful acts and penalties) (U.S.C., Sup. VII, title 12, sec. 1138d) is amended by inserting after "Farm Credit Administration" wherever such phrase appears a comma and the following: "any Federal intermediate credit bank, or the Federal Farm Mortgage Corporation,".

Unlawful acts and penalties therefor.

Certain statutory provisions extended to Corporation and intermediate credit banks. *Ante*, p. 267; U.S.C., Supp. VII, p. 217.

Designated funds transferred to the Governor of the Farm Credit Administration.
Ante, p. 258.
U.S.C., Supp. VII, p. 215.

SEC. 14. Paragraph (2) of subsection (a) of section 5 of the Farm Credit Act of 1933 (U.S.C., Sup. VII, title 12, sec. 1131i) is amended by striking out the period at the end thereof and inserting a comma and the following: "and the notes or other obligations evidencing such advances and loans and the security therefor are hereby transferred to the Governor of the Farm Credit Administration."

Ante, p. 258.

SEC. 15. (a) Section 5 of the Farm Credit Act of 1933 (U.S.C., Sup. VII, title 12, sec. 1131i) is amended by inserting at the end thereof the following new subsection:

Revolving fund established, from allocations to Farm Credit Administration.

"(e) The amount of all balances, collections, and appropriations allocated under subsection (a) to the revolving fund created thereunder, which is in excess of $120,000,000, is hereby made available to the Governor of the Farm Credit Administration for the establishment of a revolving fund of not to exceed $40,000,000. Out of such revolving fund, the Governor is authorized to allocate and, with the approval of the Secretary of the Treasury, to expend such amounts as he deems necessary for subscriptions to the capital stock and/or paid-in surplus of Federal Intermediate Credit Banks."

Use by the Governor in subscribing to stock, etc., of intermediate credit banks.

Farm Loan Act amendment.
Increase of capital stock permitted.
Vol. 42, p. 1457; U.S.C., Supp. VII, p. 210.

(b) The first sentence of section 205 of the Federal Farm Loan Act (U.S.C., Sup. VII, title 12, sec. 1061), as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "which amount may be increased from time to time with the approval of the Governor of the Farm Credit Administration".

Federal Intermediate Credit Banks.
Governor to subscribe to stock, etc., of, to meet credit needs of borrowers.
Vol. 42, p. 1457; U.S.C., p. 317.

(c) Section 205 of the Federal Farm Loan Act (U.S.C., title 12, sec. 1061), as amended, is further amended by adding at the end thereof the following: "With the approval of the Secretary of the Treasury, the Governor of the Farm Credit Administration is hereby authorized to subscribe from time to time to the capital stock and/or paid-in surplus of any Federal Intermediate Credit Bank on behalf of the United States, in such amounts as he may determine are necessary for the purpose of meeting the credit needs of eligible borrowers from the bank, and the amount of the capital stock and paid-in surplus of such bank may be increased or decreased from time to time by the Governor, in accordance with such needs. Such stock shall be divided into shares of $100 each and subscriptions to such paid-in surplus shall be made in multiples of $100 out of the revolving fund created under subsection (e) of section 5 of the Farm Credit Act of 1933, as amended. The Governor on behalf of the United States shall make payment for stock and paid-in surplus of such bank and such payment shall be subject to call in whole or in part by the board of directors of the bank, with the approval of the Governor."

Shares, etc.

Payments.

Federal Reserve banks.
Advances by, on deposit of Corporation bonds.
U.S.C., p. 282.
Ante, p. 180.

SEC. 16. (a) The first sentence of the eighth paragraph of section 13 of the Federal Reserve Act, as amended, is further amended by inserting before the semicolon after the words "section 13 (a) of this Act" a comma and the following: "or by the deposit or pledge of Federal Farm Mortgage Corporation bonds issued under the Federal Farm Mortgage Corporation Act."

May deal in Corporation bonds.
Vol 38, p. 265; U.S.C. p. 282.

(b) Paragraph (b) of section 14 of the Federal Reserve Act, as amended (U.S.C., title 12, secs. 353–358), is further amended by inserting after the words "bonds and notes of the United States" a comma and the following: "bonds of the Federal Farm Mortgage Corporation having maturities from date of purchase of not exceeding six months."

Separability provisions.

SEC. 17. (a) If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

(b) The right to alter, amend, or repeal this Act is hereby expressly reserved. Right to amend, etc.

SEC. 18. This Act may be cited as the "Federal Farm Mortgage Corporation Act". Short title.

Approved, January 31, 1934.

[CHAPTER 8.]

JOINT RESOLUTION

To provide appropriations to carry into effect the Act entitled "An Act to control the manufacture, transportation, possession, and sale of alcoholic beverages in the District of Columbia", approved January 24, 1934.

February 2, 1934. [H.J.Res. 250.] [Pub. Res., No. 13.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That for carrying into effect the provisions of the Act entitled "An Act to control the manufacture, transportation, possession, and sale of alcoholic beverages in the District of Columbia", approved January 24, 1934, there are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the service of the fiscal year ending June 30, 1934, and payable from the revenues of the District of Columbia, the following sums, respectively: District of Columbia Alcoholic Beverage Control Act. Appropriation for executing, fiscal year 1934. *Ante*, p. 319. From District revenues.

DISTRICT OF COLUMBIA

Alcoholic Beverage Control Board: For personal services, rent, advertising, printing and binding, office equipment and supplies, street-car and bus transportation, telephone service, and other necessary contingent and miscellaneous expenses, $23,054. Alcoholic Beverage Control Board.

Office of corporation counsel: For an additional amount for personal services, $3,613. Corporation counsel's office.

Approved, February 2, 1934.

[CHAPTER 9.]

AN ACT

To amend an Act approved March 4, 1929 (45 Stat. 1548), entitled "An Act to supplement the last three paragraphs of section 5 of the Act of March 4, 1915 (38 Stat. 1161), as amended by the Act of March 21, 1918 (40 Stat. 458)."

February 14, 1934. [S. 157.] [Public, No. 89.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved March 4, 1929 (45 Stat. 1548), entitled "An Act to supplement the last three paragraphs of section 5 of the Act of March 4, 1915 (38 Stat. 1161), as amended by the Act of March 21, 1918 (40 Stat. 458)", be amended to read as follows: Desert-land entries, public lands. Vol. 45, p. 1548; Vol. 38, p. 1161; Vol. 40, p. 458.

"That where it shall be made to appear to the satisfaction of the Secretary of the Interior with reference to any lawful pending desert-land entry made prior to July 1, 1925, under which the entryman or his duly qualified assignee under an assignment made prior to the date of this Act has in good faith expended the sum of $3 per acre in the attempt to effect reclamation of the land, that there is no reasonable prospect that he would be able to secure water sufficient to effect reclamation of the irrigable land in his entry or any legal subdivision thereof, the Secretary of the Interior may, in his discretion, allow such entryman or assignee ninety days from notice within which to pay to the register of the United States land office 25 cents an acre for the land embraced in the entry and to file an election to perfect title to the entry under the provisions of this Act, and thereafter within one year from the date of filing of such election to pay to the register the additional amount of 75 cents an acre, Relief granted certain entrymen, unable to obtain water. Conditions prescribed.

Proviso.
Entry to be canceled if final payment not met.

which shall entitle him to a patent for the land: *Provided*, That in case the final payment be not made within the time prescribed the entry shall be canceled and all money theretofore paid shall be forfeited."

Approved, February 14, 1934.

[CHAPTER 10.]

AN ACT

February 14, 1934.
[S. 284.]
[Public, No. 90.]

Authorizing the conveyance of certain lands to School District Numbered 28, Deschutes County, Oregon.

Deschutes County, Oreg., School District No. 28.

Conveyance of certain lands to, for school purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey, by quitclaim deed, to School District Numbered 28, Deschutes County, Oregon, for use for school purposes, the following-described area: The southwest quarter southwest quarter southwest quarter section 27, township 17 south, range 13 east, Willamette [1] meridian; but if such school district fails to use such lands for the purposes herein provided, or attempts to alienate such lands, title thereto shall revert to the United States.

Approved, February 14, 1934.

[CHAPTER 11.]

AN ACT

February 14, 1934.
[S. 1774.]
[Public, No. 91.]

To provide for extension of time for making deferred payments on homestead entries in the abandoned Fort Lowell Military Reservation, Arizona.

Fort Lowell Military Reservation, Ariz.
Time extended for making deferred payments on homestead entries in.
Vol. 47, p. 153.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time within which a homestead entryman for lands in the abandoned Fort Lowell Military Reservation, in the State of Arizona, shall make deferred payments be, and it is hereby, extended for a period of two years from the 1933 anniversary of the date of the acceptance of his proof tendered on his entry.

Approved, February 14, 1934.

[CHAPTER 12.]

AN ACT

February 15, 1934.
[S. 313.]
[Public, No. 92.]

To amend section 5 of the Act approved July 10, 1890 (28 Stat. 664 [1]), relating to the admission into the Union of the State of Wyoming.

Wyoming, school lands.
Vol. 26, p. 223, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act approved July 10, 1890 (28 Stat. 664 [1]), be, and the same is hereby, amended to read as follows:

Proceeds from sales of, to constitute permanent school fund.

"That all lands herein granted for educational purposes shall be disposed of only at public sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislature shall prescribe, be leased for mineral, grazing, agricultural, or other purposes, provided that the term of agricultural and grazing leases shall not exceed 10 years; mineral leases including leases for exploration for oil and gas and the extraction thereof for a term not longer than ten years; and such land shall not be subject to preemption, homestead entry, or any other entry

Leases allowed for mineral, grazing, agricultural, etc., purposes.

Terms of, limited.

Restriction.

[1] So in original.

under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only."

SEC. 2. Anything in the said Act approved July 10, 1890, inconsistent with the provisions of this Act is hereby repealed. Inconsistent provisions repealed.

Approved, February 15, 1934.

[CHAPTER 13.]

AN ACT

February 15, 1934.
[H.R. 7527.]
[Public, No. 93.]

Making an additional appropriation to carry out the purposes of the Federal Emergency Relief Act of 1933, for continuation of the Civil-Works program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide additional funds for carrying out the purposes of the Federal Emergency Relief Act of 1933, approved May 12, 1933 (48 Stat. 55), and for continuing the Civil-Works program under the Federal Civil Works Administration as created under authority of title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), there is hereby appropriated for these activities, out of any money in the Treasury not otherwise appropriated, to remain available until June 30, 1935, the sum of $950,000,000, which shall be available for expenditure for such projects and/or purposes and under such rules and regulations as the President in his discretion may prescribe: *Provided*, That nothing contained in the Federal Emergency Relief Act of 1933 shall be construed as precluding the Federal Emergency Relief Administrator from making grants for relief within a State directly to such public agency as he may designate: *Provided further*, That the provisions of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916 (U.S.C., title 5, sec. 785), as amended, are hereby extended, so far as they may be applicable, to employees of the Federal Civil Works Administration only for disability or death resulting from traumatic injury while in the performance of duty, subject, however, to the following conditions and limitations: (a) that the total aggregate compensation in any individual case shall not exceed the sum of $3,500, and that the monthly compensation shall not in any event exceed the rate of $25, both exclusive of medical costs; (b) that the minimum limit on monthly compensation for disability, established by section 6, and the minimum limit on the monthly pay on which death compensation is to be computed, established by clause (K) of section 10, shall not apply; (c) that the United States Employees' Compensation Commission, with the approval of the President, shall establish a special schedule of compensation for death and/or for the loss or loss of use of members or functions of the body, which compensation shall be in lieu of all other compensation in such cases; (d) that the rights of any person employed by the Federal Civil Works Administration to compensation or other benefits which may have accrued prior to and including the date of approval of this Act under the provisions of the Act of September 7, 1916, as amended (U.S.C., title 5, chap. 15), and/or the rules and regulations of the Federal Civil Works Administration shall terminate upon the date of the approval of this Act; and thereafter compensation and other benefits to any such person for death or disability arising before or after the date of the approval of this Act shall be paid in accordance with the provisions hereof; (e) that the said Commission is hereby authorized in its

Federal Emergency Relief Act of 1933.

Appropriation of additional funds for maintenance of, and for continuing the Civil-Works program.
Ante, pp. 55, 200.

Availability.
Post, p. 1056.

Provisos.
Direct grants to public agency within States.

Employees Compensation Act.

Provisions of, extended to civil works employees.
Vol. 39, p. 742; U.S.C., p. 80.

Conditions and limitations.
Total aggregate and monthly compensation.

Vol. 39, pp. 743, 745.

Special schedule of compensation for death, etc.

Rights accrued under previous acts to terminate.

U.S.C., p. 76.

Benefits subject to provisions hereof.

Payments through local administrators.

Approval required of claim for legal, etc., services; penalty for violation.

discretion to provide for the initial payments of compensation and the furnishing of immediate medical attention as herein provided through the local representatives of the Federal Civil Works Administration; (f) that no claim for legal services or for any other services rendered in respect of a claim or award for compensation, to or on account of any person, shall be valid unless approved by the Commission; and any person who receives any fee, other consideration, or any gratuity on account of services so rendered, unless such consideration or gratuity is approved by the Commission, or, who makes it a business to solicit employment for a lawyer or for himself in respect of any claim or award for compensation, shall be guilty of a misdemeanor, and upon conviction thereof, shall, for each offense, be punished by a fine of not more than $1,000 or by imprisonment not to exceed one year, or by both such fine and imprisonment: *Provided further*, That traumatic injury shall mean only injury by accident causing damage or harm to the physical structure of the body and shall not include a disease in any form except as it shall naturally result from the injury: *And Provided further*, That so much of the sum appropriated by this Act as the United States Employees' Compensation Commission, with the approval of the Director of the Budget, estimates and certifies to the Secretary of the Treasury will be necessary for administrative expenses and for the payment of such compensation shall be set aside in a special fund to be administered by the Commission for such purposes; and after June 30, 1935, such special fund shall be available for these purposes annually in such amounts as may be specified therefor in the annual appropriation acts: *Provided further*, That no part of the appropriation herein made shall be allotted for expenditure for any Civil Works project under any other department or establishment of the Federal Government except for the completion of projects for the improvement of Federal lands or public property in progress and uncompleted on the date of the approval of this Act, and except such sums as may be necessary for maintenance and operation of reemployment agencies, and medical, surgical, and hospital services, and for administration, supervision, inspection, disbursing, and accounting purposes, and printing and binding, in connection with State and/or local Civil Works projects: *Provided further*, That section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) shall not be construed to apply to any purchase or service rendered for the Federal Civil Works Administration when the aggregate amount involved does not exceed the sum of $300.

Provisos.
Traumatic injury defined.

Special fund for administrative expenses created.

Annual appropriation authorized.

Allocation restrictions.

Completing projects permitted.

Maintenance of designated agencies, etc.

Purchases without advertising.
R.S., sec. 3709, p. 733; U.S.C., p. 1309.

Public works emergency construction fund.

Extending date for obligations under, to September 1, 1934.
Vol. 47, p. 716, amended.

SEC. 2. That paragraph (1) of subsection (a) of section 301 of title III of Public Law Numbered 302, Seventy-second Congress, approved July 21, 1932—the Emergency Relief and Construction Act of 1932—is amended by striking out the date "July 1, 1933" where it appears in said paragraph and inserting in lieu thereof the date "September 1, 1934."

Approved, February 15, 1934.

[CHAPTER 14.]

February 16, 1934.
[S. 2465.]
[Public, No. 94.]

AN ACT

To amend the Act of March 4, 1933, relating to the regulation of banking in the District of Columbia.

Banking regulations, District of Columbia.
Vol. 47, p. 1566.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That subsection (a) of section 4 of the Act entitled "An Act to further regulate banking, banks, trust companies, and building and loan associations

in the District of Columbia, and for other purposes", approved March 4, 1933, is hereby repealed.

Double liability on bank stock; provision repealed.

SEC. 2. The additional liability imposed by subsection (b) of section 4 of such Act upon the shareholders of the savings banks, savings companies, and banking institutions specified in such subsection (b), shall not apply with respect to shares in any such savings bank, savings company, or banking institution issued after the date of enactment of this Act.

Shareholders' liability not applicable to new stock issues.

Approved, February 16, 1934.

[CHAPTER 15.]

AN ACT

Granting certain property to the State of Michigan for institutional purposes.

February 19, 1934.
[S. 2152.]
[Public, No. 95.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the State of Michigan for institutional purposes the property known and designated as the "Mount Pleasant Indian School", located at Mount Pleasant, Michigan, such grant to include the land and buildings and such equipment as may be designated by the Secretary of the Interior: *Provided*, That this grant shall be effective at any time prior to July 1, 1934, if, before that date, the Governor of the State of Michigan on behalf of the State files an acceptance thereof with the Secretary of the Interior: *Provided further*, That right is reserved by the Secretary of the Interior to retain until July 1, 1934, dormitory and other space needed for the housing and care of Indian pupils now accommodated at said school: *Provided further*, That as a condition precedent to this grant Indians resident within the State of Michigan will be accepted in State institutions on entire equality with persons of other races, and without cost to the Federal Government.

Mount Pleasant Indian School.
Conveyance of property of, to Michigan, for institutional purposes.

Provisos.
Date of acceptance.

Reservation.

Admittance of Indians into State institutions.

Approved, February 19, 1934.

[CHAPTER 16.]

AN ACT

To authorize an increase in the number of directors of the Washington Home for Foundlings.

February 20, 1934.
[S. 1659.]
[Public, No. 96.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act for incorporating a hospital for foundlings in the city of Washington", approved April 22, 1870, as amended, is amended by striking out section 3 of said Act and by inserting in lieu thereof the following new section:

District of Columbia. Washington Home for Foundlings. Vol. 16, p. 92, amended.

"SEC. 3. The management of said hospital shall be under the control of a board of directors. The number of directors shall be fixed in the bylaws of the corporation and may be increased or decreased from time to time as may be provided in said bylaws. The board of directors shall have power to appoint all officers and committees necessary to the proper administration of the affairs of the corporation."

Authority to change number of directors, conferred.

Approved, February 20, 1934.

[CHAPTER 23.]

AN ACT

February 23, 1934.
[S. 1975.]
[Public, No. 97.]

To provide for loans to farmers for crop production and harvesting during the year 1934, and for other purposes.

Loans to farmers authorized for crop production during 1934.
Post, p. 402.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Governor of the Farm Credit Administration, hereinafter in this Act referred to as the "Governor", is hereby authorized to make loans to farmers during the year 1934 for crop production, planting, fallowing, and cultivation and, to the extent of not exceeding $1,000,000, for feed for livestock in drought- and storm-stricken areas.

Vol. 47, p. 795.

Feed for livestock.

Liens required.

SEC. 2. (a) A first lien on all crops growing or to be planted or grown or harvested during the year 1934, or on livestock, shall be required as security for any such loan: *Provided, however*, That in the case of a loan for the purpose of summer fallowing or the production of winter wheat, a first lien, or an agreement to give a first lien, on crops to be harvested in 1935 may, in the discretion of the Governor, be deemed sufficient security. Except as hereinafter provided, such loans shall be made through such agencies, upon such terms and conditions, and subject to such regulations as the Governor shall prescribe. Recording and other fees in connection with such loans shall not exceed $1 in any case, which shall be paid by the Farm Credit Administration. Loans made pursuant to the provisions of this Act shall bear interest at the rate of not to exceed 5½ per centum per annum. For the purpose of collecting loans made under this Act and under prior Acts of the same general character, the Governor may use the facilities and services of the Farm Credit Administration or of any officer or officers thereof and may pay for such services and the use of such facilities from the funds made available under section 5 hereof for the payment of necessary administrative expenses; and such institutions are hereby expressly empowered to enter into agreements with the Governor for such purposes.

Proviso.
Summer fallowing, etc., security.

Loans made under rules, etc., of Governor.

Recording, etc., fees.

Interest rate.

Collecting loans.

Post, p. 355.

Limit on individual loans.

(b) The amount which may be loaned to any borrower pursuant to this Act shall not exceed $250 unless, in the opinion of the Governor, the circumstances surrounding the loan are such as to warrant a larger amount, in which event the borrower shall be entitled to a loan not in excess of $400: *Provided, however*, That in any area certified by the President of the United States to the Governor as a distressed emergency area, the Governor may make loans without regard to the foregoing limitations, under such regulations and for such time as he may prescribe therefor.

Proviso.
Distressed emergency areas.

Conditions of loan.

(c) No loan shall be made under this Act to any applicant who shall not have first established to the satisfaction of the proper officer or employee of the Farm Credit Administration, under such regulations as the Governor may prescribe (1) that such applicant is unable to procure from other sources a loan in an amount reasonably adequate to meet his needs for the purposes for which loans may be made under this Act; and (2) that such applicant is cooperating directly in the crop production control program of the Agricultural Adjustment Administration or is not proposing to increase his 1934 production of basic agricultural commodities in a manner detrimental to the success of such program.

Applicant unable to procure elsewhere.

Applicant to cooperate under Agricultural Adjustment Act program.
Ante, p. 31.

Loans declared to be impressed with a trust for designated purposes.

SEC. 3. (a) The moneys authorized to be loaned by the Governor under this Act are declared to be impressed with a trust to accomplish the purposes provided for by this Act, namely, the production, planting, fallowing, cultivation of crops, and feed for farm livestock, which trust shall continue until the moneys loaned pursuant to this

Act have been used for the purposes contemplated by this Act, and it shall be unlawful for any person to make any material false representation for the purpose of obtaining any loan or to assist in obtaining such loan or to dispose of or assist in disposing of any crops given as security for any loan made under authority of this Act, except for the account of the Governor, and for the purpose of carrying out the provisions of this Act.

False representation to obtain loan.

(b) It shall be unlawful for any person to charge a fee for the purpose of preparing or assisting in the preparation of any papers of an applicant for a loan under the provisions of this Act.

Fees for preparing applications unlawful.

(c) Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $1,000 or by imprisonment not exceeding six months, or both.

Punishment for.

SEC. 4. The Governor shall have power, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, to employ and fix the compensation and duties of such agents, officers, and employees as may be necessary to carry out the purposes of this Act; but the compensation of such officers and employees shall correspond, so far as may be practicable, to the rates established by the Classification Act of 1923, as amended.

Appointment of personnel.

Compensation under classification act. Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003.

SEC. 5. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $40,000,000, or so much thereof as may be necessary, to carry out the provisions of this Act. Any moneys so appropriated, and all collections of both principal and interest on loans made under this Act, may be used by the Governor for all necessary administrative expenses in carrying out the provisions of this Act and in collecting outstanding balances on crop production, seed and feed loans made under the Act entitled "An Act to provide for loans to farmers for crop production and harvesting during the year 1933, and for other purposes", approved February 4, 1933, or under prior legislation of the same general character.

Sum authorized. *Post*, p. 402.

Use for administration allowed.

Collecting outstanding loans. Vol. 47, p. 795.

Approved, February 23, 1934.

[CHAPTER 24.]

AN ACT

To extend the time for completing the construction of a bridge across the Delaware River near Trenton, New Jersey.

February 24, 1934. [S. 2029.] [Public, No. 98.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for completing the construction of the bridge authorized by Act of Congress approved August 24, 1912, to be built by The Pennsylvania Railroad Company and the Pennsylvania and Newark Railroad Company across the Delaware River near the city of Trenton, New Jersey, which has heretofore been extended by Congress to August 24, 1934, is hereby extended for a further period of three years from the last named date: *Provided*, That it shall not be lawful to complete or commence the completion of said bridge until plans thereof shall again be submitted to and approved by the Chief of Engineers and by the Secretary of War.

Delaware River. Time extended for bridging, at Trenton, N.J. Vol. 37, p. 492; Vol. 46, p. 1041, amended.

Proviso. Resubmission of plans required.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, February 24, 1934.

[CHAPTER 25.]

AN ACT

February 24, 1934.
[S. 2337.]
[Public, No. 99.]

To declare Noxubee River in Noxubee County, Mississippi, to be a nonnavigable stream.

Noxubee River.
Portion of, in Noxubee County, Miss., declared nonnavigable.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that portion of the Noxubee River in Noxubee County, in the State of Mississippi be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States.

Amendment.

SEC. 2. That the right of Congress to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 24, 1934.

[CHAPTER 26.]

AN ACT

February 24, 1934.
[S. 2372.]
[Public, No. 100.]

Granting the consent of Congress to the State of Oregon to maintain a bridge already constructed across Youngs Bay near the city of Astoria, Oregon.

Youngs Bay.
Oregon may maintain existing bridge, near Astoria.
Vol. 34, p. 84.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Oregon, and its successors and assigns, to maintain and operate, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable water", approved March 23, 1906, a bridge and approaches thereto already constructed across Youngs Bay near the city of Astoria, Oregon, which bridge is hereby declared to be a lawful structure to the same extent and in the same manner as if it had been constructed in accordance with the provisions of said Act of March 23, 1906.

Construction legalized.

Amendment.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 24, 1934.

[CHAPTER 27.]

AN ACT

February 24, 1934.
[H.R. 6370.]
[Public, No. 101.]

To extend the time for completing the construction of a bridge across the Missouri River at or near South Omaha, Nebraska.

Missouri River.
Time extended for bridging, at South Omaha, Nebr.
Vol. 46, pp. 547, 1192.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for completing the construction of a bridge across the Missouri River at or near South Omaha, Nebraska, authorized by section 4 of the Act of Congress approved June 10, 1930, heretofore extended by an Act of Congress approved February 20, 1931, is hereby further extended one year from June 10, 1934.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is reserved.

Approved, February 24, 1934.

[CHAPTER 28.]

AN ACT

February 24, 1934.
[H.R. 6794.]
[Public, No. 102.]

Authorizing the State of Pennsylvania and the State of New Jersey to construct, maintain, and operate a toll bridge across the Delaware River at a point between Easton, Pennsylvania, and Phillipsburg, New Jersey.

Delaware River.
Pennsylvania and New Jersey may bridge between Easton, Pa., and Phillipsburg, N.J.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the State of Pennsylvania and the

State of New Jersey be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Delaware River, at a point suitable to the interests of navigation, at or near Easton, Pennsylvania, and Phillipsburg, New Jersey, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Construction.
Vol. 34, p. 84.

SEC. 2. There is hereby conferred upon the State of Pennsylvania and the State of New Jersey all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Right to acquire real estate, etc., for location, approaches, etc.

Condemnation proceedings.

SEC. 3. The said State of Pennsylvania and the State of New Jersey are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Tolls authorized.
Vol. 34, p. 85.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Rates applied to operation, sinking fund, etc.

Maintenance, as a free bridge, etc., after amortizing costs.

Record of expenses and receipts to be kept.

SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, February 24, 1934.

[CHAPTER 29.]

AN ACT

February 24, 1934.
[H.R. 6799.]
[Public, No. 103.]

To extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Weldon Spring, Missouri.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Missouri River at or near Weldon Spring, Missouri, authorized to be built by the State Highway Commission of Missouri by an Act

Missouri River.
Time extended for bridging, at Weldon Spring, Mo.
Vol. 46, p. 1498, amended.

of Congress approved March 3, 1931, are hereby extended two and five years, respectively, from March 3, 1933.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 24, 1934.

[CHAPTER 30.]

AN ACT

February 24, 1934.
[H.R. 6909.]
[Public, No. 104.]

To extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Saint Francisville, Missouri.

Des Moines River.
Time extended for bridging, at Saint Francisville, Mo.
Vol. 47, p. 802, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for commencing and completing the construction of a bridge across the Des Moines River at or near Saint Francisville, Missouri, authorized to be built by Roy H. Campbell, Charles H. Brown, G. H. Wilsey, and Doctor H. O. Strosnider, by an Act of Congress approved February 14, 1933, are hereby extended one and three years, respectively, from February 14, 1934.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 24, 1934.

[CHAPTER 31.]

AN ACT

February 24, 1934.
[H.R. 7291.]
[Public, No. 105.]

Authorizing the City of Hannibal, Missouri, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the City of Hannibal, Marion County, Missouri.

Mississippi River.
Hannibal, Mo., may bridge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the City of Hannibal, Missouri, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Hannibal, Missouri, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the condition and limitations contained in this Act.

Construction.
Vol. 34, p. 84.

Right to acquire real estate, etc., for location, approaches, etc.

SEC. 2. There is hereby conferred upon the City of Hannibal, Missouri, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Condemnation proceedings.

Tolls authorized.

SEC. 3. The said City of Hannibal, Missouri, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Vol. 34, p. 85.

Acquisition authorized after completion by Missouri, Illinois, etc.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Missouri, the State of Illinois, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per centum of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

Compensation, if acquired by condemnation, etc.

Limitation.

Tolls under State, etc., operation.

Rates applied to operation, sinking fund, etc.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this Act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

Sworn statement of construction costs, etc., to be filed after completion.

SEC. 6. The City of Hannibal, Missouri, its successors and assigns, shall within ninety days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Missouri and Illinois, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said City of Hannibal, Missouri, its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof.

Examination, etc., by Secretary of War.

Findings of Secretary conclusive.

The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this Act, subject only to review in a court of equity for fraud or gross mistake.

Right to sell, etc., conferred.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to the City of Hannibal, Missouri, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

Amendment.

SEC. 8. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 24, 1934.

[CHAPTER 32.]

AN ACT

February 26, 1934.
[H.R. 6492.]
[Public, No. 106.]

To extend the times for commencing and completing the construction of a bridge across the Saint Lawrence River at or near Alexandria Bay, New York.

Saint Lawrence River.
Time extended for bridging at Alexandria Bay, N.Y.
Vol. 45, p. 1552; Vol. 46, p. 1098; Vol. 47, pp. 83, 806, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Saint Lawrence River at or near Alexandria Bay, New York, authorized to be built by the New York Development Association, Incorporated, a corporation organized under and by virtue of the membership corporation law of the State of New York, its successors and assigns, by an Act of Congress approved March 4, 1929, and heretofore extended by an Act of Congress approved February 13, 1931, and further heretofore extended by an Act of Congress approved April 15, 1932, and heretofore further extended by an Act of Congress approved February 14, 1933, are hereby further extended one and three years respectively from March 4, 1934.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 26, 1934.

[CHAPTER 33.]

AN ACT

February 26, 1934.
[H.R. 7928.]
[Public, No. 107.]

To amend subsection (b) of section 12 of the Act entitled "An Act to provide for the establishment of a corporation to aid in the refinancing of farm debts, and for other purposes", approved January 31, 1934.

Federal Farm Mortgage Corporation Act, amended.
Ante, p. 347.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 12 of the Act entitled "An Act to provide for the establishment of a corporation to aid in the refinancing of farm debts, and for other purposes", approved January 31, 1934, is amended to read as follows:

Mortgages and credit instruments.

"(b) Mortgages executed to the Land Bank Commissioner and mortgages held by the Corporation, and the credit instruments secured thereby, and bonds issued by the Corporation under the provisions of this Act, shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation (except surtaxes, estate, inheritance, and gift taxes)."

Tax exemptions not to include surtaxes.

Approved, February 26, 1934.

[CHAPTER 37.]

AN ACT

March 2, 1934.
[H.R. 6574.]
[Public, No. 108.]

To repeal Federal liquor prohibition laws to the extent they are in force in Puerto Rico and the Virgin Islands, and for other purposes.

Prohibition laws in force in Puerto Rico and Virgin Islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of section 2 of the Act entitled "An Act to provide a civil government for Porto Rico, and for other purposes", approved March 2, 1917, as makes it unlawful to import, manufacture, sell or give away, or to expose for sale or gift any intoxicating drink, is repealed.

Provisions in organic Act of Puerto Rico repealed.
Vol. 39, p. 952.

Repeal of provisions in National Prohibition Act, etc., affecting Puerto Rico and Virgin Islands.
Vol. 41, p. 307; Vol. 42, p. 233.
Ante, p. 16.
U.S.C., p. 853.

SEC. 2. Title II of the National Prohibition Act, as amended and supplemented, and the Act entitled "An Act to provide revenue by the taxation of certain nonintoxicating liquors, and for other purposes", approved March 22, 1933, except such provisions of such title and of such Act of March 22, 1933, as are in force and effect in the States, are repealed to the extent such title and such Act of March 22, 1933, are in force and effect in Puerto Rico and the Virgin Islands of the United States.

Liability clause inapplicable.
R.S., sec. 13, p. 2; U.S.C., p. 2.

SEC. 3. Section 13 of the Revised Statutes shall not apply with respect to any penalty, forfeiture, or liability incurred under any provision repealed by this Act.

Model Housing Board for Puerto Rico established.

SEC. 4. (a) There is hereby established for Puerto Rico a board, to be known as the "Model Housing Board" (hereinafter referred to as the "Board"), to be composed of three members to be appointed by the Governor of Puerto Rico. The persons appointed as members of the Board shall serve without compensation, and the term of membership for each such member shall be five years. One of the members shall be appointed as chairman of the Board.

Membership, tenure, etc.

Construction authorized.

(b) It shall be the duty of the Board to design and construct in Puerto Rico houses of several types, which houses shall be models of sanitation, health, convenience, and comfort; but not more than eight such houses shall be built in any senatorial district of Puerto Rico in any one year. For the purpose of such construction the Board shall have power to acquire such plots of land in Puerto Rico as may be necessary.

Acquisition of sites.

Sale of houses; terms and conditions.

(c) All houses designed and constructed by the Board under this section shall be sold by the Board at such prices, and under such terms and conditions, as it may determine; and all funds derived from the sale of such houses shall be covered into the island treasury to the account of the model housing fund established by this section.

Credit of receipts.

Revolving fund created, out of liquor revenues.

Expenditures.

(d) To carry out the provisions of this section, there shall be paid annually out of the revenues of Puerto Rico resulting from taxes on intoxicating liquors the sum of $30,000, which shall constitute a fund to be known as the "model housing fund." All money covered into such fund shall constitute a revolving fund for the administration of the provisions of this section, and all expenditures out of such fund shall be allowed and paid upon the presentation of itemized vouchers therefor signed by the chairman of the Board.

Effective date.

SEC. 5. This Act shall take effect on the expiration of ten days after the date of its enactment.

Approved, March 2, 1934.

[CHAPTER 38.]

AN ACT

March 2, 1934.
[H.R. 6951.]
[Public, No. 109.]

Making appropriations for the Department of the Interior for the fiscal year ending June 30, 1935, and for other purposes.

Interior Department appropriations, fiscal year 1935.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior for the fiscal year ending June 30, 1935, namely:

Secretary's office.

OFFICE OF THE SECRETARY

SALARIES

Secretary, Assistants, and office personnel.

Salaries: For the Secretary of the Interior, First Assistant Secretary, Assistant Secretary, and other personal services in the District of Columbia, $350,685: *Provided*, That in expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the First Assistant Secretary and the Assistant Secretary the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Provisos.
Salaries restricted to average rates under Classification Acts.
Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003.
U.S.C., p. 65; Supp. VII, p. 34.

Restriction not applicable to clerical-mechanical service.

No reduction in fixed salaries.

Vol. 42, p. 1490; U.S.C., p. 66.

Transfer without reduction.

Payments, under higher rates permitted.

If only one position in a grade.

Solicitor's office.

OFFICE OF SOLICITOR

Office personnel.

For personal services in the District of Columbia and in the field, $256,140.

Division of Investigations.

DIVISION OF INVESTIGATIONS

Protecting timber and public lands.

For investigating official matters under the control of the Department of the Interior; for protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; for protecting public lands from illegal and fraudulent entry or appropriation; for adjusting claims for swamp lands and indemnity for swamp lands; and for traveling expenses of agents and others employed hereunder, $362,560, including not exceeding $20,000 for personal services in the District of Columbia, and not exceeding $33,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles and motor boats for the use of agents and others employed in the field service.

Swamp lands.

Traveling expenses.

Vehicles.

CONTINGENT EXPENSES, DEPARTMENT OF THE INTERIOR

Department contingent expenses.

For contingent expenses of the office of the Secretary and the bureaus and offices of the department; furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, telephone service, including personal services of temporary or emergency telephone operators; street-car fares for use of messengers not exceeding $150; expressage, diagrams, awnings, filing devices, typewriters, adding and addressing machines and other labor-saving devices, including the repair, exchange, and maintenance thereof; constructing model and other cases and furniture; postage stamps to prepay postage on foreign mail and for special-delivery and air mail stamps for use in the United States; traveling expenses, including necessary expenses of inspectors and attorneys; fuel and light; examination of estimates for appropriations in the field for any bureau, office, or service of the department; not exceeding $500 shall be available for the payment of damages caused to private property by department motor vehicles; purchase and exchange of motor trucks, motorcycles, and bicycles, maintenance, repair, and operation of two motor-propelled passenger-carrying vehicles and motor trucks, motorcycles, and bicycles to be used only for official purposes; rent of department garage; expense of taking testimony and preparing the same in connection with disbarment proceedings instituted against persons charged with improper practices before the department, its bureaus and offices; expense of translations, and not exceeding $1,000 for contract stenographic reporting services; not exceeding $700 for newspapers; stationery, including tags, labels, index cards, cloth-lined wrappers, and specimen bags, printed in the course of manufacture, and such printed envelopes as are not supplied under contracts made by the Postmaster General, for the department and its several bureaus and offices, and other absolutely necessary expenses not hereinbefore provided for, $82,400; and, in addition thereto, sums amounting to $31,500 for stationery supplies shall be deducted from other appropriations made for the fiscal year 1935, as follows: General Land Office, $3,500; Geological Survey, $4,500; Freedmen's Hospital, $1,000; Saint Elizabeths Hospital, $2,500; Office of National Parks, Buildings, and Reservations, $10,000; Bureau of Reclamation, $10,000, any unexpended portion of which shall revert and be credited to the reclamation fund; and said sums so deducted shall be credited to and constitute, together with the first-named sum of $82,400, the total appropriation for contingent expenses for the department and its several bureaus and offices for the fiscal year 1935.

Property damages.

Vehicles.

Disbarment expenses.

Stationery, etc.

Additional, from specified appropriations.

Professional, etc., books, periodicals, etc.

For the purchase or exchange of professional and scientific books, law and medical books, and books to complete broken sets, periodicals, directories, and other books of reference relating to the business of the department, $500, and in addition there is hereby made available from any appropriations made for any bureau or office of the department not to exceed the following respective sums: Indian Service, $500; Office of Education, $1,800; Bureau of Reclamation, $2,000; Geological Survey, $2,000; Office of National Parks, Buildings, and Reservations, $2,000; General Land Office, $500.

Allotments.

PRINTING AND BINDING

Printing and binding.

For Department, bureaus, etc.

For printing and binding for the Department of the Interior, including all of its bureaus, offices, institutions, and services in the District of Columbia and elsewhere, except the Alaska Railroad, the Geological Survey, and the Bureau of Reclamation, $123,000, of

which $30,000 shall be for the Office of National Parks, Buildings, and Reservations, and $40,000 for the Office of Education, no part of which shall be available for correspondence instruction.

Commission of Fine Arts.

COMMISSION OF FINE ARTS

Expenses.
Vol. 36, p. 371; U.S.C., p. 1295.

For expenses made necessary by the Act entitled "An Act establishing a Commission of Fine Arts", approved May 17, 1910 (U.S.C., title 40, sec. 104), including the purchase of periodicals, maps, and books of reference, and payment of actual traveling expenses of the members and secretary of the Commission in attending meetings and committee meetings of the Commission either within or outside of the District of Columbia, to be disbursed on vouchers approved by the Commission, $8,780, of which amount not to exceed $5,580 may be expended for personal services in the District of Columbia.

Printing and binding.

For all printing and binding for the Commission of Fine Arts, $300.

Total, Commission of Fine Arts, $9,080.

Mount Rushmore National Memorial Commission.

MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

Expenses, etc.
Balance reappropriated.
Vol. 45, p. 1300; *Ante*, p. 294.

Mount Rushmore National Memorial Commission: For carrying into effect the provisions of the Act creating the Mount Rushmore National Memorial Commission, approved February 25, 1929 (45 Stat., p. 1300), the unexpended balance of the appropriation for this purpose for the fiscal year 1934 is continued available until June 30, 1935, to be expended under the provisions of the Act of February 25, 1929 (45 Stat., p. 1300).

George Rogers Clark Sesquicentennial Commission.

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

Participation in memorial celebration.
Vol. 45, p. 724.

For carrying into effect the provisions of the joint resolution entitled "Joint resolution providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by General George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which

Vol. 46, p. 1459.

was captured by George Rogers Clark and his men February 25, 1779", approved May 23, 1928 (45 Stat., pp. 723, 724), as amended by the Act of February 28, 1931 (46 Stat., pp. 1459–1460), the

Balance available.
Ante, p. 292.

unexpended balances of the appropriations available for this purpose for the fiscal years 1933 and 1934 are hereby continued available until June 30, 1935.

General Land Office.

GENERAL LAND OFFICE

SALARIES

Salaries and expenses.
Commissioner, and office personnel.

For Commissioner of the General Land Office and other personal services in the District of Columbia, $542,200, including one clerk of grade 1, clerical, administrative, and fiscal service, who shall be designated by the President, to sign land patents.

GENERAL EXPENSES

General expenses.

Traveling expenses, maps, etc.

For traveling expenses of officers and employees, including employment of stenographers and other assistants when necessary; for separate maps of public-land States and Alaska, including maps showing areas designated by the Secretary of the Interior under the enlarged homestead Acts, prepared by the General Land Office; for the reproduction by photolithography or otherwise official plats of surveys; for expenses of restoration to the public domain of lands in forest reserves and of lands temporarily withdrawn for forest-reserve purposes; and for expenses of hearings or other proceedings held by order of the General Land Office to determine the character of lands, whether alleged fraudulent entries are of that character or have been made in compliance with the law, and of hearings in disbarment proceedings, $16,000.

Restoring lands, etc.

Hearings, etc.

Surveying.

Surveying public lands: For surveys and resurveys of public lands, examination of surveys heretofore made and reported to be defective or fraudulent, inspecting mineral deposits, coal fields, and timber districts, making fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, $34,000, and in addition thereto the unexpended balance for this purpose for the fiscal year 1934 is continued available for the same purpose for the fiscal year 1935, including not to exceed $5,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles: *Provided*, That not to exceed $5,000 of this appropriation may be expended for salaries of employees of the field surveying service temporarily detailed to the General Land Office: *Provided further*, That not to exceed $10,000 of this appropriation may be used for the survey, classification, and sale of the lands and timber of the so-called Oregon and California Railroad lands and the Coos Bay Wagon Road lands: *Provided further*, That no part of this appropriation shall be available for surveys or resurveys of public lands in any State which, under the Act of August 18, 1894 (U.S.C., title 43, sec. 863), advances money to the United States for such purposes for expenditure during the fiscal year 1935: *Provided further*, That this appropriation may be expended for surveys made under the supervision of the Commissioner of the General Land Office, but when expended for surveys that would not otherwise be chargeable hereto it shall be reimbursed from the applicable appropriation, fund, or special deposit.

Balance reappropriated.
Vol. 47, p. 822.

Provisos.
Temporarily detailed employees.

Oregon and California Railroad and Coos Bay Wagon Road lands.

Not available for surveys in States advancing money therefor.
Vol. 28, p. 394; U.S.C., p. 1388.

Applicable for other surveys; reimbursable.

Maps, distribution.

For United States maps, prepared in the General Land Office, $15,000, to be immediately available, all of which maps shall be delivered to the Senate and House of Representatives, except 10 per centum, which shall be delivered to the Commissioner of the General Land Office for official purposes. All maps delivered to the Senate and House of Representatives hereunder shall be mounted with rollers ready for use.

Registers.

Registers: For salaries and commissions of registers of district land offices, $67,500.

Contingent expenses.

Contingent expenses of land offices: For clerk hire, rent, and other incidental expenses of the district land offices, including the expenses of depositing public money; traveling expenses of clerks detailed to examine the books and management of district land offices and to assist in the operation of said offices, and for traveling expenses of clerks transferred in the interest of the public service from one

Proviso. Previous authorization of expense required.

district land office to another, $147,300: *Provided*, That no expenses chargeable to the Government shall be incurred by registers in the conduct of local land offices except upon previous specific authorization by the Commissioner of the General Land Office.

Indian Affairs Bureau.

BUREAU OF INDIAN AFFAIRS

SALARIES

Commissioner, and office personnel.

For the Commissioner of Indian Affairs and other personal services in the District of Columbia, $340,075.

General expenses.

GENERAL EXPENSES

Transportation, etc.

For transportation and incidental expenses of officers and clerks of the Bureau of Indian Affairs when traveling on official duty; for telegraph and telephone toll messages on business pertaining to the Indian Service sent and received by the Bureau of Indian Affairs at Washington, and for other necessary expenses of the Indian Service for which no other appropriation is available, $18.500.

Supplies; purchase, transportation, etc.

For advertising, inspection, storage, and all other expenses incident to the purchase of goods and supplies for the Indian Service and for payment of railroad, pipe line, and other transportation costs of such goods and supplies, $643,900: *Provided*, That no part of this appropriation shall be used in payment for any services except bill therefor is rendered within one year from the time the service is performed.

Proviso. Limitation on payments.

Field representatives.

For salaries, traveling and incidental expenses of field representatives of the Commissioner of Indian Affairs, $12,080.

Judges.

For pay of judges of Indian courts where tribal relations now exist, at rates to be fixed by the Commissioner of Indian Affairs, $13,500.

Police.

For pay and expenses of Indian police, including chiefs of police at not to exceed $70 per month each and privates at not to exceed $50 per month each, to be employed in maintaining order, and for purchase of equipment and supplies, $105,650.

Suppressing liquor traffic, etc.

For the suppression of the traffic in intoxicating liquors and deleterious drugs, including peyote, among Indians, $47,200.

Agency buildings. Lease, purchase, repair, etc.

For lease, purchase, repair, and improvement of agency buildings, exclusive of hospital buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, $144,110.

Vehicles. Maintenance, etc.

Vehicles, Indian Service: Not to exceed $275,000 of applicable appropriations made herein for the Bureau of Indian Affairs shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for the use of employees in the Indian field service, including the transportation of Indian school pupils: *Provided*, That not to exceed $150,000 may be used for the purchase and exchange of motor-propelled passenger-carrying vehicles, and that such vehicles shall be used only for official service, including the transportation of Indian school pupils.

Proviso. Limitation; transporting pupils.

Emergency allowance, by diversion from specified appropriations, for property damages.

Replacement of property destroyed by fire, flood, or storm: That to meet possible emergencies not exceeding $50,000 of the appropriations made by this Act for support of reservation and nonreservation schools, for school and agency buildings, and for conservation of health among Indians shall be available, upon approval

of the Secretary of the Interior, for replacing any buildings, equipment, supplies, livestock, or other property of those activities of the Indian Service above referred to which may be destroyed or rendered unserviceable by fire, flood, or storm: *Provided*, That any diversions of appropriations made hereunder shall be reported to Congress in the annual Budget.

Proviso.
Report to Congress.

Authorization for attending health and educational meetings: Not to exceed $7,000 shall be available from applicable funds for expenses (not membership fees) of employees of the Indian Service when authorized by the Secretary of the Interior to attend meetings of medical, health, educational, agricultural, forestry, engineering, and industrial associations in the interest of work among the Indians.

Attendance at meetings.

INDIAN LANDS

Indian lands.

Purchase of land and water rights, and so forth, Pueblo Indians, New Mexico (tribal funds): The unexpended balances of appropriations heretofore made, from the trust funds of the several pueblos, for the purchase of land and water rights, purchase of equipment for industrial advancement and fencing, irrigating, and improving lands, are hereby continued available for the same purposes until June 30, 1935.

Pueblo Indians, N. Mex.
Land and water rights.
Sums reappropriated.
Vol. 47, p. 825.

Purchase of land for Navajo Indians (tribal funds): For purchase, or lease pending purchase, of additional land and water rights for the use and benefit of Indians of the Navajo Tribe as authorized to be acquired by the Act of May 29, 1928 (45 Stat., p. 899), $50,000, payable from funds on deposit to the credit of the Navajo Tribe: *Provided*, That title to all such lands so purchased shall be taken in the name of the United States in trust for the Navajo Tribe, and in purchasing such lands title may be taken, in the discretion of the Secretary of the Interior, for the surface only.

Navajo Indians.
Additional land and water rights.
Vol. 45, pp. 899, 1569.

Proviso.
Title for surface only.

The unexpended balance of the appropriation of $109,746.25 contained in the First Deficiency Act, fiscal year 1930, for payment to the loyal Shawnee Indians in settlement of their claim arising under the twelfth article of the treaty with said Indians proclaimed October 14, 1868 (15 Stat., p. 513), as authorized by and in accordance with the Act of March 4, 1929, and continued available until June 30, 1934, is hereby continued available until June 30, 1935.

Loyal Shawnee Indians, Okla.
Balance reappropriated.
Vol. 45, p. 1550; Vol. 47, pp. 826, 96.
Vol. 15, p. 516; Vol. 46, p. 105.

Payment to Kiowa, Comanche, and Apache Indians, Oklahoma (tribal funds): For payment to the Kiowa, Comanche, and Apache Indians, of Oklahoma, under such rules and regulations as the Secretary of the Interior may prescribe, $50,000 payable from funds on deposit to the credit of said Indians.

Kiowas, etc., Okla.
Payment to, from royalty funds.
Vol. 44, p. 740.

INDUSTRIAL ASSISTANCE AND ADVANCEMENT

Industrial assistance and advancement.

For the preservation of timber on Indian reservations and allotments other than the Menominee Indian Reservation in Wisconsin, the education of Indians in the proper care of forests, including not to exceed $5,000 for the education of Indian pupils in forestry schools, and the general administration of forestry and grazing work, including fire prevention and payment of reasonable rewards for information leading to arrest and conviction of a person or persons setting forest fires in contravention of law on Indian lands, $183,510: *Provided*, That this appropriation shall be available for the expenses of administration of Indian forest lands from which timber is sold to the extent only that proceeds from the sales of timber from such lands are insufficient for that purpose.

Timber preservation, etc.
Forestry schools.

Proviso.
Administration of forest lands, from timber sales, etc.

Timber sales, etc.; reimbursable.

For expenses incidental to the sale of timber, and for the expenses of administration, including fire prevention, of Indian forest lands from which such timber is sold to the extent that the proceeds of such sales are sufficient for that purpose, $92,000, reimbursable to the United States as provided in the Act of February 14, 1920 (U.S.C., title 25, sec. 413): *Provided*, That this appropriation shall be available for the payment of reasonable rewards for information leading to arrest and conviction of a person or persons setting forest fires in contravention of law.

Vol. 41, p. 415; U.S.C., p. 720.

Proviso.
Rewards for information.

Klamath Reservation, Oreg.
Forest insect control.

Insect control work, Klamath Indian Reservation, Oregon (tribal funds): For continuation of forest insect control work on the Klamath Indian Reservation in Oregon, $10,000, payable from funds on deposit in the Treasury to the credit of the Klamath Indians.

Emergency, forest-fire suppression.

For the suppression or emergency prevention of forest fires on or threatening Indian reservations, $20,000, together with $25,000 from funds held by the United States in trust for the respective tribes of Indians interested: *Provided*, That not to exceed $50,000 of appropriations herein made for timber operations and for support and administration purposes may be transferred, upon the approval of the Secretary of the Interior, for fire suppression or emergency prevention purposes, and allotments of funds so transferred shall be made by the Secretary of the Interior only after the obligation for the expenditure has been incurred: *Provided further*, That any diversions of appropriations made hereunder shall be reported to Congress in the annual Budget.

Provisos.
Additional sums available.
Limitation.

Report to Congress.

Geological Survey.
Supervising mining operations.

For transfer to the Geological Survey for expenditures to be made in inspecting mines and examining mineral deposits on Indian lands and in supervising mining operations on restricted, tribal, and allotted Indian lands leased under the provisions of the Acts of February 28, 1891 (26 Stat., p. 795), May 27, 1908 (35 Stat., p. 312), March 3, 1909 (U.S.C. title 25, sec. 396), and other Acts authorizing the leasing of such lands for mining purposes, $60,000.

Vol. 26, p. 795; Vol. 35, pp. 312, 444, 783. U.S.C., p. 717.

Employment for Indians.

For the purpose of obtaining remunerative employment for Indians, $37,150.

Developing agriculture and stock raising.

For the purpose of developing agriculture and stock raising among the Indians, including necessary personnel, traveling and other expenses, and purchase of supplies and equipment, $342,850, of which not to exceed $15,000 may be used to conduct agricultural experiments and demonstrations on Indian school or agency farms and to maintain a supply of suitable plants or seed for issue to Indians.

Encouraging industry, etc.

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, $325,000, which sum may be used for the purchase of seeds, animals, machinery, tools, implements, and other equipment necessary, and for advances to Indians having irrigable allotments to assist them in the development and cultivation thereof, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That the expenditures for the purposes above set forth shall be under conditions to be prescribed by the Secretary of the Interior for repayment to the United States on or before June 30, 1940, except in the case of loans on irrigable lands for permanent improvement of said lands, in which the period for repayment may run for not exceeding twenty years, in the discretion of the Secretary of the Interior: *Provided further*, That except for expenditures for the benefit of the Pima Indians, not to exceed $25,000 of the amount herein appropriated shall be expended on any other one reservation or for the benefit of any other one tribe of Indians: *Provided further*, That the Secretary of the Interior is hereby authorized, in his discretion and under such rules and regu-

Provisos.
Repayment.

Pima Indians, Ariz.

Advances to old, etc., allottees.

lations as he may prescribe, to make advances from this appropriation to old, disabled, or indigent Indian allottees, for their support, to remain a charge and lien against their lands until paid: *Provided further*, That advances may be made to worthy Indian youths to enable them to take educational courses, including courses in nursing, home economics, forestry, and other industrial subjects in colleges, universities, or other institutions, and advances so made shall be reimbursed in not to exceed eight years, under such rules and regulations as the Secretary of the Interior may prescribe.

Educating Indian youths.

Reimbursable.

Industrial assistance (tribal funds): For the construction of homes for individual members of the tribes; the purchase for sale to them of seed, animals, machinery, tools, implements, building material, and other equipment and supplies; and for advances to old, disabled, or indigent Indians for their support, and Indians having irrigable allotments to assist them in the development and cultivation thereof, the unexpended balances of funds available under this head in the Interior Department Appropriation Act for the fiscal year 1934, and the Act of June 27, 1932 (47 Stat., p. 335), are hereby continued available during the fiscal year 1935: *Provided*, That the expenditures for the purposes above set forth shall be under conditions to be prescribed by the Secretary of the Interior for repayment to the United States on or before June 30, 1940, except in the case of loans on irrigable lands for permanent improvement of said lands in which the period for repayment may run for not exceeding twenty years, in the discretion of the Secretary of the Interior, and advances to old, disabled, or indigent Indians for their support, which shall remain a charge and lien against their land until paid: *Provided further*, That advances may be made to worthy Indian youths to enable them to take educational courses, including courses in nursing, home economics, forestry, and other industrial subjects in colleges, universities, or other institutions, and advances so made shall be reimbursed in not to exceed eight years, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That all moneys reimbursed during the fiscal year 1935 shall be credited to the respective appropriations and be available for the purposes of this paragraph.

Industrial assistance; constructing homes, purchase of seed, equipment, etc.

Advances to old, etc., Indians.

Balances available. Vol. 47, pp. 827, 335.

Provisos.
Conditions for repayment.

Loans on irrigable lands.

Repayment of advances to young students.

Credits and availability.

DEVELOPMENT OF WATER SUPPLY

Water supply.

Developing water supply: For developing and conserving water for domestic and stock purposes on lands of the Navajo and Hopi Indians in Arizona and New Mexico, the Papago Indians in Arizona, and the Pueblo Indians of New Mexico, including the purchase and installation of pumping machinery, and other necessary equipment, and for operation and maintenance thereof, $52,810.

Developing, conserving, etc.

IRRIGATION AND DRAINAGE

Irrigation and drainage.

For the construction, repair, and maintenance of irrigation systems, and for purchase or rental of irrigation tools and appliances, water rights, ditches, and lands necessary for irrigation purposes for Indian reservations and allotments; for operation of irrigation systems or appurtenances thereto when no other funds are applicable or available for the purpose; for drainage and protection of irrigable lands from damage by floods or loss of water rights, upon the Indian irrigation projects named below, in not to exceed the following amounts, respectively:

Construction, maintenance, etc.

Miscellaneous projects, $10,000; Arizona: Ak Chin, $3,800; Chiu Chui, $3,800; Navajo and Hopi, miscellaneous projects, Arizona and New Mexico, $4,500; California: Coachella Valley, $1,000; Morongo,

Allotments.

$3,500; Pala and Rincon, $2,000; Colorado: Southern Ute, $9,300; Nevada: Walker River, $6,300; Western Shoshone, $5,000; New Mexico: Zuni, $4,800; Washington: Colville, $4,000;

Administration expenses.

For necessary miscellaneous expenses incident to the general administration of Indian irrigation projects, including pay of employees and their traveling and incidental expenses, $72,000;

Reimbursable.
Provisos.
Sums interchangeable.

In all, for irrigation on Indian reservations, not to exceed $130,000, reimbursable: *Provided*, That the foregoing amounts shall be available interchangeably, in the discretion of the Secretary of the Interior, for the necessary expenditures for damages by floods and other unforeseen exigencies, but the amount so interchanged shall not exceed in the aggregate 10 per centum of all the amounts so appropriated: *Provided further*, That the cost of irrigation projects and of operating and maintaining such projects where reimbursement thereof is required by law shall be apportioned on a per acre basis against the lands under the respective projects and shall be collected by the Secretary of the Interior as required by such law, and any unpaid charges outstanding against such lands shall constitute a first lien thereon which shall be recited in any patent or instrument issued for such lands.

Limitation.

Apportioning costs on a per acre basis.

Unpaid charges a first lien.

San Carlos project, Ariz.
Operation, etc.

For operation and maintenance of the San Carlos project for the irrigation of Indian lands in the Gila River Indian Reservation, Arizona, $82,300, reimbursable.

Colorado River Reservation, Ariz.
Improvement, etc.
Vol. 36, p. 273.

For improvement, operation, and maintenance of the pumping plants and irrigation system on the Colorado River Indian Reservation, Arizona, as provided in the Act of April 4, 1910 (36 Stat., p. 273), $10,200, reimbursable.

Ganado project, Ariz., operation.

For operation and maintenance of the Ganado irrigation project, Arizona, $1,800, reimbursable.

San Carlos Reservation, Ariz.
Irrigating tribal lands.

Operation and maintenance, pumping plants, San Carlos Reservation, Arizona (tribal funds): For the operation and maintenance of pumping plants for the irrigation of lands on the San Carlos Reservation, in Arizona, $4,370, to be paid from the funds held by the United States in trust for the Indians of such reservation: *Provided*, That the sum so used shall be reimbursed to the tribe by the Indians benefited, under such rules and regulations as the Secretary of the Interior may prescribe.

Proviso.
Reimbursable.

Yuma Reservation, Calif.-Ariz.
Reclamation, etc., charges.

For reclamation and maintenance charges on Indian lands within the Yuma Reservation, California, and on ten acres within each of the eleven Yuma homestead entries in Arizona under the Yuma reclamation project, $11,700, reimbursable.

Fort Hall project, Idaho, maintenance.

For improvements, maintenance, and operation of the Fort Hall irrigation system, Idaho, $22,500.

Fort Belknap Reservation, Mont.
Maintenance, etc.

For maintenance and operation, repairs, and purchase of stored waters, irrigation systems, Fort Belknap Reservation, Montana, $13,500, reimbursable.

Fort Peck project, Mont., maintenance.

For maintenance and operation of the Little Porcupine Division, the Big Porcupine Division, and not exceeding four thousand acres under the West Side Canal of the Poplar River Division, Fort Peck project, Montana, $6,500, reimbursable.

Flathead Reservation, Mont.
Maintenance, etc.

For operation and maintenance of the irrigation systems on the Flathead Indian Reservation, Montana, $11,000, reimbursable.

Crow Reservation, Mont.
Operating systems.

For improvement, maintenance, and operation of the irrigation systems on the Crow Reservation, Montana, including maintenance assessments payable to the Two Leggins Water Users' Association and Bozeman Trail Ditch Company, Montana, properly assessable against lands allotted to the Indians irrigable thereunder, $18,450, reimbursable.

For operation and maintenance of the irrigation system on the Pyramid Lake Reservation, Nevada, $2,750, reimbursable.

Pyramid Lake Reservation, Nev.
Operation, etc.

For payment of annual installment of reclamation charges against Paiute Indian lands within the Newlands reclamation project, Nevada, $5,381; and for payment in advance, as provided by district law, of operation and maintenance assessments, including assessments for the operation of drains to the Truckee-Carson irrigation district, which district, under contract, is operating the Newlands reclamation project, $7,519, to be immediately available; in all, $12,900.

Newlands project, Nev.
Paying charges against Paiute lands.

For operation and maintenance of the irrigation system for the Laguna and Acoma Indians in New Mexico, $2,325, reimbursable.

Laguna and Acoma Indians, N.Mex.
Maintenance, etc.

For operation and maintenance of Hogback irrigation project on that part of the Navajo Reservation in New Mexico under the jurisdiction of the Northern Navajo Agency, $8,400, reimbursable.

New Mexico pueblos, flood damages.

For salaries and all other expenses of the Government engineer and assistants appointed in pursuance to contract executed December 14, 1928, by the Secretary of the Interior with the Middle Rio Grande Conservancy District, $7,230.

Middle Rio Grande Conservancy District, N.Mex., expenses.

Irrigation systems, Klamath Reservation, Oregon (tribal funds): For improvements, maintenance, and operation of miscellaneous irrigation projects on the Klamath Reservation, $2,350, to be paid from the funds held by the United States in trust for the Klamath Indians in the State of Oregon, said sum, or such part thereof as may be used, to be reimbursed to the tribe under such rules and regulations as the Secretary of the Interior may prescribe.

Klamath Reservation, Oreg.
Maintenance, etc., of projects.
From tribal funds; repayment.

For continuing operation and maintenance and betterment of the irrigation system to irrigate allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, authorized under the Act of June 21, 1906 (34 Stat., p. 375), $23,000, reimbursable.

Uintah Reservation, Utah.
Maintenance, etc.
Vol. 34, p. 375.

For operation and maintenance, including repairs, of the Toppenish-Simcoe irrigation unit, on the Yakima Reservation, Washington, $800, reimbursable.

Yakima Reservation, Wash.
Toppenish - Simcoe unit.

For reimbursement to the reclamation fund the proportionate expense of operation and maintenance of the reservoirs for furnishing stored water to the lands in Yakima Indian Reservation, Washington, in accordance with the provisions of section 22 of the Act of August 1, 1914 (38 Stat., p. 604), $9,000.

Water payments.
Vol. 38, p. 604.

For the extension of canals and laterals on the ceded portion of the Wind River Reservation, Wyoming, to provide for the irrigation of additional Indian lands, and for the Indians' pro rata share of the cost of the operation and maintenance of canals and laterals and for the Indians' pro rata share of the cost of the Big Bend drainage project on the ceded portion of that reservation, and for continuing the work of constructing an irrigation system within the diminished reservation, including the Big Wind River and Dry Creek Canals, and including the maintenance and operation of completed canals, $23,500, reimbursable.

Wind River Reservation, Wyo., extensions.
Reimbursable.

EDUCATION

Education.

For the support of Indian schools not otherwise provided for, and other educational and industrial purposes in connection therewith, including tuition for Indian pupils attending public schools, $3,831,450: *Provided*, That not to exceed $15,000 of this appropriation may be used for the support and education of deaf and dumb or blind, physically handicapped, or mentally deficient Indian children: *Provided further*, That $4,500 of this appropriation may be used for the education and civilization of the Alabama and Coushatta Indians in Texas: *Provided further*, That not more than $15,000 of the amount herein appropriated may be expended for the tuition of

Support of schools.
Provisos.
Deaf, dumb, or blind.
Alabamas and Coushattas, Tex.
Tuition of Indian pupils in public schools.

Indian pupils attending vocational or higher educational institutions, under such rules and regulations as the Secretary of the Interior may prescribe, but formal contracts shall not be required, for compliance with section 3744 of the Revised Statutes (U.S.C., title 41, sec. 16), for payment of tuition of Indian pupils attending public schools, higher educational institutions, or schools for the deaf and dumb, blind, physically handicapped, or mentally deficient.

No formal contracts.

R.S., sec. 3744, p. 738; U.S.C., p. 1310.

Support of schools, from tribal funds.

Vol. 44, p. 560; U.S.C., Supp. VII, p. 493.

Support of Indian schools from tribal funds: For the support of Indian schools, and other educational and industrial purposes in connection therewith, other than among the Five Civilized Tribes, there shall be expended from Indian tribal funds and from school revenues arising under the Act of May 17, 1926 (U.S.C., Supp. VI, title 25, sec. 155a), not more than $509,550, including not to exceed $15,000 from trust funds of the Red Lake Indians; for tuition and other educational purposes in the Choctaw Nation, $40,000; for payment of tuition for Chippewa Indian children enrolled in the public schools of the State of Minnesota, $48000, payable from the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota arising under section 7 of the Act of January 14, 1889 (25 Stat., p. 645); in all, $597,550.

Red Lake, Minn., school.

Five Civilized Tribes.

Vol. 25, p. 645.

Saint Louis Boarding School, Okla.

Osage pupils in.

Education, Osage Nation, Oklahoma (tribal funds): For the education of unallotted Osage Indian children in the Saint Louis Mission Boarding School, Oklahoma, $2,000, payable from funds held in trust by the United States for the Osage Tribe.

Summer schools, subsistence.

For subsistence of pupils retained in Government boarding schools of all classes during summer months, $45,000.

School transportation, etc.

For collection and transportation of pupils to and from Indian and public schools, and for placing school pupils, with the consent of their parents, under the care and control of white families qualified to give them moral, industrial, and educational training, $60,000.

School buildings.

Lease, improvement, etc.

For lease, purchase, repair, and improvement of buildings at Indian schools not otherwise provided for, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, $272,000.

Nonreservation boarding schools.

Support, etc., of, designated.

For support and education of Indian pupils at the following nonreservation boarding schools in not to exceed the following amounts, respectively:

Phoenix, Ariz.

Phoenix, Arizona: For five hundred pupils, including not to exceed $1,500 for printing and issuing school paper, $153,610; for pay of superintendent, drayage, and general repairs and improvements, $23,540; in all, $177,150;

Sherman Institute, Riverside, Calif.

Sherman Institute, Riverside, California: For six hundred and fifty pupils, including not to exceed $1,000 for printing and issuing school paper, $199,870; for pay of superintendent, drayage, and general repairs and improvements, $18,540; in all, $218,410;

Haskell Institute, Lawrence, Kans.

Haskell Institute, Lawrence, Kansas: For six hundred pupils, including not to exceed $2,500 for printing and issuing school paper, $184,145; for pay of superintendent, drayage, and general repairs and improvements, including necessary drainage work, $22,540; in all, $206,685;

Pipestone, Minn.

Pipestone, Minnesota: For two hundred and fifty pupils, $73,680; for pay of superintendent, drayage, and general repairs and improvements, $14,690; in all, $88,370;

Carson City, Nev.

Carson City, Nevada: For five hundred and twenty-five pupils, $145,995; for pay of superintendent, drayage, and general repairs and improvements, $14,630; in all, $160,625;

Albuquerque, N. Mex.

Albuquerque, New Mexico: For six hundred and fifty pupils, $202,935; for pay of superintendent, drayage, and general repairs and improvements, $22,520; in all, $225,455;

Santa Fe, New Mexico: For four hundred and fifty pupils, $147,610; for pay of superintendent, drayage, and general repairs and improvements, $14,540; in all, $162,150; Santa Fe, N.Mex.

Charles H. Burke School, Fort Wingate, New Mexico: For five hundred and twenty-five pupils, $164,060; for pay of superintendent, drayage, and general repairs and improvements, $19,620; in all, $183,680; Charles H. Burke School, Fort Wingate, N.Mex.

Bismarck, North Dakota: For one hundred pupils, $32,755; for pay of superintendent, drayage, and general repairs and improvements, $6,700; in all, $39,455; Bismarck, N.Dak.

Wahpeton, North Dakota: For three hundred pupils, $88,590; for pay of superintendent, drayage, and general repairs and improvements, $10,700; in all, $99,290; Wahpeton, N.Dak.

Chilocco, Oklahoma: For six hundred and fifty pupils, including not to exceed $2,000 for printing and issuing school paper, $201,000; for pay of superintendent, drayage, and general repairs and improvements, $21,580; in all, $222,580; Chilocco, Okla.

Sequoyah Orphan Training School, near Tahlequah, Oklahoma: For three hundred and fifty orphan Indian children of the State of Oklahoma belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, $104,070; for pay of superintendent, drayage, and general repairs and improvements, $11,700; in all, $115,770: *Provided*, That of the balance remaining to the credit of the Cherokee Nation, not to exceed $154.20 is authorized to be expended in the purchase of additional land for the Sequoyah Orphan Training School; Sequoyah Orphan Training School, Okla. *Proviso.* Additional land.

Carter Seminary, Oklahoma: For one hundred and sixty-five pupils, $52,485; for pay of superintendent, drayage, and general repairs and improvements, $5,740; in all, $58,225; Carter Seminary, Okla.

Euchee, Oklahoma: For one hundred and fifteen pupils, $36,060; for pay of superintendent, drayage, and general repairs and improvements, $5,750; in all, $41,810; Euchee, Okla.

Eufaula, Oklahoma: For one hundred and thirty-five pupils, $42,500; for pay of superintendent, drayage, and general repairs and improvements, $5,740; in all, $48,240; Eufaula, Okla.

Jones Academy, Oklahoma: For one hundred and seventy-five pupils, $55,595 for pay of superintendent, drayage, and general repairs and improvements, $5,730; in all, $61,325; Jones Academy, Okla.

Wheelock Academy, Oklahoma: For one hundred and thirty pupils, $40,730; for pay of superintendent, drayage, and general repairs and improvements, $5,750; in all, $46,480; Wheelock Academy, Okla.

Chemawa, Salem, Oregon: For three hundred pupils, including not to exceed $1,000 for printing and issuing school paper, $97,120; for pay of superintendent, drayage, and general repairs and improvements, $14,620; in all, $111,740; Chemawa, Salem, Oreg.

Flandreau, South Dakota: For four hundred and fifty pupils, $145,275; for pay of superintendent, drayage, and general repairs and improvements, $14,540; in all, $159,815; Flandreau, S.Dak.

Pierre, South Dakota: For two hundred and twenty-five pupils, $67,450; for pay of superintendents, drayage, and general repairs and improvements, $11,540; in all, $78,990; Pierre, S.Dak.

Tomah, Wisconsin: For two hundred pupils, $60,230; for pay of superintendent, drayage, and general repairs and improvements, $13,680; in all, $73,910; Tomah, Wis.

In all, for above-named nonreservation boarding schools, not to exceed $2,513,680: *Provided*, That 10 per centum of the foregoing amounts shall be available interchangeably for expenditures for similar purposes in the various boarding schools named, but not more Total; nonreservation boarding schools. *Proviso.* Sums interchangeable.

than 10 per centum shall be added to the amount appropriated for any one of said boarding schools or for any particular item within any boarding school. Any such interchanges shall be reported to Congress in the annual Budget.

Report to Congress.

Five Civilized Tribes, Okla.
Common schools.

For aid to the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma, $394,000, to be expended in the discretion of the Secretary of the Interior and under rules and regulations to be prescribed by him: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of the Act of May 25, 1918 (U.S.C., title 25, sec. 297), limiting the expenditure of money to educate children of less than one fourth Indian blood: *Provided further*, That of this appropriation not to exceed $2,500 may be expended in the printing and issuance of a paper devoted to Indian education, which paper shall be printed at an Indian school; not to exceed $10,000 may be expended under rules and regulations of the Secretary of the Interior, in part payment of truancy officers in any county or two or more contiguous counties where there are five hundred or more Indian children eligible to attend school, and not to exceed $10,000 may be expended in the discretion of the Secretary of the Interior for the payment of salaries of public-school teachers, employed by the State or county, in special Indian day schools in full-blood Indian communities, where there are not adequate white day schools available for their attendance.

Provisos.
Parentage limitation not applicable.
Vol. 40, p. 564; U.S.C., p. 708.
Printing, etc., school paper.

Truancy officers.

Employing public school teachers where facilities inadequate.

Sioux Indians, S. Dak.
Day and industrial schools.
Vol. 19, p. 256.

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, in accordance with the provisions of article 5 of the agreement made and entered into September 26, 1876, and ratified February 28, 1877 (19 Stat., p. 254), $301,835.

Alaska natives.

Natives in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for support and education of the Eskimos, Aleuts, Indians, and other natives of Alaska, including necessary traveling expenses of pupils to and from industrial boarding schools in Alaska; erection, purchase, repair, and rental of school buildings, including purchase of necessary lands; textbooks and industrial apparatus; pay and necessary traveling expenses of superintendents, teachers, physicians, and other employees; repair, equipment, maintenance, and operation of vessels; and all other necessary miscellaneous expenses which are not included under the above special heads, including $285,600 for salaries in the District of Columbia and elsewhere, $17,500 for traveling expenses, $180,500 for equipment, supplies, fuel, and light, $23,000 for repairs of buildings, $63,000 for freight and operation and repair of vessels, $1,000 for rentals, and $2,000 for telephone and telegraph; total, $572,600, to be immediately available: *Provided*, That not to exceed 10 per centum of the amounts appropriated for the various items in this paragraph shall be available interchangeably for expenditures on the objects included in this paragraph, but not more than 10 per centum shall be added to any one item of appropriation except in cases of extraordinary emergency and then only upon the written order of the Secretary of the Interior: *Provided further*, That of said sum not exceeding $5,800 may be expended for personal services in the District of Columbia.

Services in District of Columbia.
Miscellaneous expenses.

Provisos.
Interchangeable sums.

Services in the District.

Conservation of health.

CONSERVATION OF HEALTH

Expenses designated.

For conservation of health among Indians, including equipment, materials, and supplies; repairs and improvements to buildings and plants; compensation and traveling expenses of officers and employees and renting of quarters for them when necessary; trans-

portation of patients and attendants to and from hospitals and sanatoria; returning to their former homes and interring the remains of deceased patients; and not exceeding $1,000 for printing and binding circulars and pamphlets for use in preventing and suppressing trachoma and other contagious and infectious diseases, $2,981,040, and in addition thereto not to exceed $75,000 of the unexpended balance for this purpose for the fiscal year 1934 is continued available for the same purpose for the fiscal year 1935, including not to exceed the sum of $2,329,800 for the following-named hospitals and sanatoria:

Suppressing trachoma, etc.

Sum from balance, reappropriated. Vol. 47, p. 836.

Allotments to specified hospitals, etc.

Arizona: Indian Oasis Hospital, $21,610; Kayenta Sanatorium, $42,360; Fort Defiance Sanatorium and Southern Navajo General Hospital, $98,870; Phoenix Sanatorium, $70,070; Pima Hospital, $25,510; Truxton Canyon Hospital, $11,045; Western Navajo Hospital, $34,650; Chin Lee Hospital, $11,520; Fort Apache Hospital, $25,410; Havasupai Hospital, $4,710; Hopi Hospital, $37,750; Leupp Hospital, $24,550; San Carlos Hospital, $17,900; Tohatchi Hospital, $12,540; Colorado River Hospital, $21,875; San Xavier Sanatorium, $35,440; Phoenix Hospital, $29,780; Winslow Sanatorium, $36,950;

Arizona.

California: Hoopa Valley Hospital, $23,250; Soboba Hospital, $18,885; Fort Bidwell Hospital, $18,870; Fort Yuma Hospital, $13,160;

California.

Colorado: Ute Mountain Hospital, $14,230; Edward T. Taylor Hospital, $23,730;

Colorado.

Idaho: Fort Lapwai Sanatorium, $78,850; Fort Hall Hospitals, $15,350;

Idaho.

Iowa: Sac and Fox Sanatorium, $68,300;

Iowa.

Minnesota: Pipestone Hospital, $20,910;

Minnesota.

Mississippi: Choctaw Hospital, $25,565;

Mississippi.

Montana: Blackfeet Hospital, $23,520; Fort Peck Hospital, $20,990; Crow Agency Hospital, $22,850; Fort Belknap Hospital, $28,530; Tongue River Hospital, $28,550;

Montana.

Nebraska: Winnebago Hospital, $36,780;

Nebraska.

Nevada: Carson Hospital, $21,570; Walker River Hospital, $19,525; Western Shoshone Hospital, $11,300;

Nevada.

New Mexico: Albuquerque Sanatorium, $95,050; Jicarilla Hospital and Sanatorium, $55,750; Mescalero Hospital, $18,720; Eastern Navajo Hospital, $15,870; Northern Navajo Hospital, $27,285; Taos Hospital, $13,990; Zuni Sanatorium, $51,330; Albuquerque Hospital, $47,260; Charles H. Burke Hospital, $7,440; Santa Fe Hospital, $37,840; Toadlena Hospital, $10,845;

New Mexico.

North Carolina: Cherokee Hospital, $9,405;

North Carolina.

North Dakota: Turtle Mountain Hospital, $35,380; Fort Berthold Hospital, $17,230; Fort Totten Hospital, $21,670; Standing Rock Hospital, $26,340;

North Dakota.

Oklahoma: Cheyenne and Arapahoe Hospital, $33,940; Choctaw and Chickasaw Sanatorium, $51,310; Shawnee Sanatorium, $85,260; Claremore Hospital, $31,870; Clinton Hospital, $18,970; Pawnee and Ponca Hospital, $27,900; Kiowa Hospital, $77,250;

Oklahoma.

South Dakota: Crow Creek Hospital, $20,260; Pine Ridge Hospitals, $40,660; Rosebud Hospital, $26,450;

South Dakota.

Utah: Uintah Hospital, $13,955;

Utah.

Washington: Yakima Sanatorium, $37,960; Tacoma Sanatorium, $188,810; Tulalip Hospital, $9,410;

Washington.

Wisconsin: Hayward Hospital, $28,265; Tomah Hospital, $25,490;

Wisconsin.

Wyoming: Shoshone, $23,380;

Wyoming.

Provided, That 10 per centum of the foregoing amounts shall be available interchangeably for expenditures in the various hospitals named, but not more than 10 per centum shall be added to the

Provisos.
Interchangeable expenditures.

Report to Congress.

amount appropriated for any one of said hospitals or for any particular item within any hospital, and any interchange of appropriations hereunder shall be reported to Congress in the Annual Budget:

Hospitalization of pupils.

Provided further, That nonreservation boarding schools receiving specific appropriations shall contribute on a per diem basis for the hospitalization of pupils in hospitals located at such schools and supported from this appropriation;

Clinical survey of disease conditions.

For a clinical survey of tuberculosis, trachoma, and venereal and other disease conditions among Indians, $20,000: *Provided*, That in conducting such survey the cooperation of such State and other organizations engaged in similar work shall be enlisted wherever practicable and where services of physicians, nurses, or other persons are donated their travel and other expenses may be paid from this appropriation.

Proviso.
Local cooperation.

Chippewas in Minnesota.

Support of hospitals, Chippewas in Minnesota (tribal funds): For support of hospitals maintained for the benefit of the Chippewa Indians in the State of Minnesota, $121,490, payable from the principal sum on deposit to the credit of said Indians arising under section 7 of the Act of January 14, 1889 (25 Stat., p. 645).

Hospitals for, from tribal funds.

Vol. 25, p. 645.

Health work.

There shall be available for health work among the several tribes of Indians not exceeding $125,000 of the tribal trust funds authorized elsewhere in this Act for support of Indians and administration of Indian property.

Medical relief in Alaska.

Medical relief in Alaska: To enable the Secretary of the Interior, in his discretion, and under his direction through the Bureau of Indian Affairs, with the advice and cooperation of the Public Health Service, to provide for the medical and sanitary relief of the Eskimos, Aleuts, Indians, and other natives of Alaska; erection, purchase, repair, rental, and equipment of hospital buildings; books and surgical apparatus; pay and necessary traveling expenses of physicians, nurses, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, $263,555, to be available immediately.

General support and administration.

GENERAL SUPPORT AND ADMINISTRATION

Sundry agencies and reservations.

For general support of Indians and administration of Indian property, including pay of employees authorized by continuing or permanent treaty provisions, $1,624,040.

Fulfilling treaties, etc.

Fulfilling treaties with Indians: For the purpose of discharging obligations of the United States under treaties and agreements with various tribes and bands of Indians as follows:

Northern Cheyennes and Arapahoes, Mont. Vol. 19, p. 256.

Northern Cheyennes and Arapahoes, Montana (article 7, treaty of May 10, 1868, and agreement of February 28, 1877), $67,400;

Pawnees, Okla. Vol. 11, p. 731; Vol. 27, p. 644.

Pawnees, Oklahoma (articles 3 and 4, treaty of September 24, 1857, and article 3, agreement of November 23, 1892), $49,175;

Sioux.

Vol. 15, p. 635; Vol. 19, p. 254.

Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota (articles 8 and 13, treaty of April 29, 1868, 15 Stat., p. 635, and Act of February 28, 1877, 19 Stat., p. 254), $401,200.

Total.

In all, for said treaty stipulations, not to exceed $517,775.

General support, etc., at specified agencies, from tribal funds.

For general support of Indians and administration of Indian property under the jurisdiction of the following agencies, to be paid from the funds held by the United States in trust for the respective tribes, in not to exceed the following sums, respectively:

Arizona.

Arizona: Colorado River, $3,000; Fort Apache, $18,355; San Carlos, $41,505; Truxton Canyon, $8,690; in all, $71,550;

California.

California: Mission, $5,000;

Colorado: Consolidated Ute (Southern Ute, $15,000; Ute Mountain, $15,000); in all, $30,000; Colorado.

Idaho: Fort Hall, $9,285; Idaho.

Iowa: Sac and Fox, $2,000; Iowa.

Minnesota: Red Lake, $39,405; Consolidated Chippewa, $5,000, to be used for establishing a system of cooperative marketing for Indian crops, including wild rice, berries, fish, and furs; in all, $44,405; Minnesota. Cooperative market system.

Montana: Blackfeet, $2,500; Flathead, $10,000; in all, $12,500; Montana.

North Carolina: Cherokee, $8,000; North Carolina.

Oregon: Klamath, $46,550; Oregon.

South Dakota: Cheyenne River, $69,235; South Dakota.

Washington: Puyallup, $1,000 for upkeep of the Puyallup Indian cemetery; Taholah (Quinaielt), $1,000; in all, $2,000; Washington.

Wisconsin: Keshena, $56,310, including $10,000 for monthly allowances, under such rules and regulations as the Secretary of the Interior may prescribe, to such old and indigent members of the Menominee Tribe as it is impracticable to place in the home for old and indigent Menominee Indians, and who reside with relatives or friends; Wisconsin. Monthly allowances to old, etc., Menominees, from tribal funds.

In all, not to exceed $356,835.

Support of Chippewa Indians in Minnesota (tribal funds): For general support, administration of property, and promotion of self-support among the Chippewa Indians in the State of Minnesota, $71,100, to be paid from the principal sum on deposit to the credit of said Indians, arising under section 7 of the Act entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota", approved January 14, 1889 (25 Stat., p. 645): *Provided*, That not to exceed $30,000 of the foregoing amount may be expended in the discretion of the Secretary of the Interior, in aiding indigent Chippewa Indians upon the condition that any funds used in support of a member of the tribe shall be reimbursed out of and become a lien against any individual property of which such member may now or hereafter become seized or possessed, the two preceding requirements not to apply to any old, infirm, or indigent Indian, in the discretion of the Secretary of the Interior. Chippewas in Minnesota. General support, etc. Vol. 25, p. 645. *Proviso.* Aiding indigent.

Expenses of tribal officers, Five Civilized Tribes, Oklahoma (tribal funds): For the current fiscal year money may be expended from the tribal funds of the Choctaw, Chickasaw, Creek, and Seminole Tribes for equalization of allotments, per capita, and other payments authorized by law to individual members of the respective tribes, salaries and contingent expenses of the governor of the Chickasaw Nation and chief of the Choctaw Nation and one mining trustee for the Choctaw and Chickasaw Nations at salaries at the rate heretofore paid for the said governor and said chief and $4,000 for the said mining trustee, and one attorney each for the Choctaw and Chickasaw Tribes employed under contract approved by the President under existing law: *Provided*, That the expenses of the above-named officials shall be determined and limited by the Commissioner of Indian Affairs, not to exceed $2,500 each. Five Civilized Tribes, expenses, etc., tribal officers. *Proviso.* Limitation.

There is hereby authorized to be expended, out of any money now standing to the credit of the Seminole Nation of Indians in the Treasury of the United States, the sum of not exceeding $5,000 to be paid, in the discretion of the Secretary of the Interior, to attorneys for said Seminole Nation of Indians employed under the authority of the Act of Congress approved May 20, 1924 (43 Stat., pp. 133–134), the payments to be made in such sums as may be necessary to reimburse the attorneys for such proper and necessary expenses as may have been incurred or may be incurred in the investigation Seminoles, Okla. Attorneys, expenses. Vol. 43, p. 133.

of records and preparation, institution and prosecution of suits of the Seminole Nation of Indians against the United States under the above-mentioned Act of May 20, 1924: *Provided further*, That the claims of the attorneys shall be filed by said attorneys with the Secretary of the Interior and shall be accompanied by the attorneys' itemized and verified statement of the expenditures for expenses and by proper vouchers, and that the claims so submitted shall be subject to the approval of the Secretary of the Interior: *Provided further*, That any sums allowed and paid under this Act to the attorneys shall be reimbursable to the credit of the Seminole Nation out of any amount or amounts which may hereafter be decreed by the Court of Claims to said attorneys for their services and expenses in connection with the Seminole tribal claims and suits under the above-mentioned Act of May 20, 1924.

Provisos.
Itemized statement and approval necessary.

Repayment.

Osages, Okla.
Agency expenses from tribal funds.

Support of Osage Agency and pay of tribal officers, Oklahoma (tribal funds): For the support of the Osage Agency, and for necessary expenses in connection with oil and gas production on the Osage Reservation, Oklahoma, including pay of necessary employees, the tribal attorney and his stenographer, one special attorney in tax and other matters, and pay of tribal officers; repairs to buildings, rent of quarters for employees, traveling expenses, printing, telegraphing and telephoning, and purchase, repair, and operation of automobiles, $109,220, payable from funds held by the United States in trust for the Osage Tribe of Indians in Oklahoma.

Traveling, etc., expenses.

For traveling and other expenses of tribal councils, business committees, or other tribal organizations, or representatives thereof, when engaged on business of the tribes, including visits to Washington, District of Columbia, when duly authorized or approved in advance by the Commissioner of Indian Affairs, $25,000, payable from funds on deposit to the credit of the particular tribe interested: *Provided*, That not more than $5,000 shall be expended from the funds of any one tribe or band of Indians for the purposes herein specified.

Proviso.
Limitation on expenditure.

Roads and bridges.

ROADS AND BRIDGES

Gallup-Shiprock Highway, N.Mex., Maintenance, etc.

For maintenance and repair of that portion of the Gallup-Shiprock Highway within the Navajo Reservation, New Mexico, including the purchase of machinery, $20,000, reimbursable: *Provided*, That other than for supervision and engineering only Indian labor shall be employed for such maintenance and repair work.

Proviso.
Indian labor.

Annuities, etc.

ANNUITIES AND PER CAPITA PAYMENTS

Senecas, N.Y.
Vol. 4, p. 442.

For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (Act of February 19, 1831, 4 Stat., p. 442), $6,000.

Six Nations, N.Y.
Vol. 7, p. 46.

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (article 6, treaty of November 11, 1794), $4,500.

Choctaws, Okla.
Vol. 7, pp. 99, 212, 213, 236.

Vol. 11, p. 614.

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (article 2, treaty of November 16, 1805, and article 13, treaty of June 22, 1855), $3,000; for permanent annuity for support for light horsemen (article 13, treaty of October 18, 1820, and article 13, treaty of June 22, 1855), $600; for permanent annuity for support of blacksmith (article 6, treaty of October 18, 1820, and article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $600; for permanent annuity for education (article 2, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $6,000; for permanent annuity for iron and steel (article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $320; in all, $10,520.

Saint Croix Chippewas, Wis.
Vol. 10, p. 1109.

To carry out the provisions of the Chippewa treaty of September 30, 1854 (10 Stat., p. 1109), $1,000, in final settlement of the amount, $141,000, found due and heretofore approved for the Saint Croix Chippewa Indians of Wisconsin, whose names appear on the final roll prepared by the Secretary of the Interior pursuant to Act of August 1, 1914 (38 Stat., pp. 582–605), and contained in House Document Numbered 1663, said sum of $1,000 to be expended in the purchase of land or for the benefit of said Indians by the Commissioner of Indian Affairs: *Provided*, That in the discretion of the Commissioner of Indian Affairs, the per capita share of any of said Indians under this appropriation may be paid in cash.

Vol. 38, p. 607.
Purchase of land.
Proviso.
Discretionary cash payment.

Field service employees.
Funds for, available for supplies, etc.

When, in the judgment of the Secretary of the Interior, it is necessary for accomplishment of the purposes of appropriations herein made for the Indian field service, such appropriations shall be available for purchase of ice, rubber boots for use of employees, for travel expenses of employees on official business, and for the cost of packing, crating, drayage, and transportation of personal effects of employees upon permanent change of station.

Alaska natives.
Education and medical services.

The appropriations for education of natives of Alaska and medical relief in Alaska shall be available for the payment of traveling expenses of new appointees from Seattle, Washington, to their posts of duty in Alaska, and of traveling expenses, packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station within Alaska, under regulations to be prescribed by the Secretary of the Interior.

BUREAU OF RECLAMATION

Reclamation Bureau.

Payments, from reclamation fund.
Vol. 32, p. 388.

The following sums are appropriated out of the special fund in the Treasury of the United States created by the Act of June 17, 1902, and therein designated "the reclamation fund", to be available immediately:

Commissioner, office personnel, and other expenses.

Salaries: For the Commissioner of Reclamation and other personal services in the District of Columbia, $86,850; for office expenses in the District of Columbia, $15,000; in all, $101,850;

Administrative provisions and limitations.
Vol. 32, p. 388.

Administrative provisions and limitations: For all expenditures authorized by the Act of June 17, 1902 (32 Stat., p. 388), and Acts amendatory thereof or supplementary thereto, known as the reclamation law, and all other Acts under which expenditures from said fund are authorized, including not to exceed $156,000 for personal services and $15,000 for other expenses in the office of the chief engineer, $20,000 for telegraph, telephone, and other communication service, $5,000 for photographing and making photographic prints, $41,250 for personal services, and $10,000 for other expenses in the field legal offices; examination of estimates for appropriations in the field; refunds of overcollections and deposits for other purposes; not to exceed $18,000 for lithographing, engraving, printing, and binding; purchase of ice; purchase of rubber boots for official use by employees; maintenance and operation of horse-drawn and motor-propelled passenger-carrying vehicles; not to exceed $35,000 for purchase and exchange of horse-drawn and motor-propelled passenger-carrying vehicles; packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior; payment of damages caused to the owners of lands or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of irrigation works, and which may be compromised by agreement between the claimant and

Purposes designated.

Personal services.

Vehicles.

Property damages.

the Secretary of the Interior, or such officers as he may designate; payment for official telephone service in the field hereafter incurred in case of official telephones installed in private houses when authorized under regulations established by the Secretary of the Interior; not to exceed $1,000 for expenses, except membership fees, of attendance, when authorized by the Secretary, upon meetings of technical and professional societies required in connection with official work of the bureau; payment of rewards, when specifically authorized by the Secretary of the Interior, for information leading to the apprehension and conviction of persons found guilty of the theft, damage, or destruction of public property: *Provided*, That no part of said appropriations may be used for maintenance of headquarters for the Bureau of Reclamation outside the District of Columbia except for an office for the chief engineer and staff and for certain field officers of the division of reclamation economics: *Provided further*, That the Secretary of the Interior in his administration of the Bureau of Reclamation is authorized to contract for medical attention and service for employees and to make necessary pay-roll deductions agreed to by the employees therefor: *Provided further*, That no part of any sum provided for in this Act for operation and maintenance of any project or division of a project by the Bureau of Reclamation shall be used for the irrigation of any lands within the boundaries of an irrigation district which has contracted with the Bureau of Reclamation and which is in arrears for more than twelve months in the payment of any charges due the United States, and no part of any sum provided for in this Act for such purpose shall be used for the irrigation of any lands which have contracted with the Bureau of Reclamation and which are in arrears for more than twelve months in the payment of any charges due from said lands to the United States;

Attendance at meetings.

Provisos.
Restriction on place of headquarters.

Medical services for employees.

Restriction on use where irrigation district in arrears.

Examination and inspection of projects.
Balance available.
Vol. 47, p. 842.

Examination and inspection of projects: For examination of accounts and inspection of the works of various projects and divisions of projects operated and maintained by irrigation districts or water users' associations, and bookkeeping, accounting, clerical, legal, and other expenses incurred in accordance with contract provisions for the repayment of such expenses by the districts or associations, the unexpended balance of the appropriation for this purpose for the fiscal year 1934 is continued available for the same purpose for the fiscal year 1935;

Maintenance, etc., of reserved works.
Balance available.
Vol. 47, p. 843.

Operation and maintenance of reserved works: For operation and maintenance of the reserved works of a project or division of a project when irrigation districts, water-users' associations, or Warren Act contractors have contracted to pay in advance but have failed to pay their proportionate share of the cost of such operation and maintenance, to be expended under regulations to be prescribed by the Secretary of the Interior, the unexpended balance of the appropriation for this purpose for the fiscal year 1934 is continued available for the same purpose for the fiscal year 1935;

Yuma, Ariz.-Calif.

Proviso.
Operating commercial system.

Yuma project, Arizona-California: For operation and maintenance, $37,200: *Provided*, That not to exceed $25,000 from the power revenues shall be available during the fiscal year 1935 for the operation and maintenance of the commercial system;

Orland, Calif.

Orland project, California: For operation and maintenance, $33,500;

Boise, Idaho.

Boise project, Idaho: For operation and maintenance, $26,100;

Minidoka, Idaho.

Proviso.
Commercial system.

Minidoka project, Idaho: For operation and maintenance, reserved works, $11,200: *Provided*, That not to exceed $50,000 from the power revenues shall be available during the fiscal year 1935 for the operation of the commercial system; and not to exceed

$100,000 from power revenues shall be available during the fiscal year 1935 for continuation of construction, south side division;

North Platte project, Nebraska-Wyoming: Not to exceed $60,000 from the power revenues shall be available during the fiscal year 1935 for the operation and maintenance of the commercial system; North Platte, Nebr.-Wyo.

Rio Grande project, New Mexico-Texas: For operation and maintenance, $305,000; Rio Grande, N.Mex.-Tex.

Owyhee project, Oregon: For operation and maintenance, $9,300; Owyhee, Oreg.

Vale project, Oregon: For operation and maintenance, $13,900; Vale, Oreg.

Klamath project, Oregon-California: For operation and maintenance, $40,900: *Provided*, That revenues received from the lease of marginal lands, Tule Lake division, shall be available for refunds to the lessees in such cases where it becomes necessary to make refunds because of flooding or other reasons within the terms of such leases; Klamath, Oreg.-Calif. *Proviso.* Revenues from Tule Lake division.

Yakima project, Washington: For operation and maintenance, $246,400: *Provided*, That not to exceed $25,000 from power revenues shall be available during the fiscal year 1935 for operation and maintenance of the power system; Yakima, Wash. *Proviso.* Commercial system.

Riverton project, Wyoming; For operation and maintenance, $23,300: *Provided*, That not to exceed $25,000 from the power revenues shall be available during the fiscal year 1935 for the operation and maintenance of the commercial system; Riverton, Wyo. *Proviso.* Commercial system.

Shoshone project, Wyoming: For operation and maintenance, Willwood division, $12,100: *Provided*, That not to exceed $25,000 from power revenues shall be available during the fiscal year 1935 for the operation and maintenance of the commercial system; Shoshone, Wyo., Willwood division. *Proviso.* Commercial system.

Secondary and economic investigations: For cooperative and general investigations, including investigations necessary to determine the economic conditions and financial feasibility of projects and investigations and other activities relating to the reorganization, settlement of lands, and financial adjustments of existing projects, including examination of soils, classification of land, land-settlement activities, including advertising in newspapers and other publications, and obtaining general economic and settlement data, not to exceed $50,000 of the unexpended balance of the appropriation for these purposes for the fiscal year 1934 shall remain available for the same purposes for the fiscal year 1935: *Provided*, That the expenditures from this appropriation for any reclamation project shall be considered as supplementary to the appropriation for that project and shall be accounted for and returned to the reclamation fund as other expenditures under the Reclamation Act: *Provided further*, That the expenditure of any sums from this appropriation for investigations of any nature requested by States, municipalities, or other interests shall be upon the basis of the State, municipality, or other interest advancing at last [1] 50 per centum of the estimated cost of such investigation; Secondary, etc., investigations. Sum from balance available. Vol. 47, p. 844. *Provisos.* Expenditures considered supplementary; accounting. Division of expense for investigations.

Giving information to settlers: For the purpose of giving information and advice to settlers on reclamation projects in the selection of lands, equipment, and livestock, the preparation of land for irrigation, the selection of crops, methods of irrigation and agricultural practice, and general farm management, the cost of which shall be charged to the general reclamation fund and shall not be charged as a part of the construction or operation and maintenance cost payable by the water users under the projects; the unexpended balance of the appropriation for this purpose for the fiscal year 1934 is continued available for the same purpose for the fiscal year 1935; Information to settlers. Balance continued available. Vol. 47, p. 845.

[1] So in original.

Limitation on expenditures.

Limitation of expenditures: Under the provisions of this Act no greater sum shall be expended, nor shall the United States be obligated to expend during the fiscal year 1935, on any reclamation project appropriated for herein, an amount in excess of the sum herein appropriated therefor, nor shall the whole expenditures or obligations incurred for all of such projects for the fiscal year 1935 exceed the whole amount in the "reclamation fund" for the fiscal year;

Interchange of appropriations.

Interchange of appropriations: Ten per centum of the foregoing amounts shall be available interchangeably for expenditures on the reclamation projects named; but not more than 10 per centum shall be added to the amount appropriated for any one of said projects, except that should existing works or the water supply for lands under cultivation be endangered by floods or other unusual conditions an amount sufficient to make necessary emergency repairs shall become available for expenditure by further transfer of appropriation from any of said projects upon approval of the Secretary of the Interior;

Emergency flood repairs.

Total, from reclamation fund, $860,750.

Yuma project, Ariz.-Calif.
Colorado River front work adjacent to.

To defray the cost of operating and maintaining the Colorado River front work and levee system adjacent to the Yuma Federal irrigation project in Arizona and California, subject only to section 4 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved January 21, 1927 (44 Stat., p. 1010), the unexpended balance of the appropriation for the fiscal year 1934 is continued available for the same purpose for the fiscal year 1935.

Vol. 44, p. 1016.

Balance available.
Vol. 47, p. 845.

Not to be used for investigating new projects.

No part of any appropriation in this Act for the Bureau of Reclamation shall be used for investigations to determine the economic and/or financial feasibility of any new reclamation project.

Geological Survey.

GEOLOGICAL SURVEY

SALARIES

Director, and office personnel.

For the Director of the Geological Survey and other personal services in the District of Columbia, $112,500;

General expenses.

GENERAL EXPENSES

Authorization for all services.

For every expenditure requisite for and incident to the authorized work of the Geological Survey, including personal services in the District of Columbia and in the field, including not to exceed $30,000 for the purchase and exchange, and not to exceed $50,000 for the hire, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for field use only by geologists, topographers, engineers, and land classifiers, and the Geological Survey is authorized to exchange unserviceable and worn-out passenger-carrying and freight-carrying vehicles as part payment for new freight-carrying vehicles, and including not to exceed $3,000

Vehicles.

Travel; attendance at meetings, etc.

for necessary traveling expenses of the director and members of the Geological Survey acting under his direction, for attendance upon meetings of technical, professional, and scientific societies when required in connection with the authorized work of the Geological Survey, to be expended under the regulations from time to time prescribed by the Secretary of the Interior, and under the following heads:

Topographic surveys.

Topographic surveys: For topographic surveys in various portions of the United States, $112,140, and in addition thereto not to exceed

$50,000 of the unexpended balance for this purpose for the fiscal year 1934 is continued available for the same purpose for the fiscal year 1935, of which amount not to exceed $105,000 may be expended for personal services in the District of Columbia: *Provided*, That no part of this appropriation shall be expended in cooperation with States or municipalities except upon the basis of the State or municipality bearing all of the expense incident thereto in excess of such an amount as is necessary for the Geological Survey to perform its share of standard topographic surveys, such share of the Geological Survey in no case exceeding 50 per centum of the cost of the survey: *Provided further*, That $143,800 of this amount shall be available only for such cooperation with States or municipalities;

Sum from balance continued available. Vol. 47, p. 846.

Provisos. Cooperation with States, etc.

Amount for cooperation.

Geologic surveys: For geologic surveys in the various portions of the United States and chemical and physical researches relative thereto, $289,440, of which not to exceed $236,440 may be expended for personal services in the District of Columbia;

Geologic surveys.

Volcanologic surveys: For volcanologic surveys, measurements, and observatories in Hawaii, including subordinate stations elsewhere, $6,030;

Volcanologic surveys.

Mineral resources of Alaska: For continuation of the investigation of the mineral resources of Alaska, $29,150, to be available immediately, of which amount not to exceed $14,400 may be expended for personal services in the District of Columbia;

Alaska, mineral resources.

Gaging streams: For gaging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $301,130, and in addition thereto the unexpended balance for this purpose for the fiscal year 1934 is continued available for the same purpose for the fiscal year 1935; for operation and maintenance of the Lees Ferry, Arizona, gaging station and other base gaging stations in the Colorado River drainage, $36,520; in all, $337,650, of which amount not to exceed $124,540 may be expended for personal services in the District of Columbia: *Provided*, That no part of this appropriation shall be expended in cooperation with States or municipalities except upon the basis of the State or municipality bearing all of the expense incident thereto in excess of such an amount as is necessary for the Geological Survey to perform its share of general water-resource investigations, such share of the Geological Survey in no case exceeding 50 per centum of the cost of the investigation: *Provided further*, That $375,890 of this amount shall be available only for such cooperation with States or municipalities;

Gaging streams, investigations.

Balance available. Vol. 47, p. 846.

Gaging stations.

Services in the District.

Provisos. Cooperation with States, etc.

Sum available therefor.

Classification of lands: For the examination and classification of lands with respect to mineral character, water resources, and agricultural utility as required by the public land laws and for related administrative operations; for the preparation and publication of land classification maps and reports; for engineering supervision of power permits and grants under the jurisdiction of the Secretary of the Interior; and for performance of work of the Federal Power Commission, $89,700, of which amount not to exceed $78,750 may be expended for personal services in the District of Columbia;

Classifying lands as to mineral character.

Printing and binding, and so forth: For printing and binding, $69,800, and in addition thereto the unexpended balance for this purpose for the fiscal year 1934 is continued available for the same purpose for the fiscal year 1935; for preparation of illustrations, $15,000; and for engraving and printing geologic and topographic maps, $78,390; in all, $163,190;

Printing and binding.

Nonmetallic Mineral Acts.
Enforcing provisions.
Vol. 38, p. 741; Vol. 40, p. 297; Vol. 41, pp. 437, 1363.
U.S.C., pp. 963, 964, 1595, 1596.

Mineral leasing: For the enforcement of the provisions of the Acts of October 20, 1914 (U.S.C., title 48, sec. 435), October 2, 1917 (U.S.C., title 30, sec. 141), February 25, 1920 (U.S.C., title 30, sec. 181), and March 4, 1921 (U.S.C., title 48, sec. 444), and other Acts relating to the mining and recovery of minerals on Indian and public lands and naval petroleum reserves; and for every other expense incident thereto, including supplies, equipment, expenses of travel and subsistence, the construction, maintenance, and repair of necessary camp buildings and appurtenances thereto, $173,700, of which amount not to exceed $52,500 may be expended for personal services in the District of Columbia;

Scientific, etc., investigations with departments, etc., by the bureau.

During the fiscal year 1935 the head of any department or independent establishment of the Government having funds available for scientific and technical investigations and requiring cooperative work by the Geological Survey on scientific and technical investigations within the scope of the functions of that bureau and which it is unable to perform within the limits of its appropriations may, with the approval of the Secretary of the Interior, transfer to the Geological Survey such sums as may be necessary to carry on such investigations. The Secretary of the Treasury shall transfer on the books of the Treasury Department any sums which may be authorized hereunder, and such amounts shall be placed to the credit of the Geological Survey for the performance of work for the department or establishment from which the transfer is made: *Provided*, That any sums transferred by any department or independent establishment of the Government to the Geological Survey for cooperative work in connection with this appropriation may be expended in the same manner as sums appropriated herein may be expended: *Provided further*, That any funds herein appropriated for the Geological Survey for cooperative work may be utilized prior to July 1, 1934, as required to enable the Geological Survey to continue its cooperative work pending reimbursement from cooperative agencies, the amount so utilized to be repaid to the appropriation from which advanced;

Credit of funds.

Provisos.
Transfer of funds.

Cooperative work.

Aerial photographs for aviators, etc.

During the fiscal year 1935, upon the request of the Secretary of the Interior, the Secretary of War or the Secretary of the Navy is authorized to furnish aerial photographs required for mapping projects, insofar as the furnishing of such photographs will be economical to the Federal Government and does not conflict with military or naval operations or the other parts of the regular training program of the Army, Navy, and Marine Corps flying services, and the Secretary of the Interior is authorized to reimburse the War or Navy Department for the cost of making the photographs, such cost to be confined to the actual cost of gasoline, oil, film, paper, chemicals, and the labor performed in developing the photographic negatives and the printing of copies of photographs, and the per diem expenses of the personnel authorized by law, together with such incidental expenses as care and minor repairs to plane and transportation of personnel to and from projects, and the War Department or the Navy Department, on request of the Department of the Interior, is authorized to furnish copies to any State, county, or municipal agency cooperating with the Federal Government in the mapping project for which the photographs were taken. In the event that the Director of the Geological Survey deems it advantageous to the Government, the Geological Survey is authorized to contract with civilian aerial photographic concerns for the furnishing of such photographs;

Reimbursement.

Contracts with civilians.

Transporting effects of employees.

Appropriations herein made shall be available for payment of the costs of packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of

station, under regulations to be prescribed by the Secretary of the Interior;

Total, United States Geological Survey, $1,313,500.

OFFICE OF NATIONAL PARKS, BUILDINGS, AND RESERVATIONS

Office of National Parks, Buildings, and Reservations.
Post, p. 389.

Salaries: For the Director of the Office of National Parks, Buildings, and Reservations and other personal services in the District of Columbia, including accounting services in checking and verifying the accounts and records of the various operators, licensees, and permittees conducting utilities and other enterprises within the national parks and monuments, and including the services of specialists and experts for investigations and examinations of lands to determine their suitability for national park and national monument purposes and members of the commission appointed under the provisions of the Act of February 21, 1925 (43 Stat., p. 959): *Provided*, That such specialists and experts may be employed for temporary service at rates to be fixed by the Secretary of the Interior to correspond to those established by the Classification Act of 1923, as amended, and without reference to the Civil Service Act of January 16, 1883, $148,390, of which amount not to exceed $20,720 may be expended for the services of field employees engaged in examination of lands and in developing the educational work of the Office of National Parks, Buildings and Reservations.

Director, and office personnel.

Accounting service.

Specialists and experts.

Vol. 43, p. 959.

Proviso.
Employment without reference to Classification Acts, etc.
Vol. 42, p. 1488, Vol. 45, p. 776; Vol. 46, p. 1003.
U.S.C., p. 65; Supp. VII, p. 34.
Vol. 22, p. 403.
Field employees.

General expenses: For every expenditure requisite for and incident to the authorized work of the office of the Director of National Parks, Buildings, and Reservations not herein provided for, including traveling expenses, telegrams, photographic supplies, prints, and motion-picture films, necessary expenses of attendance at meetings concerned with the work of the Office of National Parks, Buildings, and Reservations when authorized by the Secretary of the Interior, and necessary expenses of field employees engaged in examination of lands and in developing the educational work of the Office of National Parks, Buildings, and Reservations, $24,500: *Provided*, That necessary expenses of field employees in attendance at such meetings, when authorized by the Secretary, shall be paid from the various park and monument appropriations.

Administrative expenses.

Proviso.
Field employees, expenses.

Acadia National Park, Maine: For administration, protection, and maintenance, including $3,000 for George B. Dorr as superintendent, $3,000 for temporary clerical services for investigation of titles and preparation of abstracts thereof of lands donated to the United States for inclusion in the Acadia National Park, and not exceeding $1,800 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $41,470.

Acadia, Maine.

Bryce Canyon National Park, Utah: For administration, protection, and maintenance, including not exceeding $300 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with the general park work, $10,490.

Bryce Canyon, Utah.

Carlsbad Caverns National Park, New Mexico: For administration, protection, and maintenance, including not exceeding $800 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $52,330.

Carlsbad Caverns, N.Mex.

Crater Lake National Park, Oregon: For administration, protection, and maintenance, including not exceeding $800 for the maintenance, operation, and repair of motor-driven passenger-carry-

Crater Lake, Oreg.

ing vehicles for the use of the superintendent and employees in connection with general park work, $48,190.

General Grant, Calif. General Grant National Park, California: For administration, protection, and maintenance, including not exceeding $400 for the maintenance, operation, and repair of a motor-driven passenger-carrying vehicle, $11,750.

Glacier, Mont. Glacier National Park, Montana: For administration, protection, and maintenance, including necessary repairs to the roads from Glacier Park Station through the Blackfeet Indian Reservation to the various points in the boundary line of the Glacier National Park and the international boundary, including not exceeding $750 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $151,660.

Grand Canyon, Ariz. Grand Canyon National Park, Arizona: For administration, protection, and maintenance, including not exceeding $1,000 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $102,400.

Grand Teton, Wyo. Grand Teton National Park, Wyoming: For administration, protection, and maintenance, including not exceeding $700 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $15,620.

Great Smoky Mountains, N.C.-Tenn. Proposed Great Smoky Mountains National Park, North Carolina and Tennessee: For administration and protection of the portion of the area of such proposed park the title of which has been vested in the United States under the provisions of section 3 of the Act of May 22, 1926 (U.S.C., title 16, sec. 403b), including not to exceed $300 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for use in connection with such work, $22,270.

Vol. 44, p. 616; U.S. C., p. 1936.

Hawaii. Hawaii National Park: For administration, protection, and maintenance, including not exceeding $800 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $35,350.

Hot Springs, Ark. Hot Springs National Park, Arkansas: For administration, protection, maintenance, and improvement, including not exceeding $700 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $64,330.

Lassen, Calif. Lassen Volcanic National Park, California: For administration, protection, and maintenance, including not exceeding $700 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $20,860.

Mesa Verde, Colo. Mesa Verde National Park, Colorado: For administration, protection, and maintenance, including not exceeding $700 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $39,760.

Mount McKinley, Alaska. Mount McKinley National Park, Alaska: For administration, protection, and maintenance, $22,270.

Mount Rainier, Wash. Mount Rainier National Park, Washington: For administration, protection, and maintenance, including not exceeding $1,500 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $107,730.

Platt, Okla.

Platt National Park, Oklahoma: For administration, protection, and maintenance, including not exceeding $300 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $19,150.

Rocky Mountain, Colo.

Rocky Mountain National Park, Colorado: For administration, protection, and maintenance, including not exceeding $1,200 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $73,370.

Sequoia, Calif.

Sequoia National Park, California: For administration, protection, and maintenance, including not exceeding $1,200 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $86,700.

Shenandoah, Va., proposed.

Proposed Shenandoah National Park, Virginia: For administration, protection, and maintenance, including not exceeding $400 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $27,680: *Provided*, That no part of this appropriation shall be available for expenditure in advance of the acceptance on behalf of the United States of title to a minimum area of one hundred and sixty thousand acres of land within the proposed Shenandoah National Park, as prescribed in the Act approved February 4, 1932, (U.S.C., Supp. VI, title 16, secs. 403b, 403d; Act of February 4, 1932, 47 Stat. 37).

Proviso. Expenditure conditional.

Vol. 47, p. 37. U.S.C., Supp. VII, p. 304.

Wind Cave, S.Dak.

Wind Cave National Park, South Dakota: For administration, protection, and maintenance, including not exceeding $250 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $14,020.

Yellowstone, Wyo.

Yellowstone National Park, Wyoming: For administration, protection, and maintenance, including not exceeding $5,700 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, not exceeding $8,400 for maintenance of the road in the national forest leading out of the park from the east boundary, not exceeding $7,500 for maintenance of the road in the national forest leading out of the park from the south boundary, and including feed for buffalo and other animals and salaries of buffalo keepers, $348,490.

Yosemite, Calif.

Yosemite National Park, California: For administration, protection, and maintenance, including not exceeding $1,800 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, not exceeding $2,000 for maintenance of the road in the Stanislaus National Forest connecting the Tioga Road with the Hetch Hetchy Road near Mather Station, and including necessary expenses of a comprehensive study of the problems relating to the use and enjoyment of the Yosemite National Park and the preservation of its natural features, $250,070.

Zion, Utah.

Zion National Park, Utah: For administration, protection, and maintenance, including not exceeding $700 for the maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $35,940.

National monuments. Administration, etc.

National monuments: For administration, protection, maintenance, and preservation of national monuments, including not exceeding

$2,100 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the custodians and employees in connection with general monument work, $82,760.

National historical parks and monuments.

National historical parks and monuments: For administration, protection, maintenance, and improvement, including the maintenance, operation, and repair of motor-driven passenger-carrying vehicles, $77,350.

Emergency reconstruction, fighting forest fires, etc.

Emergency reconstruction and fighting forest fires in national parks: For reconstruction, replacement, and repair of roads, trails, bridges, buildings, and other physical improvements and of equipment in national parks or national monuments that are damaged or destroyed by flood, fire, storm, or other unavoidable causes during the fiscal year 1935, and for fighting or emergency prevention of forest fires in national parks or other areas administered by the Office of National Parks, Buildings, and Reservations, or fires that endanger such areas, $25,000, and in addition thereto the unexpended balance for this purpose for the fiscal year 1934 is continued available during the fiscal year 1935, together with not to exceed $100,000 to be transferred upon the approval of the Secretary of the Interior from the various appropriations for national parks and national monuments herein contained, any such diversions of appropriations to be reported to Congress in the annual Budget: *Provided*, That the allotment of these funds to the various national parks or areas administered by the Office of National Parks, Buildings, and Reservations as may be required for fire-fighting purposes shall be made by the Secretary of the Interior, and then only after the obligation for the expenditure has been incurred.

Balance available.
Vol. 47, p. 852.

Proviso.
Restriction on allotments.

Forest insect control, fire prevention, etc.

Forest protection and fire prevention: For the control and the prevention of spread of forest insects and tree diseases, including necessary personnel and equipment for such work; and for fire-prevention measures, including necessary personnel and fire-prevention equipment, $69,600.

Commissioners' salaries.

For salaries of commissioners in Crater Lake, Glacier, Hawaii, Lassen Volcanic, Mesa Verde, Mount Rainier, Rocky Mountain, Sequoia and General Grant, Yellowstone, and Yosemite National Parks, $17,750, which shall be in lieu of all fees and compensation heretofore authorized.

Military parks, battlefields, etc.
Administrative, etc., expenses.

National military parks, battlefields, and cemeteries: For administration, protection, maintenance, and improvement, including the maintenance, operation, and repair of motor-driven passenger-carrying vehicles, $160,030.

National military monuments.

National Military Monuments: For administration, protection, maintenance, and improvement, including the maintenance, operation, and repair of motor-driven passenger-carrying vehicles, $33,770.

Accounting.

The total of the foregoing amounts shall be available in one fund for the Office of National Parks, Buildings, and Reservations.

Lectures.

Appropriations made for the national parks, national monuments, and other reservations under the jurisdiction of the Office of National Parks, Buildings, and Reservations, shall be available for the giving of educational lectures therein.

Public buildings and grounds, D.C.

Salaries and general expenses, public buildings and grounds in the District of Columbia: For administration, protection, maintenance, and improvement of public buildings, monuments, memorials, and grounds in the District of Columbia under the jurisdiction of the Office of National Parks, Buildings, and Reservations, including the Arlington Memorial Bridge, the Mount Vernon Memorial Highway, and other Federal lands authorized by the Act of May 29, 1930 (46 Stat. 482), and including the pay and allowances in accordance with the provisions of the Act of May 27, 1924, as amended, of the

Vol. 46, p. 482.
Vol. 43, p. 174.

police force of the Mount Vernon Memorial Highway, and the purchase, at not to exceed $1,500, operation, maintenance, repair, exchange, and storage of revolvers, bicycles, motor-propelled passenger-carrying vehicles, ammunition, uniforms, and equipment necessary for this force; per diem employees at rates of pay approved by the Director, not exceeding current rates for similar services in the District of Columbia; rent of buildings; demolition of buildings; traveling expenses and car fare; leather and rubber articles and gas masks for the protection of public property and employees; not exceeding $13,000 for uniforms for employees; and the maintenance, repair, exchange, storage, and operation of two motor-propelled passenger-carrying vehicles; $4,000,000, of which amount not to exceed $3,114,000 shall be available for personal services in the District of Columbia, and of this latter amount not to exceed $66,330 shall be available for personal services, without reference to civil service rules, incident to moving various executive departments and establishments in connection with the assignment, allocation, transfer, and survey of space.

Contingent expenses.

Salaries and Expenses, Public Buildings Outside the District of Columbia: For administration, protection, and maintenance, including improvement, repair, cleaning, heating, lighting, rental of buildings and equipment, supplies, materials, personal services at rates of compensation not in excess of the rates current in the place where such services are employed, and every expenditure requisite for and incidental to such maintenance and operation of public buildings outside of the District of Columbia under the jurisdiction of the Office of National Parks, Buildings, and Reservations, $78,590.

Salaries and expenses outside the District.

Hereafter the Office of National Parks, Buildings, and Reservations shall be known as the "National Park Service", and appropriations herein made for the Office of National Parks, Buildings, and Reservations shall be available to the National Park Service, and the services of the Director and personnel of the Office of National Parks, Buildings, and Reservations shall be continued in the National Park Service under their present appointments.

To be known as "National Park Service" hereafter.

Continuance of present personnel.

OFFICE OF EDUCATION

Office of Education.

SALARIES

For the Commissioner of Education and other personal services in the District of Columbia, $220,500.

Commissioner, and office personnel.

GENERAL EXPENSES

General expenses.

For necessary traveling expenses of the commissioner and employees acting under his direction, including attendance at meetings of educational associations, societies, and other organizations; for compensation, not to exceed $500, of employees in field service; for purchase, distribution, and exchange of educational documents, motion-picture films, and lantern slides; collection, exchange, and cataloging of educational apparatus and appliances, articles of school furniture and models of school buildings illustrative of foreign and domestic systems and methods of education, and repairing the same; and other expenses not herein provided for, $12,500.

Travel, attendance at meetings, etc.

FEDERAL BOARD FOR VOCATIONAL EDUCATION

Federal Board for Vocational Education.

For extending to the Territory of Hawaii the benefits of the Act entitled "An Act to provide for the promotion of vocational education; to provide for cooperation with the States in the promo-

Extending benefits to Hawaii.
Vol. 39, p. 929; U.S. C., p. 609.

tion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure", approved February 23, 1917 (U.S.C., title 20, secs. 11–18), in accordance with the provisions of the Act entitled "An Act to extend the provisions of certain laws to the Territory of Hawaii", approved March 10, 1924 (U.S.C., title 20, sec. 29), $30,000.

Vol. 43, p. 18; U.S.C., p. 612.

Cooperative rehabilitation of persons injured in industry, expenses.

Vol. 41, p. 735; Vol. 43, p. 431; Vol. 46, p. 524; Vol. 47, p. 448. U.S.C., p. 948; Supp. VII, 745.

Cooperative Vocational Rehabilitation of Persons Disabled in Industry: For carrying out the provisions of the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment", approved June 2, 1920 (U.S.C., title 29, sec. 35), as amended by the Act of June 5, 1924 (U.S.C., title 29, sec. 31), and the Acts of June 9, 1930, and June 30, 1932 (U.S.C., Supp. VI, title 29, secs. 31–40), $1,097,000.

Salaries and expenses.

Salaries and expenses: For making studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placements in suitable or gainful occupations, and for the administrative expenses of said Board incident to performing the duties imposed by the Act of June 2, 1920 (U.S.C., title 29, sec. 35), as amended by the Act of June 5, 1924 (U.S.C., title 29, sec. 31), and the Acts of June 9, 1930, and June 30, 1932 (U.S.C., Supp. VI, title 29, secs. 31, 40), including salaries of such assistants, experts, clerks, and other employees, in the District of Columbia or elsewhere, as the Board may deem necessary, actual traveling and other necessary expenses incurred by the members of the Board and by its employees, under its orders; including attendance at meetings of educational associations and other organizations, rent and equipment of offices in the District of Columbia, and elsewhere, purchase of books of reference, law books, and periodicals, newspapers not to exceed $50, stationery, typewriters and exchange thereof, miscellaneous supplies, postage on foreign mail, printing and binding, and all other necessary expenses, $58,000, of which amount not to exceed $48,000 may be expended for personal services in the District of Columbia.

Cooperative rehabilitation of disabled residents of District of Columbia.

Vol. 45, p. 1260. U.S.C., Supp. VII, p. 747.

Cooperative vocational rehabilitation of disabled residents of the District of Columbia: For personal services, printing and binding, travel and subsistence, and payment of expenses of training, placement, and other phases of rehabilitating, disabled residents of the District of Columbia under the provisions of the Act entitled "An Act to provide for the vocational rehabilitation of disabled residents of the District of Columbia", approved February 23, 1929 (U.S.C., Supp. VI, title 29, secs. 47–47e), $15,000.

Extending benefits to Puerto Rico.

Vol. 39, p. 930; Vol. 46, p. 1489. U.S.C., p. 609; Supp. VII, p. 459.

For extending to Puerto Rico the benefits of the Act entitled "An Act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure", approved February 23, 1917 (U.S.C., title 20, secs. 11–18), in accordance with the provisions of the Act entitled "An Act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Puerto Rico", approved March 3, 1931 (U.S.C., title 20, secs. 11–18; title 29, secs. 31–35; U.S.C., Supp. VI, title 20, sec. 30), $105,000.

Attendance at meetings.

Appropriations available to the Federal Board for Vocational Education for salaries and expenses shall be available for expenses of attendance at meetings of educational associations and other organi-

zations which in the discretion of the board are necessary for the efficient discharge of its responsibilities.

Pursuant to the provisions of section 407 of title IV of part II of the Legislative Appropriation Act, fiscal year 1933, as amended, Executive Order Numbered 6586, dated February 6, 1934, revoking section 18 of Executive Order Numbered 6166, dated June 10, 1933, shall take effect on the date of approval of this Act.

Effective date of Executive Order 6586, dated February 6, 1934. Vol. 47, p. 414.

GOVERNMENT IN THE TERRITORIES

Government in the Territories.

TERRITORY OF ALASKA

Alaska.

Governor and secretary.

Salaries of the governor and of the secretary $14,040.

Incidental and contingent expenses.

For incidental and contingent expenses of the offices of the governor and of the secretary of the Territory, clerk hire, not to exceed $7,740; janitor service for the governor's office and the executive mansion, not to exceed $2,870; traveling expenses of the governor while absent from the capital on official business and of the secretary of the Territory while traveling on official business under direction of the governor; repair and preservation of governor's house and furniture; for care of grounds and purchase of necessary equipment; stationary,[1] lights, water, and fuel; in all, $14,720, to be expended under the direction of the governor.

Legislative expenses.

Legislative expenses: For salaries of members, $19,440; mileage of members, $9,500; salaries of employees, $4,680; printing, indexing, comparing proofs, and binding laws, printing, indexing, and binding journals, stationery, supplies, printing of bills, reports, and so forth, $8,700; in all, $42,320, to be expended under the direction of the Governor of Alaska.

Reindeer.

Reindeer for Alaska: For support of reindeer stations in Alaska and instruction in the care and management of reindeer, including salaries of necessary employees in Alaska, traveling expenses of employees, including expenses of new appointees from Seattle, Washington, to their posts of duty in Alaska, and expenses of packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station within Alaska, under regulations to be prescribed by the Secretary of the Interior, purchase, erection, and repair of cabins for supervisors, herders, and apprentices, equipment, and all other necessary miscellaneous expenses, $30,520, to be available immediately.

Care of insane.

Insane of Alaska: For care and custody of persons legally adjudged insane in Alaska, including compensation of medical supervisor detailed from Public Health Service, transportation, burial, and other expenses, $161,600: *Provided*, That authority is granted to the Secretary of the Interior to pay from this appropriation to the Sanitarium Company, of Portland, Oregon, or to other contracting institution or institutions, not to exceed $564 per capita per annum for the care and maintenance of Alaskan insane patients during the fiscal year 1935: *Provided further*, That so much of this sum as may be required shall be available for all necessary expenses in ascertaining the residence of inmates and in returning those who are not legal residents of Alaska to their legal residence or to their friends, and the Secretary of the Interior shall, so soon as practicable, return to their places of residence or to their friends all inmates not residents of Alaska at the time they became insane, and the commitment papers for any person hereafter adjudged insane shall include a statement by the committing authority as to the legal residence of such person.

Provisos. Payments.

Returning non-Alaskan residents.

[1] So in original.

Roads, bridges, trails, etc.

Vol. 47, p. 446. U.S.C., Supp. VII, p. 984.

For the repair and maintenance of roads, tramways, ferries, bridges, and trails, Territory of Alaska, to be expended under the provisions of Public Resolution Numbered 218, approved June 30, 1932 (Supp. VI, title 48, secs. 321a–321d), $451,900; for repair and maintenance of Government wharf at Juneau, Alaska, $100; in all, $452,000, to be immediately available.

Alaska Railroad. Maintenance, etc.

The Alaska Railroad: For every expenditure requisite for and incident to the authorized work of the Alaska Railroad, including maintenance, operation, and improvements of railroads in Alaska; maintenance and operation of river steamers and other boats on the

Operation, etc., of vessels.

Yukon River and its tributaries in Alaska; operation and maintenance of ocean-going or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the

Additional facilities for freight transportation.

purpose of providing additional facilities for the transportation of freight, passengers, or mail, when deemed necessary, for the benefit and development of industries and travel affecting territory tributary to the Alaska Railroad; stores for resale; payment of claims for losses and damages arising from operations, including claims of employees of the railroad for loss and damage resulting from wreck or accident on the railroad, not due to negligence of the claimant, limited to clothing and other necessary personal effects used in connection with his duties and not exceeding $100 in value; payment of amounts due connecting lines under traffic agreements; payment

Vol. 39, p. 750. U.S.C., p. 81.

of compensation and expenses as authorized by section 42 of the Injury Compensation Act approved September 7, 1916 (U.S.C., title 5, sec. 793), to be reimbursed as therein provided, $1,000, in addition to all amounts received by the Alaska Railroad during the

Provisos. Services in the District.

fiscal year 1935, to continue available until expended: *Provided*, That not to exceed $5,400 of this fund shall be available for personal services in the District of Columbia during the fiscal year 1935, and no one other than the general manager of said railroad shall be paid an annual salary out of this fund of more than $5,400: *Provided*

Printing and binding.

further, That not to exceed $9,000 of such fund shall be available for printing and binding.

Hawaii.

TERRITORY OF HAWAII

Governor and secretary.

Salaries of the governor and of the secretary, $14,220.

Contingent expenses.

For contingent expenses, to be expended by the governor for stationery, postage, and incidentals, $1,000; private secretary to the governor; temporary clerk hire, $500; for traveling expenses of the governor while absent from the capital on official business, $1,250; in all, $5,490.

Legislative expenses.

Legislative expenses, Territory of Hawaii: For compensation and mileage of members of the Legislature of the Territory of Hawaii as provided by the Act of June 27, 1930 (U.S.C., Supp. VI, title 48, sec. 599), $42,500.

Virgin Islands.

TEMPORARY GOVERNMENT FOR THE VIRGIN ISLANDS

Governor, and other personal services. Vol. 39, p. 1132. U.S.C. p. 1643.

For salaries of the Governor and employees incident to the execution of the Act of March 3, 1917 (U.S.C., title 48, sec. 1391), traveling expenses of officers and employees while absent from place of duty on official business, necessary janitor service, care of Federal grounds, repair and preservation of Federal buildings and furniture, purchase of equipment, stationery, lights, water, and other necessary

Miscellaneous expenses.

miscellaneous expenses, including not to exceed $4,000 for purchase, including exchange, maintenance, repair, and operation of motor-

propelled passenger-carrying vehicles, and not to exceed $4,000 for personal services, household equipment and furnishings, fuel, ice, and electricity necessary in the operation of Government House at Saint Thomas and Government House at Saint Croix; $117,840.

Agricultural experiment stations.

For salaries and expenses of the agricultural experiment station and the vocational school in the Virgin Islands, including technical personnel, clerks, and other persons; scientific investigations of plants and plant industries and diseases of animals; demonstrations in practical farming; official traveling expenses; fixtures, apparatus, and supplies; clearing and fencing of land; and other necessary expenses, including not to exceed $2,000 for purchase, including exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, $29,968.

Deficits of municipal governments.

For defraying the deficits in the treasuries of the municipal governments because of the excess of current expenses over current revenues for the fiscal year 1935, municipality of Saint Thomas and Saint John, $90,000, and municipality of Saint Croix, $82,600; in all, $172,600: *Provided*, That the amount herein appropriated for each municipal government shall be expended only if an equivalent amount is raised by municipal revenues and applied to the operating costs of the respective government, except that for the fiscal year 1935 the contribution to the municipal governments shall not be less than $86,000 for the municipality of Saint Thomas and Saint John and $78,600 for the municipality of Saint Croix: *Provided further*, That should the revenues of the municipality of Saint Thomas and Saint John, during the fiscal year 1935, exceed $90,000, and/or the revenues of the municipality of Saint Croix exceed $82,600, such excess revenues may be expended for municipal improvements and operating costs of the municipalities under such rules and regulations as the President may prescribe.

Provisos.
Division of deficit.

Excess revenues for improvements.

Further developing projects.

For such projects for the further development of agriculture and industry, and for promoting the general welfare of the islands as may be approved by the President, including the acquisition by purchase, condemnation, or otherwise, of land and the construction of buildings for use in administering the affairs of the islands; the purchase of land for sale as homesteads to citizens of the Virgin Islands; and the making of loans for the construction of buildings, for the purchase of farming implements and equipment, and for other expenses incident to the cultivation of land purchased for resale as homesteads, $14,350.

Acquisition of land.

Loans for building construction.

SAINT ELIZABETHS HOSPITAL

Saint Elizabeths Hospital.

Maintenance, etc.

For support, clothing, and treatment in Saint Elizabeths Hospital for the Insane of insane persons from the Army, Navy, Marine Corps, and Coast Guard, insane inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military and naval service of the United States, insane civilians in the quartermaster service of the Army, insane persons transferred from the Canal Zone who have been admitted to the hospital and who are indigent, American citizens legally adjudged insane in the Dominion of Canada whose legal residence in one of the States, Territories, or the District of Columbia it has been impossible to establish, insane beneficiaries of the United States Employees' Compensation Commission, and insane beneficiaries of the United States Veterans' Administration, including not exceeding $27,000 for the purchase, exchange, maintenance, repair, and operation of motor-propelled passenger-

Insane citizens in Canada.

Vehicles.

carrying vehicles for the use of the superintendent, purchasing agent, and general hospital business, and including not to exceed $175,000

Repairs and improvements.

for repairs and improvements to buildings and grounds, $1,064,961, including maintenance and operation of necessary facilities for feeding employees and others (at not less than cost), and the proceeds therefrom shall reimburse the appropriation for the institution; and not exceeding $1,500 of this sum may be expended in the removal of patients to their friends, not exceeding $1,500 in the purchase of such books, periodicals, and newspapers, as may be required for the purposes of the hospital and for the medical library, and not exceeding

Return of escaped patients.

$1,500 for the actual and necessary expenses incurred in the apprehension and return to the hospital of escaped patients: *Provided*,

Provisos.
Returning inmates not Federal charges.

That so much of this sum as may be required shall be available for all necessary expenses in ascertaining the residence of inmates who are not or who cease to be properly chargeable to Federal maintenance in the institution and in returning them to such places of

Purchase of butter substitutes.

residence: *Provided further*, That no part of this appropriation shall be expended for the purchase of oleomargarine or butter substitutes

Patients in the District.

except for cooking purposes: *Provided further*, That during the fiscal year 1935 the District of Columbia, or any branch of the Government requiring Saint Elizabeths Hospital to care for patients for which they are responsible, shall pay by check to the superintendent, upon his written request, either in advance or at the end of each month, all or part of the estimated or actual cost of such maintenance, as the case may be, and bills rendered by the Superintendent of Saint Elizabeths Hospital in accordance herewith shall not be subject to audit or certification in advance of payment; proper adjustments on the basis of the actual cost of the care of patients paid for in advance shall be made monthly or quarterly, as may be agreed upon between the Superintendent of Saint Elizabeths Hospital and the District of Columbia government, department, or establishments concerned. All sums paid to the Superintendent of

Credit of sums paid for patients.

Saint Elizabeths Hospital for the care of patients that he is authorized by law to receive shall be deposited to the credit on the books of the Treasury Department of the appropriation made for the care and maintenance of the patients at Saint Elizabeths Hospital for the year in which the support, clothing, and treatment is provided, and be subject to requisition by the disbursing agent of Saint Elizabeths Hospital, upon the approval of the Secretary of the Interior.

Columbia Institution for the Deaf.

COLUMBIA INSTITUTION FOR THE DEAF

Maintenance, etc.

For support of the institution, including salaries and incidental expenses, books and illustrative apparatus, and general repairs and improvements, $119,600.

Howard University.

HOWARD UNIVERSITY

Salaries.

Salaries: For payment in full or in part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance to be paid from privately contributed funds, $405,000, of which sum not less than $2,200 shall be used for normal instruction;

General expenses.

General expenses: For equipment, supplies, apparatus, furniture, cases and shelving, stationery, ice, repairs to buildings and grounds, and for other necessary expenses, including reimbursement to the appropriation for Freedmen's Hospital of actual cost of heat and light furnished, $200,000;

Total, Howard University, $605,000.

FREEDMEN'S HOSPITAL

Freedmen's Hospital.

Salaries, etc.

For officers and employees and compensation for all other professional and other services that may be required and expressly approved by the Secretary of the Interior, $187,570; for subsistence, fuel and light, clothing, to include white duck suits and white canvas shoes for the use of internes, and rubber surgical gloves, bedding, forage, medicine, medical and surgical supplies, surgical instruments, electric lights, repairs, replacement of X-ray apparatus, furniture, purchase, at not to exceed $650, of one passenger-carrying automobile, and maintenance and operation of passenger-carrying vehicles, including not exceeding $300 for the purchase of books, periodicals, and newspapers; and not to exceed $1,200 for the special instruction of pupil nurses, and other absolutely necessary expenses, $70,580; in all, for Freedmen's Hospital, $258,150, of which amount one half shall be chargeable to the District of Columbia and paid in like manner as other appropriations of the District of Columbia are paid.

Contingent expenses.

Division of expenses.

Field work appropriations available for work animals, etc.

SEC. 2. Appropriations herein made for field work under the General Land Office, the Bureau of Indian Affairs, the Bureau of Reclamation, the Geological Survey, and the Office of National Parks, Buildings, and Reservations shall be available for the hire, with or without personal services, of work animals and animal-drawn and motor-propelled vehicles and equipment.

Approved, March 2, 1934.

[CHAPTER 40.]

AN ACT

March 5, 1934.
[H.R. 7205.]
[Public, No. 110.]

To provide for the care and transportation of seamen from shipwrecked fishing and whaling vessels.

Seamen from shipwrecked fishing and whaling vessels.
Care and transportation of, provided.
Vol. 30, p. 755, U.S.C., p. 1514.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 (relating to the care and transportation of shipwrecked merchant seamen) of the Act approved December 21, 1898 (U.S.C., title 46, sec. 593), entitled "An Act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce", shall apply to fishing and whaling vessels, notwithstanding the provisions of section 26 of such Act.

Approved, March 5, 1934.

[CHAPTER 41.]

AN ACT

March 5, 1934.
[H.R. 7554.]
[Public, No. 111.]

To extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Farnam Street, Omaha, Nebraska.

Missouri River.
Time extended for bridging, at Omaha, Nebr.
Vol. 46, pp. 544, 1192; Vol. 47, pp. 290, 903, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Missouri River at or near Farnam Street, Omaha, Nebraska, authorized to be built by the Omaha-Council Bluffs Missouri River Bridge Board of Trustees by an Act of Congress approved June 10, 1930, heretofore extended by Acts of Congress approved February 20, 1931, June 9, 1932, and February 24, 1933, are hereby further extended one and three years, respectively, from June 10, 1934.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 5, 1934.

[CHAPTER 42.]

AN ACT

March 5, 1934.
[H.R. 7705.]
[Public, No. 112.]

To extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, Louisiana.

Mississippi River.
Time extended for bridging, between New Orleans and Gretna, La.
Vol. 41, p. 1270; Vol. 45, pp. 193, 1229; Vol. 46, p. 551; Vol. 47, p. 1416, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, Louisiana, authorized to be built by George A. Hero and Allen S. Hackett, their successors and assigns, by Act of Congress approved March 2, 1927, heretofore extended by Acts of Congress approved March 6, 1928, February 19, 1929, June 10, 1930, and March 1, 1933, are hereby extended one and three years, respectively, from March 2, 1934.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 5, 1934.

[CHAPTER 43.]

AN ACT

March 5, 1934.
[H.R. 6219.]
[Public, No. 113.]

To repeal certain specific Acts of Congress and an amendment thereto enacted to regulate the manufacture, sale, or possession of intoxicating liquors in the Indian Territory, now a part of the State of Oklahoma.

Manufacture, etc., of intoxicating liquors in Indian Territory (Oklahoma).
Certain specific Acts concerning, repealed.
Vol. 27, p. 260; Vol. 29, p. 506; Vol. 28, p. 697; Vol. 40, p. 563; Vol. 41, p. 4.
U.S.C., p. 705.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Acts of Congress of July 23, 1892 (27 Stat. 260); January 30, 1897 (29 Stat. 506); section 8, chapter 145, of the Act of March 1, 1895 (28 Stat. 697); and that part of the Act of May 25, 1918 (40 Stat. 563), as amended by the Act of June 30, 1919 (41 Stat. 4), which is embraced in section 244, title 25, United States Code, be, and they are hereby, repealed insofar as they apply to and affect that part of the State of Oklahoma formerly known as "Indian Territory": *Provided*, That this Act shall not be construed to repeal the Acts herein referred to insofar as they apply to any tract of land upon which there may be now or hereafter located any Indian school maintained by or under the supervision of the United States Government.

Proviso.
Exception.

Approved, March 5, 1934.

[CHAPTER 44.]

AN ACT

March 5, 1934.
[H.R. 715.]
[Public, No. 114.]

To award the Distinguished Service Cross to former holders of the certificate of merit, and for other purposes.

Distinguished Service Cross.
Award of, to Army enlisted men holding certificate of merit.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Distinguished Service Cross shall be issued to all enlisted men of the Army to whom the certificate of merit was issued under the provisions of previously existing law in lieu of such certificate of merit.

To holders of Distinguished Service Medal.
Vol. 40, p. 870; U.S.C., p. 222.

SEC. 2. Those persons who have heretofore received the Distinguished Service Medal in lieu of the certificate of merit under the provisions of the Act of July 9, 1918 (40 Stat. 870–872), shall be issued the Distinguished Service Cross provided the Distinguished Service Medal is first surrendered to the War Department.

Surrender of medal required.

Approved, March 5, 1934.

[CHAPTER 45.]

JOINT RESOLUTION

March 5, 1934.
[S.J. Res. 80.]
[Pub. Res., No. 14.]

Authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Oklahoma, to be held May 12 to May 19, 1934, inclusive.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized to invite by proclamation, or in such other manner as he may deem proper, the States of the Union and all foreign countries to participate in the proposed International Petroleum Exposition, to be held at Tulsa, Oklahoma, from May 12 to May 19, 1934, inclusive, for the purpose of exhibiting samples of fabricated and raw products of all countries used in the petroleum industry and bringing together buyers and sellers for promotion of trade and commerce in such products.

International Petroleum Exposition, Tulsa, Okla.
Proclamation to invite participation.

SEC. 2. All articles that shall be imported from foreign countries for the sole purpose of exhibition at the International Petroleum Exposition upon which there shall be a tariff or customs duty shall be admitted free of the payment of duty, customs, fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exhibition to sell any goods or property imported for and actually on exhibition, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure, the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

Admission of articles for exhibition.

Sales permitted, subject to revenue regulations.

Proviso.
Payment of duty.

Allowance for deterioration, etc.

Penalty for illegal sales, etc.

SEC. 3. That the Government of the United States is not by this resolution obligated to any expense in connection with the holding of such exposition and is not hereafter to be obligated other than for suitable representation thereat.

No Government expense.

Approved, March 5, 1934.

[CHAPTER 46.]

JOINT RESOLUTION

March 5, 1934.
[H.J.Res. 278.]
[Pub. Res., No. 15.]

To amend Public Act Numbered 81 of the Seventy-third Congress, relating to the sale of timber on Indian land.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the last proviso in the Act of June 16, 1933 (Public, Numbered 81, Seventy-third Congress, first session; 48 Stat.L. 311), relating to the sale of timber on Indian lands, be, and the same hereby is, amended to read as follows: "*And provided further*, That the authority granted herein shall terminate on the 4th day of September 1934."

Indian lands, timber sales contracts.
Ante, p. 311.

Authority conferred to terminate September 4, 1934.

Approved, March 5, 1934.

[CHAPTER 47.]

AN ACT

March 6, 1934.
[S. 2766.]
[Public, No. 115.]

To extend the period during which direct obligations of the United States may be used as collateral security for Federal Reserve notes.

Federal Reserve notes.
Vol. 38, p. 265; Vol. 40, p. 236; Vol. 47, pp. 57, 794; U.S.C., p. 284; Supp. VII, p. 175.
Issue to Federal Reserve bank.
Ante, p. 337.
Collateral required, nature of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of section 16 of the Federal Reserve Act, as amended, is amended to read as follows:

"Any Federal Reserve bank may make application to the local Federal Reserve agent for such amount of the Federal Reserve notes hereinbefore provided for as it may require. Such application shall be accompanied with a tender to the local Federal Reserve agent of collateral in amount equal to the sum of the Federal Reserve notes thus applied for and issued pursuant to such application. The collateral security thus offered shall be notes, drafts, bills of exchange, or acceptances acquired under the provisions of section 13 of this Act, or bills of exchange indorsed by a member bank of any Federal Reserve district and purchased under the provisions of section 14 of this Act, or bankers' acceptances purchased under the provisions of said section 14, or gold certificates: *Provided, however*, That until March 3, 1935, or until the expiration of such additional period not exceeding two years as the President may prescribe, the Federal Reserve Board may, should it deem it in the public interest, upon the affirmative vote of not less than a majority of its members, authorize the Federal Reserve banks to offer, and the Federal Reserve agents to accept, as such collateral security, direct obligations of the United States. On such date or upon the expiration of such period so prescribed by the President, or sooner should the Federal Reserve Board so decide, such authorization shall terminate and such obligations of the United States be retired as security for Federal Reserve notes. In no event shall such collateral security be less than the amount of Federal Reserve notes applied for. The Federal Reserve agent shall each day notify the Federal Reserve Board of all issues and withdrawals of Federal Reserve notes to and by the Federal Reserve bank to which he is accredited. The said Federal Reserve Board may at any time call upon a Federal Reserve bank for additional security to protect the Federal Reserve notes issued to it."

Vol. 38, pp. 263, 264.

Proviso.
U.S. direct obligations as collateral security for Reserve notes until March 3, 1935.

Retirement of, on expiration of authorization.

Security to equal notes.

Daily notices of withdrawals, etc.

Additional security.

Approved, March 6, 1934.

[CHAPTER 48.]

AN ACT

March 8, 1934.
[S. 1759.]
[Public, No. 116.]

To revive and reenact the Act entitled "An Act granting the consent of Congress to the Mill Four Drainage District in Lincoln County, Oregon, to construct, maintain, and operate dams and dikes to prevent the flow of waters of Yaquina Bay and River into Nutes Slough, Boones Slough, and sloughs connected therewith", approved June 17, 1930.

Yaquina Bay and River.
Time extended for constructing dams and dikes on.
Vol. 46, p. 767.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved June 17, 1930, granting the consent of Congress to the Mill Four Drainage District, in Lincoln County, Oregon, to construct, maintain, and operate dams and dikes to prevent the flow of waters of Yaquina Bay and River into Nutes Slough, Boones Slough, and sloughs connected therewith, be, and the same is hereby, revived and reenacted: *Provided*, That this Act shall be null and void unless the actual construction of the dams and dikes herein referred to be commenced within one year and completed within three years from the date of approval hereof.

Proviso.
Commencement, etc.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved. Amendment.

Approved, March 8, 1934.

[CHAPTER 49.]

AN ACT

March 8, 1934.
[S. 2461.]
[Public, No. 117.]

To amend an Act entitled "An Act to give the Supreme Court of the United States authority to prescribe rules of practice and procedure with respect to proceedings in criminal cases after verdict."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of February 24, 1933 (ch. 119), entitled "An Act to give the Supreme Court of the United States authority to prescribe rules of practice and procedure with respect to proceedings in criminal cases after verdict" (U.S.C., title 28, sec. 723a), be, and the same is hereby, amended to read as follows: Proceedings in criminal cases after verdict. Vol. 47, p. 904. U.S.C., Supp. VII, p. 741.

"That the Supreme Court of the United States shall have the power to prescribe, from time to time, rules of practice and procedure with respect to any or all proceedings after verdict, or finding of guilt by the court if a jury has been waived, or plea of guilty, in criminal cases in district courts of the United States, including the District Courts of Alaska, Hawaii, Puerto Rico, Canal Zone, and Virgin Islands, in the Supreme Courts of the District of Columbia, Hawaii, and Puerto Rico, in the United States Court for China, in the United States Circuit Courts of Appeals, in the Court of Appeals of the District of Columbia, and in the Supreme Court of the United States: *Provided*, That nothing herein contained shall be construed to give the Supreme Court the power to abridge the right of the accused to apply for withdrawal of a plea of guilty, if such application be made within ten days after entry of such plea, and before sentence is imposed. Power of Supreme Court to prescribe, by rules. When finding of guilt by court, or plea of guilty entered. *Proviso.* Right to withdraw plea, not abridged.

"SEC. 2. The right of appeal shall continue in those cases in which appeals are now authorized by law, but the rules made as herein authorized may prescribe the times for and manner of taking appeals and applying for writs of certiorari and preparing records and bills of exceptions and the conditions on which supersedeas or bail may be allowed. Existing right of appeal continued. Rules for taking appeals, preparing records, etc., authorized.

"SEC. 3. The Supreme Court may fix the dates when such rules shall take effect and the extent to which they shall apply to proceedings then pending, and after they become effective all laws in conflict therewith shall be of no further force." Supreme Court to fix effective dates. Conflicting laws.

Approved, March 8, 1934.

[CHAPTER 52.]

AN ACT

March 10, 1934.
[H.R. 93.]
[Public, No. 118.]

To authorize the Secretary of War to sell to the Plattsburgh National Bank and Trust Company a tract of land comprising part of the Plattsburgh Barracks Military Reservation, New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby authorized, in his discretion, to sell upon such terms and conditions as he considers advisable, a tract of land containing approximately one-half acre, comprising a part of the Plattsburgh Barracks Military Reservation, New York, and situated in the northwest corner thereof, which said tract is no longer needed for military purposes, and to execute and deliver in the name Plattsburgh Barracks Military Reservation, N. Y. Sale of part authorized.

Proceeds to credit of post construction fund.

of the United States and in its behalf, any and all contracts, conveyances, or other instruments necessary to effectuate such sale; the proceeds of the sale of the property hereinbefore designated to be deposited in the Treasury to the credit of the fund known as the military post construction fund: *Provided*, That the Secretary of War shall have the said tract appraised: *And provided further*, That the Secretary of War shall not sell said tract of land for a less consideration than the appraised value thereof.

Provisos.
Appraisal.

Sale price.

Approved, March 10, 1934.

[CHAPTER 53.]

AN ACT

March 10, 1934.
[S. 1115.]
[Public, No. 119.]

To authorize the Department of Agriculture to issue a duplicate check in favor of Department of Forests and Waters, Commonwealth of Pennsylvania, the original check having been lost.

Pennsylvania, Department of Forests and Waters.
Issue of duplicate check to, in lieu of lost original.
R.S., sec. 3646, p. 717.
U.S.C., p. 1009.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 3646, as amended, of the Revised Statutes of the United States, the disbursing clerk of the Department of Agriculture is authorized and directed to issue, without the requirement of an indemnity bond, a duplicate of original check numbered 2675700, drawn November 19, 1931, in favor of Department of Forests and Waters, Commonwealth of Pennsylvania, for $345, the original check having been lost.

Approved, March 10, 1934.

[CHAPTER 54.]

AN ACT

March 10, 1934.
[S. 2277.]
[Public, No. 120.]

To establish fish and game sanctuaries in the national forests.

National forests, fish and game sanctuaries.
President authorized to set aside certain areas for.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of providing breeding places for game birds, game animals, and fish on lands and waters in the national forests not chiefly suitable for agriculture, the President of the United States is hereby authorized, upon recommendation of the Secretary of Agriculture and the Secretary of Commerce and with the approval of the State legislatures of the respective States in which said national forests are situated, to establish by public proclamation certain specified and limited areas within said forests as fish and game sanctuaries or refuges which shall be devoted to the increase of game birds, game animals, and fish of all kinds naturally adapted thereto, but it is not intended that the lands included in such fish and game sanctuaries or refuges shall cease to be parts of the national forests wherein they are located, and the establishment of such fish and game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the national forests under and in conformity with the laws and the rules and regulations applicable thereto so far as such uses may be consistent with the purposes for which such fish and game sanctuaries or refuges are authorized to be established.

Other uses of forest reserves permitted.

Unlawful acts.

SEC. 2. That when such fish and game sanctuaries or refuges have been established as provided in section 1 of this Act, hunting, pursuing, poisoning, angling for, killing, or capturing by trapping, netting, or any other means or attempting to hunt, pursue, angle for, kill, or capture any wild animals or fish for any purpose whatever upon the lands of the United States within the limits of said fish and

game sanctuaries or refuges shall be unlawful except as hereinafter provided, and any person violating any provision of this Act or any of the rules and regulations made under the provisions of this Act shall be deemed guilty of a misdemeanor and shall upon conviction in any United States court be fined in a sum of not exceeding $100 or imprisonment not exceeding six months, or both.

Exception.

Punishment for.

SEC. 3. That the Secretaries of Agriculture and Commerce shall execute the provisions of this Act, and they are hereby jointly authorized to make all needful rules and regulations for the administration of such fish and game sanctuaries or refuges in accordance with the purpose of this Act, including regulations not in contravention of State laws for hunting, capturing, or killing predatory animals, such as wolves, coyotes, foxes, pumas, and other species destructive to livestock or wild life or agriculture within the limits of said fish and game sanctuaries or refuges: *Provided*, That the present jurisdiction of the States shall not be altered or changed without the legislative approval of such States.

Administrative provisions.

Proviso. State jurisdiction, etc.

Approved, March 10, 1934.

[CHAPTER 55.]

AN ACT

To promote the conservation of wild life, fish, and game, and for other purposes.

March 10, 1934.
[S. 2529.]
[Public, No. 121.]

Conservation of wild life, fish, and game.

Cooperative promotion of, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture and the Secretary of Commerce are authorized to provide expert assistance to and to cooperate with Federal, State, and other agencies in the rearing, stocking, and increasing the supply of game and fur-bearing animals and fish, in combating diseases, and in developing a Nation-wide program of wild-life conservation and rehabilitation.

Effects of polluting substances.

Studies, reports, etc., to be made.

SEC. 2. The Secretary of Agriculture and the Secretary of Commerce are authorized to make such investigations as they may deem necessary to determine the effects of domestic sewage, trade wastes, and other polluting substances on wild life, with special reference to birds, mammals, fish, and shellfish, and to make reports to the Congress of their investigations with recommendations for remedial measures. Such investigations shall include studies of methods for the recovery of wastes and the collation of data on the progress being made in these fields for the use of Federal, State, municipal, and private agencies.

Uses of impounded waters for fish culture, migratory bird refuges, etc.

SEC. 3. (a) Whenever the Federal Government through the Bureau of Reclamation or otherwise, impounds water for any use, opportunity shall be given to the Bureau of Fisheries and/or the Bureau of Biological Survey to make such uses of the impounded waters for fish-culture stations and migratory-bird resting and nesting areas as are not inconsistent with the primary use of the waters and/or the constitutional rights of the States. In the case of any waters heretofore impounded by the United States, through the Bureau of Reclamation or otherwise, the Bureau of Fisheries and/or the Bureau of Biological Survey may consult with the Bureau of Reclamation or other governmental agency controlling the impounded waters, with a view to securing a greater biological use of the waters not inconsistent with their primary use and/or the constitutional rights of the States and make such proper uses thereof as are not inconsistent with the primary use of the waters and/or the constitutional rights of the States.

Consultation with Fisheries Bureau as to fish conservation before any future dam construction.

(b) Hereafter, whenever any dam is authorized to be constructed, either by the Federal Government itself or by any private agency under Government permit, the Bureau of Fisheries shall be consulted, and before such construction is begun or permit granted, when deemed necessary, due and adequate provision, if economically practicable, shall be made for the migration of fish life from the upper to the lower and from the lower to the upper waters of said dam by means of fish lifts, ladders, or other devices.

Plans for improving wild life resources to be prepared.

SEC. 4. The Office of Indian Affairs, the Bureau of Fisheries, and the Bureau of Biological Survey are authorized, jointly, to prepare plans for the better protection of the wild-life resources, including fish, migratory waterfowl and upland game birds, game animals and fur-bearing animals, upon all the Indian reservations and unallotted Indian lands coming under the supervision of the Federal Government. When such plans have been prepared they shall be promulgated by the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture, who are authorized to make the necessary regulations for enforcement thereof and from time to time to change, alter, or amend such regulations.

Promulgation and enforcement.

Studies of wild life, etc., resources to be made by designated bureaus.

SEC. 5. The Bureau of Biological Survey and the Bureau of Fisheries are hereby authorized to make surveys of the wild-life resources of the public domain, or of any lands owned or leased by the Government, to conduct such investigations as may be necessary for the development of a program for the maintenance of an adequate supply of wild life in these areas, to establish thereon game farms and fish-cultural stations commensurate with the need for replenishing the supply of game and fur-bearing animals and fish, and, in cooperation with the National Park Service, The Forest Service, or other Federal agencies, the State agencies, to coordinate and establish adequate measures for wild-life control on such game farms and fish-cultural stations: *Provided*, That no such game farm shall hereafter be established in any State without the consent of the legislature of that State.

Cooperation of other agencies.

Proviso.
Consent required.

Land, etc., donations permitted.

SEC. 6. In carrying out the provisions of this Act the Federal agencies charged with its enforcement may cooperate with other Federal agencies and with States, counties, municipalities, individuals, and public and private agencies, organizations, and institutions, and may accept donations of lands, funds, and other aids to the development of the program authorized in this Act: *Provided, however*, That no such donations of land shall be accepted without consent of the legislature of the State in which such land may be situated: *Provided*, That no authority is given in this Act for setting up any additional bureau or division in any department or commission, and shall not authorize any additional appropriation for carrying out its purposes.

Provisos.
Subject to consent of State.
Creating additional bureau, etc., forbidden.

Approved, March 10, 1934.

[CHAPTER 56.]

March 10, 1934.
[H.J. Res. 290.]
[Pub. Res., No. 16.]

JOINT RESOLUTION

To provide an appropriation to carry into effect the Act entitled "An Act to provide for loans to farmers for crop production and harvesting during the year 1934, and for other purposes", approved February 23, 1934.

Crop production and harvesting, 1934.
Appropriation for Farm Credit Administration, to provide loans for.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable the Governor of the Farm Credit Administration to carry into effect the provisions of the Act entitled "An Act to provide for loans to farmers for crop production and harvesting during the year 1934,

and for other purposes", approved February 23, 1934 (Public Act Numbered 97, Seventy-third Congress), including personal services and rent in the District of Columbia and elsewhere; paper, printing and binding; supplies and services, without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) when the aggregate amount involved does not exceed $50, and such other expenses as may be necessary, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $40,000,000, to remain available until June 30, 1935.

Ante, p. 355.

Supplies and services.

R.S., sec. 3709, p. 733. U.S.C., p. 1309.

Availability.

Approved, March 10, 1934.

[CHAPTER 69.]

AN ACT

March 15, 1934. [H.R. 7199.] [Public, No. 122.]

Making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1935, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Navy Department and the naval service for the fiscal year ending June 30, 1935, namely:

Navy Department and naval service, appropriations for fiscal year, 1935.

NAVAL ESTABLISHMENT

Naval Establishment.

OFFICE OF THE SECRETARY

Secretary's office.

MISCELLANEOUS EXPENSES

Miscellaneous expenses.

For traveling expenses of civilian employees, including not to exceed $1,500 for the expenses of attendance, at home and abroad, upon meetings of technical, professional, scientific, and other similar organizations when, in the judgment of the Secretary of the Navy, such attendance would be of benefit in the conduct of the work of the Navy Department; not to exceed $2,000 for the part-time or intermittent employment in the District of Columbia or elsewhere of such experts and at such rates of compensation as may be contracted for by and in the discretion of the Secretary of the Navy; expenses of courts-martial, purchase of law and reference books, expenses of prisoners and prisons, courts of inquiry, boards of investigation, examining boards, clerical assistance; witnesses' fees and traveling expenses; not to exceed $15,000 for promoting accident prevention and safety in shore establishments of the Navy, to be expended in the discretion of the Secretary of the Navy; newspapers and periodicals for the naval service; all advertising of the Navy Department and its bureaus (except advertising for recruits for the Bureau of Navigation); cost of suits; relief of vessels in distress; recovery of valuables from shipwrecks; maintenance of attachés abroad, including office rental and pay of employees, and not to exceed $3,780 in the aggregate or $450 for any one person for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U.S.C., Supp. VI, title 5, sec. 118a); the collection and classification of information; not to exceed $170,000 for telephone, telegraph, and teletype rentals and tolls, telegrams, radiograms, and cablegrams; postage, foreign and domestic and post-office box rentals; necessary expenses for interned persons and prisoners of war under the jurisdiction of the Navy Department, including funeral expenses for such interned persons or prisoners

Courts-martial, etc.

Living quarters, etc. Vol. 46, p. 818. U.S.C. Supp. VII, p. 20.

Damage claims. Vol. 41, p. 132. U.S.C., p. 1127; Supp. VII, p. 812. *Provisos.* Restriction on use in certain naval districts.

of war as may die while under such jurisdiction; payment of claims for damages as provided in the Act making appropriations for the naval service for the fiscal year 1920, approved July 11, 1919 (U.S.C., title 34, sec. 600); and other necessary and incidental expenses; in all, $862,280: *Provided*, That no part of any appropriation contained in this Act shall be available for the expense of any naval district in which there may be an active navy yard, naval training station, or naval operating base, unless the commandant of the naval district shall be also the commandant of one of such establishments: *Provided further*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $489,000.

Group IV (b) employees.

CONTINGENT, NAVY

Contingent.

For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department or any of its subordinate bureaus or offices at Washington, District of Columbia, arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper, and for examination of estimates for appropriations and of naval activities in the field for any branch of the naval service, $15,000.

STATE MARINE SCHOOLS, ACT OF MARCH 4, 1911

State Marine Schools. Reimbursing California, Massachusetts, New York, and Pennsylvania for expenses.

To reimburse the State of California, $25,000; the State of Massachusetts, $25,000; the State of New York, $25,000; and the State of Pennsylvania, $25,000, for expenses incurred in the maintenance and support of marine schools in such States as provided in the Act authorizing the establishment of marine schools, and so forth, approved March 4, 1911 (U.S.C., title 34, sec. 1121), and for the maintenance and repair of the particular vessels loaned by the United States to the said States on the date of the approval of this Act for use in connection with such State Marine Schools, $89,407, and no other vessels shall be furnished by or through the Navy Department; in all, $189,407.

Vol. 36, p. 1353. U.S.C., p. 1150. Maintenance of vessels loaned.

Lepers, etc.

CARE OF LEPERS, AND SO FORTH, ISLAND OF GUAM

Care, etc., Culion, P.I.

Naval station, island of Guam: For maintenance and care of lepers, special patients, and for other purposes, including cost of transfer of lepers from Guam to the island of Culion, in the Philippines, and their maintenance, $20,000; for educational purposes, $15,000; in all, $35,000.

Research laboratory.

NAVAL RESEARCH LABORATORY

Work of, for naval service.

For laboratory and research work and other necessary work of the naval research laboratory for the benefit of the naval service, including operation and maintenance of a laboratory, additions to equipment necessary properly to carry on work in hand, maintenance of buildings and grounds, temporary employment of such scientific civilian assistants as may become necessary, and subscriptions to technical periodicals, to be expended under the direction of the Secretary of the Navy, $183,116: *Provided*, That $20,000 of this appropriation shall be available for the temporary employment of civilian scientists and technicists required on special problems: *Provided further*, That the sum to be paid out of this appropriation for

Provisos. Temporary employment of scientists, etc.

employees assigned to Group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $85,000, in addition to the amount authorized by the preceding proviso. Group IV (b) employees.

OPERATION AND CONSERVATION OF NAVAL PETROLEUM RESERVES Naval petroleum reserves.

To enable the Secretary of the Navy to carry out the provisions contained in the Act approved June 4, 1920 (U.S.C., title 34, sec. 524), requiring him to conserve, develop, use, and operate the naval petroleum reserves, $59,603, of which amount not to exceed $15,000 shall be available for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department: *Provided*, That out of any sums appropriated for naval purposes by this Act any portion thereof, not to exceed $10,000,000, shall be available to enable the Secretary of the Navy to protect Naval Petroleum Reserve Numbered 1, established by Executive order of September 2, 1912, pursuant to the Act of June 25, 1910 (U.S.C., title 43, secs. 141–143), by drilling wells and performing any work incident thereto, of which amount not to exceed $100,000 shall be available for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department: *Provided further*, That no part of the sum made available for the protection of this property shall be expended if a satisfactory agreement can be made with adjoining landowners to not drill offset wells for the purpose of producing oil.

Conservation, etc. Vol. 41, p. 813. U.S.C., p. 1122; Supp. VII, p. 811.

Group IV (b) employees.

Provisos. Protecting work on Reserve No. 1.

Vol. 36, p. 847. U.S.C., p. 1333.

Group IV (b) employees.

Agreement with adjoining landowners not to drill offset wells.

BUREAU OF NAVIGATION

Bureau of Navigation.

TRAINING, EDUCATION, AND WELFARE, NAVY Training, education, etc.

Naval War College: For maintenance and operation, including repairs, improvements, and care of grounds; services of a professor of international law, $2,000; services of lecturers, $2,000; and other civilian services; library expenses, including the purchase, binding, and repair of books and periodicals and subscriptions to newspapers and periodicals; and including contingencies of the President of the Naval War College to be expended in his discretion not exceeding $1,000; and for other necessary expenses, $103,257; Naval War College, maintenance, etc.

Naval training stations: For maintenance, operation, and other necessary expenses, including repairs, improvements, and care of grounds of the naval training stations which follow: Training stations, maintenance, etc.

San Diego, California, $155,150;
Newport, Rhode Island, $65,000;
Great Lakes, Illinois, $62,000;
Norfolk, Virginia, $215,950;

Fleet training: For trophies and badges for excellence in gunnery, target practice, engineering exercises, and for economy in fuel consumption to be awarded under such rules as the Secretary of the Navy may formulate; for the purpose of recording, classifying, compiling, and publishing the rules and results; for the establishment and maintenance of shooting galleries, target houses, targets, and ranges; for hiring established ranges, and for transporting equipment to and from ranges; entrance fees in matches for the rifle team, and special equipment therefor, $35,229; Fleet training, gunnery, etc., prizes.

Instruction.

Instruction: For postgraduate instruction of officers in other than civil government and literature, and for special instruction, education, and individual training of officers and enlisted men at home and abroad, including maintenance of students abroad, except aviation training and submarine training otherwise appropriated for, $159,772;

Libraries.

Libraries: For libraries, professional books, textbooks, religious books, periodicals and newspaper subscriptions for ships and shore stations not otherwise appropriated for $50,810;

Welfare and recreation.

Welfare and recreation: For welfare and recreation of the Navy, including periodicals and newspaper subscriptions, to be expended in the discretion of the Secretary of the Navy, under such regulations as he may prescribe, $255,000;

Naval Reserve Officers' Training Corps, operation expenses.
Vol. 43, p. 1276.
U.S.C., p. 1137.

Naval Reserve Officers' Training Corps: For all expenses incident to the conduct of the Naval Reserve Officers' Training Corps under such regulations as the President has prescribed or hereafter may prescribe under the provisions of section 22 of the Act approved March 4, 1925 (43 Stat., p. 1276; U.S.C., title 34, sec. 821), $74,314, of which $20,000 shall be available immediately: *Provided*, That uniforms and other equipment or material issued to the Naval Reserve Officers' Training Corps in accordance with law may be furnished from surplus or reserve stocks of the Navy without payment under this appropriation, except for actual expenses incurred in the manufacture or issue;

Proviso.
Uniforms, etc.

Training, education, etc.

In all, training, education, and welfare, Navy, $1,176,482: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department, exclusive of temporary services, shall not exceed the following amounts, respectively: Naval War College, $73,000; Naval Training Station, San Diego, $7,500; Naval Training Station, Newport, $10,000; Naval Training Station, Great Lakes, $14,500; Naval Training Station, Norfolk, $5,500; Instruction, $25,000; Libraries, $22,000.

Proviso.
Group IV (b) employees.

Limitation.

CONTINGENT, BUREAU OF NAVIGATION

Contingent.

For continuous-service certificates, commissions, warrants, diplomas, discharges, good-conduct badges, and medals for men and boys; transportation of effects of deceased officers, nurses, and enlisted men of the Navy, and of officers and men of the Naval Reserve who die while on duty; packing boxes and materials; books and models; stationery; and other contingent expenses and emergencies arising under cognizance of the Bureau of Navigation, unforeseen and impossible to classify, $5,000.

INSTRUMENTS AND SUPPLIES, BUREAU OF NAVIGATION

Equipment, and supplies.

For supplies for seamen's quarters; and for the purchase of all other articles of equipage at home and abroad; and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; all pilotage and towage of ships of war; canal tolls, wharfage, dock and port charges, and other necessary incidental expenses of a similar nature; hire of launches or other small boats in Asiatic waters; quarantine expenses; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments and repairs to same; compasses, compass fittings, including binnacles, tripods, and other appendages of ship's compasses; logs

and other appliances for measuring the ship's way and leads and other appliances for sounding; photographs, photographic instruments and materials, printing outfit and materials; music and musical instruments; and for the necessary civilian electricians for gyrocompass testing and inspection; in all, $497,390: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $33,460.

Proviso. Group IV (b) employees.

OCEAN AND LAKE SURVEYS, BUREAU OF NAVIGATION

Ocean and lake surveys.

For hydrographic surveys, including the pay of the necessary hydrographic surveyors, cartographic draftsmen, and recorders, and for the purchase of nautical books, charts, and sailing directions, $52,910: *Provided*, That the sum to be paid out of this appropriation for employees assigned group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $27,000.

Proviso. Group IV (b) employees.

Naval Reserve.

NAVAL RESERVE

Organizing, recruiting, etc., of, and Militia.

For expenses of organizing, administering, and recruiting the Naval Reserve and Naval Militia; pay and allowances of officers and enlisted men of the Naval Reserve when employed on authorized training duty; mileage for officers while traveling under orders to and from training duty; transportation of enlisted men to and from training duty, and subsistence and transfers en route, or cash in lieu thereof; subsistence of enlisted men during the actual period of training duty; subsistence of officers and enlisted men of the Fleet Naval Reserve while performing authorized training or other duty without pay; pay, mileage, and allowances of officers of the Naval Reserve and pay, allowances, and subsistence of enlisted men of the Naval Reserve when ordered to active duty in connection with the instruction, training, and drilling of the Naval Reserve; pay of officers and enlisted men of the Fleet Naval Reserve for the performance of not to exceed forty-eight drills per annum or other equivalent instruction or duty, or appropriate duties, and administrative duties, exclusive, however, of pay, allowances, or other expenses on account of members of any class of the Naval Reserve incident to their being given flight training unless, as a condition precedent, they shall have been found by such agency as the Secretary of the Navy may designate physically and psychologically qualified to serve as pilots of naval aircraft, $2,745,509, of which amount not more than $150,000 shall be available for maintenance and rental of armories, including pay of necessary janitors, and for wharfage; not more than $81,000 shall be available for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department; not less than $614,196 shall be available, in addition to other appropriations, for aviation material, equipment, fuel, and rental of hangars, not more than $397,914 shall be available, in addition to other appropriations, for fuel and the transportation thereof, and for all other expenses in connection with the maintenance, operation, repair, and upkeep of vessels assigned for training the Naval Reserve, and of such total sum $978,491 shall be available exclusively for and on account of Naval and Marine Corps

Fleet Naval Reserve. Subsistence, etc.

Pay, mileage, etc.

Flight training.

Armories, wharfage, etc.

Group IV (b) employees.

Aviation material, hangars, etc.

Provisos.
Flying pay restrictions.

Reserve aviation: *Provided*, That no appropriation contained in this Act shall be available to pay more than one officer of the Naval Reserve and one officer of the Marine Corps Reserve above the grade of lieutenant or captain, respectively, the pay and allowances of their grade for the performance of active duty other than the performance of drills or other equivalent instruction or duty, or appropriate duties, and/or the performance of fifteen days' active training duty, and other officers above such grades employed on such class of active duty shall not be entitled to or be paid a greater rate of pay and allowances than authorized by law for a lieutenant of the Navy or a captain of the Marine Corps entitled to not exceeding ten years' longevity pay: *Provided further*, That no appropriation made in this Act shall be available for pay, allowances, or traveling or other expenses of any officer or enlisted man of the Naval or Marine Corps Reserve who may be drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States; and "retired pay" as here used shall not include the pay of transferred members of such reserve forces.

Pay, etc., restrictions.

Naval Home.

NAVAL HOME, PHILADELPHIA, PENNSYLVANIA

Personal services.
Group IV (b) employees.

For pay of employees, $77,332: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $15,000;

Maintenance.

Maintenance: For water rent, heating, and lighting; cemetery, burial expenses, and headstones; general care and improvements of grounds, buildings, walls, and fences; repairs to power-plant equipment, implements, tools, and furniture, and purchase of the same; music in chapel and entertainments for beneficiaries; stationery, books, and periodicals; transportation of indigent and destitute beneficiaries to the Naval Home, and of sick and insane beneficiaries, their attendants and necessary subsistence for both, to and from other Government hospitals; employment of such beneficiaries in and about the Naval Home as may be authorized by the Secretary of the Navy, on the recommendation of the governor; support of beneficiaries and all other contingent expenses, including the maintenance, repair, and operation of two motor-propelled vehicles, and one motor-propelled passenger-carrying vehicle, to be used only for official purposes, $96,501;

Payable from naval pension fund.

In all, Naval Home, $173,833, which sum shall be paid out of the income from the naval pension fund.

Bureau of Engineering.

BUREAU OF ENGINEERING

ENGINEERING

Engineering repairs, machinery, etc.

Equipment, supplies, etc.

For repairs, preservation, and renewal of machinery, auxiliary machinery, and boilers of naval vessels, yard craft, and ships' boats, distilling and refrigerating apparatus; repairs, preservation, and renewals of electric interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus; searchlights and fire-control equipments for antiaircraft defense at shore stations; maintenance and operation of coast signal service; equipage, supplies, and materials under the cognizance of the bureau required for the maintenance and operation of naval vessels, yard craft, and ships' boats;

purchase, installation, repair, and preservation of machinery, tools, and appliances in navy yards and stations, accident prevention, pay of classified field force under the bureau; incidental expenses for naval vessels, navy yards, and stations, inspectors' offices, the engineering experiment station, such as photographing, technical books and periodicals, stationery, and instruments; services, instruments, machines and auxiliaries, apparatus, and supplies, and technical books and periodicals necessary to carry on experimental and research work; maintenance and equipment of buildings and grounds at the engineering experiment station, Annapolis, Maryland; payment of part time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed; in all, $15,542,000: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $1,575,000.

Annapolis, Md., engineering experiment station.

Proviso. Group IV (b) employees.

BUREAU OF CONSTRUCTION AND REPAIR

Bureau of Construction and Repair.

Construction and repair of vessels.

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy yards and on foreign stations; accident prevention; purchase of machinery and tools for use in shops; carrying on work of experimental model tank and wind tunnel; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy yards, inspectors' offices, such as photographing, books, professional magazines, plans, stationery, and instruments for drafting room, and for pay of classified field force under the bureau; services, instruments and apparatus, supplies, and technical books and periodicals necessary to carry on experimental and research work; for payment of part time or intermittent employment in the District of Columbia, or elsewhere, of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed; for the difference between inactive and active duty pay and allowances of members of the Fleet Naval Reserve transferred thereto after twenty years' naval service who may be employed as shipkeepers under the cognizance of the Bureau of Construction and Repair; for hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; specifications for purchase thereof shall be so prepared as shall give fair and free competition; canvas for the manufacture of sails, awnings, hammocks, and other work; interior appliances and tools for manufacturing purposes in navy yards and naval stations; and for the purchase of all other articles or equipage at home and abroad; and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; naval signals and apparatus, other than electric, namely, signals, lights, lanterns, running lights, and lamps and their appendages for general use on board ship for illuminating purposes; and oil and candles used in connection therewith; bunting and other material for making and repairing flags of all kinds; for all permanent galley fittings and equipage; rugs, carpets, curtains, and hangings on board naval vessels,

Field force.

Proviso. Group IV (b) employees.

$13,662,200: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedules of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $1,730,000.

Bureau of Ordnance.

BUREAU OF ORDNANCE

ORDNANCE AND ORDNANCE STORES, BUREAU OF ORDNANCE

Procuring, etc., ordnance and ordnance stores.

For procuring, producing, preserving, and handling ordnance material, for the armament of ships; for the purchase and manufacture of torpedoes and appliances; for the purchase and manufacture of smokeless powder; for fuel, material, and labor to be used in the general work under the cognizance of the Bureau of Ordnance; for furniture at naval ammunition depots, torpedo stations, naval ordnance plants, and proving grounds; for technical books; plant appliances as now defined by the "Navy Classification of Accounts"; for machinery and machine tools; for accident prevention; for experimental work in connection with the development of ordnance material for the Navy; for maintenance of proving grounds, powder factory, torpedo stations, gun factory, ammunition depots, and naval ordnance plants, and for target practice; not to exceed $15,000 for minor improvements to buildings, grounds, and appurtenances of a character which can be performed by regular station labor; for payment of part time or intermittent employment in the District of Columbia, or elsewhere, of such scientists and technicists as may be contracted for by the Secretary of the Navy in his discretion at a rate of pay not exceeding $20 per diem for any person so employed; for the maintenance, repair, and operation of horse-drawn and motor-propelled freight and passenger-carrying vehicles, to be used only for official purposes at naval ammunition depots, naval proving grounds, naval ordnance plants, and naval torpedo stations; for the pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots, and for care and operation of schools at ordnance stations at Indianhead, Maryland, Dahlgren, Virginia, and South Charleston, West Virginia, $10,545,600: *Provided*, That the sum to be paid out of this appropriation for employees assigned to Group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $1,262,500.

Schools at designated stations.

Proviso. Group IV (b) employees.

Bureau of Supplies and Accounts.

BUREAU OF SUPPLIES AND ACCOUNTS

PAY, SUBSISTENCE, AND TRANSPORTATION OF NAVAL PERSONNEL

Pay, etc., of the Navy.

Officers.

Pay of naval personnel: For pay allowances prescribed by law of officers on sea duty and other duty, and officers on waiting orders (not to exceed nine hundred and eight officers of the Medical Corps, one hundred and eighty-six officers of the Dental Corps, five hundred and fifty-six officers of the Supply Corps, eighty-three officers of the Chaplain Corps, two hundred and thirty-three officers of the Construction Corps, one hundred and nine officers of the Civil Engineer Corps, and one thousand four hundred and sixty-one warrant and commissioned warrant officers: *Provided*, That if the number of warrant and commissioned warrant officers and officers in any staff corps holding commission on July 1, 1934, is in excess of the number herein stipulated, such excess officers may be retained in the Navy

Post, p. 417.

Proviso. Excess officers to be carried.

until the number is reduced to the limitations imposed by this Act), pay—$27,634,522, including not to exceed $1,289,770 (none of which shall be available for increased pay for making aerial flights by more than eight non-flying officers or observers, except not to exceed fifty-six gunnery observers, who, if above the rank of lieutenant, shall not be entitled to receive increased pay for making aerial flights at a rate in excess of $1,440 per annum, all of such non-flying officers or observers to be selected by the Secretary of the Navy) for increased pay for making aerial flights; rental allowance, $5,589,216; subsistence allowance, $3,511,677; in all, $36,735,415; officers on the retired list, $6,003,774; for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, and hire of quarters for officers and enlisted men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable, $3,000; pay of enlisted men on the retired list, $4,631,886; interest on deposits by men, $3,000; pay of petty officers (not to exceed an average of six thousand seven hundred and sixty chief petty officers, of which number those with a permanent appointment as chief petty officer shall not exceed an average of five thousand nine hundred and ten), seamen, landsmen, and apprentice seamen, including men in the engineer's force and men detailed for duty with the Fish Commission, enlisted men, men in trade schools, pay of enlisted men of the Hospital Corps, extra pay for men for diving, and cash prizes (not to exceed $75,000) for men for excellence in gunnery, target practice, and engineering competitions, $60,611,606, and, in addition, the Secretary of the Treasury is authorized and directed upon request of the Secretary of the Navy, to make transfers during the fiscal year 1935 from the clothing and small stores fund to this appropriation of sums aggregating not to exceed $2,000,000; outfits for all enlisted men and apprentice seamen of the Navy on first enlistment, civilian clothing not to exceed $15 per man to men given discharges for bad conduct or undesirability or inaptitude, reimbursement in kind of clothing to persons in the Navy for losses in cases of marine or aircraft disasters or in the operation of water or air borne craft, and the authorized issue of clothing and equipment to the members of the Nurse Corps, $878,194; pay of enlisted men undergoing sentence of court-martial, $57,960, and as many machinists as the President may from time to time deem necessary to appoint; pay and allowances of the Nurse Corps, including assistant superintendents, directors and assistant directors—pay $402,272, rental allowance $15,552, subsistence allowance $14,191; pay retired list $121,361; in all $553,376; rent of quarters for members of the Nurse Corps; pay and allowances of transferred and assigned men of the Fleet Naval Reserve, $10,573,590; reimbursement for losses of property as provided in the Act approved October 6, 1917 (U.S.C., title 34, secs. 981, 982), as amended by the Act of March 3, 1927 (U.S.C., Supp. VI, title 34, sec. 983), $5,000; payment of six months' death gratuity, $90,000; in all $120,146,801, and no part of such sum shall be available to pay active duty pay and allowances to officers in excess of four on the retired list, except retired officers temporarily ordered to active duty as members of retiring and selection boards as authorized by law: *Provided*, That during the fiscal year ending June 30, 1935, no officer of the Navy shall be entitled to receive an addition to his pay in consequence of the provisions of the Act approved May 13, 1908 (U.S.C., title 34, sec. 867): *Provided further*, That, except for the public quarters occupied by the Chief of Office

Aerial flights by non-flying officers.

Rental, etc. allowances.

Retired.
Hire of quarters.

Enlisted men.

Outfits, clothing, etc.

Reimbursement.

Nurse Corps.

Fleet Naval Reserve.
Property losses.
Vol. 40, p. 389; Vol. 44, p. 1368.
U.S.C., p. 1144; Supp. VII, p. 817.

Active duty pay, etc., retired officers, etc.

Provisos.
Aids to rear admiral; pay restriction.
Vol. 35, p. 128.
U.S.C., p. 1139.

Pay and allowances for domestic service. R.S., p. 1232, p. 217. U.S.C., p. 192.

of Naval Operations and messes temporarily set up on shore for officers attached to seagoing vessels, to aviation units based on seagoing vessels, and to landing forces and expeditions, no appropriation contained in this Act shall be available for the pay, allowances, or other expenses of any enlisted man or civil employee performing service in the residence or quarters of an officer or officers on shore as a cook, waiter, or other work of a character performed by a household servant, but nothing herein shall be construed as preventing the voluntary employment in any such capacity of a retired enlisted man or a transferred member of the Fleet Naval Reserve without additional expense to the Government, nor the sale of meals to officers by general messes on shore as regulated by detailed instructions from the Navy Department;

Voluntary, etc., services.

Sales of meals to officers on shore duty.

Subsistence.

Provisions, commutation of rations, etc.

Subsistence of naval personnel: For provisions and commuted rations for enlisted men of the Navy, which commuted rations may be paid to caterers of messes in case of death or desertion, upon orders of the commanding officers, at 50 cents per diem, and midshipmen at 75 cents per diem, and commuted rations stopped on account of sick in hospital and credited at the rate of 66 cents per ration to the naval hospital fund; subsistence of men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); quarters and subsistence of men on detached duty; subsistence of members of the Naval Reserve during period of active service; subsistence in kind at hospitals and on board ship in lieu of subsistence allowance of female nurses and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement; in all, $13,408,072;

Unavoidable absences.

Detached duty.

Naval Reserve.

Transportation.

Transportation and recruiting of naval personnel: For mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers of the Navy while traveling under orders, including not to exceed $2,000 for the expenses of attendance at home and abroad, upon meetings of technical, professional, scientific, and other similar organizations, when, in the judgment of the Secretary of the Navy, such attendance would be of benefit in the conduct of the work of the Navy Department; for mileage, at 5 cents per mile, to midshipmen, entering the Naval Academy while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen, and not more than $2,500 shall be available for transportation of midshipmen, including reimbursement of traveling expenses while traveling under orders after appointment as midshipmen; for actual traveling expenses of female nurses; for travel allowance or for transportation and subsistence as authorized by law of enlisted men upon discharge; transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their home, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen and insane supernumerary patients to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation; expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mile-

Attendance at meetings.

Apprehending deserters, etc.

Recruiting.

age to officers on duty with traveling recruiting parties; transportation of dependents of officers and enlisted men, $550,000; expenses of funeral escorts of naval personnel; actual expenses of officers and midshipmen while on shore-patrol duty, including the hire of automobiles when necessary for the use of shore-patrol detachments; in all, $3,885,119;

Transporting dependents.

Funeral escorts.

In all, for pay, subsistence, and transportation of naval personnel, $137,439,992, of which sum $1,000,000 shall be immediately available, and the money herein specifically appropriated, or transferred from the clothing and small stores' fund to this appropriation as herein authorized, for "Pay, subsistence, and transportation of naval personnel", shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That additional commissioned, warranted, appointed, enlisted, and civilian personnel of the Medical Department of the Navy, required for the care of patients of the United States Veterans' Administration in naval hospitals, may be employed in addition to the numbers appropriated for in this Act: *Provided further*, That no part of this appropriation shall be available for the pay of any midshipmen whose admission subsequent to January 30, 1934, would result in exceeding at any time an allowance of three midshipmen for each Senator, Representative, and Delegate in Congress; of one midshipman for Puerto Rico, a native of the island, appointed on nomination of the governor, and of three midshipmen from Puerto Rico, appointed on nomination of the Resident Commissioner; and of two midshipmen for the District of Columbia: *Provided further*, That nothing herein shall be construed to repeal or modify in any way existing laws relative to the appointment of midshipmen at large, from the enlisted personnel of the naval service, or from the Naval Reserve: *Provided further*, That no part of this appropriation shall be available for the pay of any midshipman appointed from enlisted men of the Navy for admission to the Naval Academy in the class entering in the calendar year 1935 who has not served aboard a vessel of the Navy in full commission for at least nine months prior to such admission.

Aggregate; sum immediately available.

Accounting, etc.

Provisos.
Additional medical detail for Veterans' Administration patients in naval hospitals.

Restriction on admissions to Naval Academy after January 30, 1934.

Appointments at large or from enlisted men not affected.

Sea service requirements of appointees from enlisted men.

MAINTENANCE, BUREAU OF SUPPLIES AND ACCOUNTS

Maintenance.

For equipage, supplies, and services under the cognizance of the Bureau of Supplies and Accounts, including stationery for commanding, executive, communication, and navigating officers of ships, boards and courts on ships, and chaplains; commissions, interest, and exchange; ferriage and bridge tolls; including street-car fares; rent of buildings and offices not in navy yards except for use of naval attachés and recruiting officers; accident prevention; services of civilian employees under the cognizance of the Bureau of Supplies and Accounts; freight, express, and parcel-post charges, including transportation of funds and cost of insurance on shipments of money when necessary, and ice for cooling drinking water on shore (except at naval hospitals and shops at industrial navy yards), pertaining to the Navy Department and Naval Establishment, $7,559,000: *Provided*, That no part of this or any other appropriation contained in this Act shall be available for or on account of the supply or replacement of table linen, dishes, glassware, silverware, and/or kitchen utensils for use in the residences or quarters of officers on shore: *Provided further*, That no appropriation contained in this Act shall be available for any expense for or incident to the transportation of privately owned automobiles except on account of the return to the United States of such privately owned automobiles as may have been transported to points outside of the continental limits of the United

Freight, etc., Navy and Navy Department.

Provisos.
Supply or replacement of kitchen, etc., ware for officers' quarters ashore forbidden.

Transporting privately owned automobiles forbidden; exception.

Group IV (b) employees.

States at public expense prior to July 1, 1932: *Provided further*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $4,500,000: *Provided further*, That, without deposit to the credit of the Treasurer of the United States and withdrawal on money requisitions, receipts of public moneys from sales or other sources by officers of the Navy and Marine Corps on disbursing duty and charged in their official accounts may be used by them as required for current expenditures, all necessary bookkeeping adjustments of appropriations, funds, and accounts to be made in the settlement of their disbursing accounts.

Use of certain receipts for current expenditures; accounting.

Clothing and small stores funds.
Issue, to Naval Reserve.

The clothing and small-stores fund shall be charged with the value of all issues of clothing and small stores made to enlisted men of the Naval Reserve and the uniform gratuity paid to officers of the Naval Reserve: *Provided*, That, in addition to the appropriation herein made for the Office of Naval Records and Library, there is hereby appropriated $10,000 to begin printing historical and naval documents, including composition, clerical copying in the Navy Department, and other preparatory work, except that the "usual number" for congressional distribution, depository libraries, and international exchanges shall not be printed, and no copies shall be available for free issue: *Provided further*, That the Superintendent of Documents is hereby authorized to sell copies at the prorated cost, including composition, clerical work of copying in the Navy Department and other work preparatory to printing without reference to the provisions of section 307 of the Act approved June 30, 1932 (U.S.C., Supp. VI, title 44, sec. 72a).

Provisos.
Printing historical and naval documents.

Sale, by Superintendent of Documents.

Vol. 47, p. 490.
U.S.C., Supp. VII, p. 943.

Evacuation of high explosives.

EVACUATION OF HIGH EXPLOSIVES, NAVY

Handling, transporting, etc., Hawthorne, Nev.

Toward the handling and transportation of high explosives to the naval ammunition depot, Hawthorne, Nevada, and other points, and expenses incident thereto, in accordance with the primary recommendations contained in House Document Numbered 199, Seventieth Congress, first session, as modified by the Second Deficiency Act, fiscal year 1928, approved May 29, 1928 (45 Stat., p. 908), the unexpended balance of the appropriation under this head for the fiscal year 1934 is continued available during the fiscal year 1935.

Vol. 45, p. 908.
Balance continued available.
Vol. 47, p. 1532.

FUEL AND TRANSPORTATION, BUREAU OF SUPPLIES AND ACCOUNTS

Fuel and transportation.

For coal and other fuel for submarine bases and steamers' and ships' use, including expenses of transportation, storage, and handling the same and the removal of fuel refuse from ships; maintenance and general operation of machinery of naval fuel depots and fuel plants; water for all purposes on board naval vessels, and ice for the cooling of water, including the expense of transportation and storage of both, $6,633,658: *Provided*, That fuel acquired other than by purchase shall not be issued without charging the applicable appropriation with the cost of such fuel at the rate current at the time of issue for fuel purchased: *Provided further*, That the President may direct the use, wholly or in part, of fuel on hand, however acquired, to be charged at the last issue rate for fuel acquired by purchase, when in his judgment, prices quoted for supplying fuel are excessive: *Provided further*, That no part of this appropriation shall be available, any provision in this Act to the contrary notwithstanding, for the purchase of any kind of fuel oil of foreign

Provisos.
Issue to be charged to applicable appropriation.

Prices for fuel on hand.

Restriction on use, etc., of foreign fuel oil.

production for issue, delivery, or sale to ships at points either in the United States or its possessions where oil of the production of the United States or its possessions may be procurable, notwithstanding that oil of the production of the United States or its possessions may cost more than oil of foreign production, if such excess of cost, in the opinion of the Secretary of the Navy, which shall be conclusive, be not unreasonable.

BUREAU OF MEDICINE AND SURGERY

Bureau of Medicine and Surgery.

MEDICAL DEPARTMENT

Surgeons' necessaries. Civil establishments.

For surgeons' necessaries for vessels in commission, navy yards, naval stations, and Marine Corps; and for the civil establishment at the several naval hospitals, navy yards, naval medical supply depots, Naval Medical School and dispensary, Washington, and Naval Academy; for tolls and ferriages; purchase of books and stationery; hygienic and sanitary investigation and illustration; sanitary, hygienic, administrative, and special instruction, including the issuing of naval medical bulletins and supplements; purchase and repairs or nonpassenger-carrying wagons, automobile ambulances, and harness; purchase of and feed for horses and cows; maintenance, repair, and operation of three passenger-carrying motor vehicles for naval dispensary, Washington, District of Columbia, and of one motor-propelled vehicle for official use only for the medical officer on out-patient medical service at the Naval Academy; trees, plants, care of grounds, garden tools, and seeds; incidental articles for the Naval Medical School and naval dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks; washing for medical department at Naval Medical School and naval dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks, dispensaries at navy yards and naval stations, and ships; and for minor repairs on buildings and grounds of the United States Naval Medical School and naval medical supply depots; rent of rooms for naval dispensary, Washington, District of Columbia, not to exceed $1,200; for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast, including supernumeraries held for transfer to Saint Elizabeths Hospital; for dental outfits and dental material; and all other necessary contingent expenses; in all, $1,894,666: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $200,000.

Vehicles, etc.

Care, etc., of insane on Pacific Coast.

Proviso. Group IV (b) employees.

CARE OF THE DEAD

Care of the dead.

Interment or transporting expenses.

For the care of the dead; for funeral expenses and interment or transportation to their homes or to designated cemeteries of the remains of officers (including officers who die within the United States) and enlisted men of the Navy and Marine Corps, of members of the Nurse Corps, reservists on active or training duty, and accepted applicants for enlistment, civilian employees of the Navy Department and Naval Establishment who die outside of the continental limits of the United States, and former enlisted men who are discharged while in naval hospitals and are inmates of said hospitals on the date of their death; for funeral expenses and interment of the remains of pensioners and destitute patients who die in naval

Civilian employees dying abroad.

hospitals; for purchase and care of cemetery lots; for removal of remains from abandoned cemeteries to naval or national cemeteries, or to their homes, including remains interred in isolated graves at home and abroad, and remains temporarily interred, $68,000: *Provided*, That the above provision shall apply in the case of officers and enlisted men of the Navy and Marine Corps on the retired list who die while on active duty.

Proviso.
Retired officers, etc., on active duty included.

Bureau of Yards and Docks.

BUREAU OF YARDS AND DOCKS

MAINTENANCE, BUREAU OF YARDS AND DOCKS

General maintenance.

For the labor, materials, and supplies necessary, as determined by the Secretary of the Navy, for the general maintenance of the activities and properties now or hereafter under the cognizance of the Bureau of Yards and Docks, including accident prevention; the maintenance, repair, and operation of passenger-carrying vehicles for the Navy Department (not to exceed ten in number) and the Naval Establishment not otherwise provided for; not to exceed $1,600,000 for employees assigned to Group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department, and part time or intermittent employment in the District of Columbia, or elsewhere, of such engineers and architects as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $25 per diem for any person so employed, $6,459,250: *Provided*, That expenditures from appropriations contained in this Act for the maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, including the compensation of civilian chauffeurs and the compensation of any greater number than ninety enlisted men detailed to such duty, shall not exceed in the aggregate $70,000, exclusive of such vehicles owned and operated by the Marine Corps in connection with expeditionary duty without the continental limits of the United States and motorcycles, and on any one vehicle shall not exceed for maintenance, upkeep, and repair, exclusive of garage rent, pay of operators, tires, fuel, and lubricants, one third of the market price of a new vehicle of the same make or class, and in any case not more than $500.

Vehicles.

Group IV (b) employees.

Proviso.
Limitation on operation, etc.

Marine Corps, without continental limits excluded.

CONTINGENT, BUREAU OF YARDS AND DOCKS

Contingent.

For contingent expenses and minor extensions and improvements of public works at navy yards and stations, $117,635.

Bureau of Aeronautics.

BUREAU OF AERONAUTICS

AVIATION, NAVY

Designated aviation expenses.

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1934, $672,152; for maintenance, repair, and operation of aircraft factory, air stations, fleet air bases, fleet and all other aviation activities, accident prevention, testing laboratories, for overhauling of planes, and for the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, $10,066,800, including $120,000 for the equipment of vessels with catapults and including not to exceed $100,000 for the procurement of helium, which sum

Aircraft factory, etc.

Helium.

of $100,000 shall be transferred to and made available to the Bureau of Mines on July 1, 1934, and the bureau may lease, after competition, surplus metal cylinders acquired for use as helium containers; for continuing experiments and development work on all types of aircraft, including the payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed, $1,773,368; for new construction and procurement of aircraft and equipment, spare parts and accessories, $6,131,000, of which amount not to exceed $2,400,000 shall be available for the payment of obligations incurred under the contract authorization carried in the Navy Appropriation Act for the fiscal year 1934; in all, $18,643,320; and the money herein specifically appropriated for "Aviation" shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $971,200: *Provided further*, That in addition to the amount herein appropriated, the Secretary of the Navy may, prior to July 1, 1936, enter into contracts for the production and purchase of new airplanes and their equipment, spare parts, and accessories, to an amount not in excess of $2,800,000: *Provided further*, That the Secretary of the Treasury is authorized and directed, upon the request of the Secretary of the Navy, to transfer not to exceed in the aggregate $24,000 from this appropriation to the appropriations "Pay, Subsistence, and Transportation, Navy," and "Pay, Marine Corps" to cover authorized traveling expenses of officers and enlisted men in connection with flying new airplanes from contractor's works to assigned station or ship, including travel to contractor's works and return of personnel to station of duty, and the amount so transferred shall be in addition to any limitations contained in the appropriations "Pay, Subsistence, and Transportation, Navy," and "Pay, Marine Corps": *Provided further*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coast of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes: *Provided further*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft where such claim does not exceed the sum of $500.

Incurred obligations.

Accounting.

Provisos.
Group IV (b) employees.

Contracts for new airplanes, etc.

Sum transferred for travel expenses.

Ante, p. 410; *Post*, p. 418.

Coast stations limited.

Airplane factory construction forbidden.

Adjusting damage claims.

NAVAL ACADEMY

Naval Academy.

Pay, Naval Academy: Pay for professors and others, Naval Academy: Pay of professors and instructors, including one professor as librarian, $238,410: *Provided*, That not more than $33,300 shall be paid for masters and instructors in swordsmanship and physical training: *Provided further*, That no part of this appropriation shall be available for the pay of a civilian instructor at the Naval Academy not so employed on June 27, 1933, except that the Secretary of the Navy is authorized to employ eight additional civilian instructors.

Pay for professors, etc.

Provisos.
Instructors in swordsmanship.

Employment of civilian instructors.

Employees.
Proviso.
Group IV (b) employees.

For pay of employees, $459,360: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $236,000.

Current, etc., expenses.

Current and miscellaneous expenses, Naval Academy: For text and reference books for use of instructors; stationery, blank books and forms, models, maps, newspapers, and periodicals; apparatus and materials for instruction in physical training and athletics; expenses of lectures and entertainments, not exceeding $1,000, including pay and expenses of lecturer; chemicals, philosophical apparatus and instruments, stores, machinery, tools, fittings, apparatus, materials for instruction purposes, and engraving of trophies and badges, $66,800; for purchase, binding, and repair of books for the library (to be purchased in the open market on the written order of the superintendent), $5,000; for expenses of the Board of Visitors to the Naval Academy, $1,000; for contingencies for the superintendent of the academy, to be expended in his discretion, not exceeding $3,500; for contingencies for the commandant of midshipmen, to be expended in his discretion, not exceeding $1,000; in all, $77,300, to be accounted for as one fund.

Lectures, etc.

Library.

Board of Visitors.

Maintenance and repairs.

Maintenance and repairs, Naval Academy: For necessary repairs of public buildings, wharves, and walls inclosing the grounds of the Naval Academy, accident prevention, improvements, repairs, and fixtures; for books, periodicals, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants, machinery; purchase and maintenance of all horses and horse-drawn vehicles for use at the academy, including the maintenance, operation, and repair of three horse-drawn passenger-carrying vehicles to be used only for official purposes; seeds and plants; tools and repairs of the same; stationery; furniture for Government buildings and offices at the academy, including furniture for midshipmen's rooms; coal and other fuels; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up station and care of buildings; attendance on fires, lights, fire engines, fire apparatus, and plants, and telephone, telegraph, and clock systems; incidental labor; advertising, water tax, postage, telephones, telegrams, tolls, and ferriage; flags and awnings; packing boxes; pay of inspectors and draftsmen; and music and astronomical instruments, $774,716: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $23,000.

Vehicles.

Proviso.
Group IV (b) employees.

Marine Corps.

MARINE CORPS

PAY, MARINE CORPS

Pay, etc., officers on active list.
Ante, p. 417.

Pay of officers, active list: For pay and allowances prescribed by law for all officers on the active list—pay and allowance, $3,362,293, including not to exceed $141,306, for increased pay for making aerial flights; subsistence allowance, $469,097; rental allowance, $605,197; in all, $4,436,587; and no part of such sum shall be available to pay active-duty pay and allowances to officers on the retired list;

Retired officers.

For pay of officers prescribed by law on the retired list, $855,281;

Enlisted men, active list.

Pay of enlisted men, active list: For pay and allowances of noncommissioned officers, musicians, and privates, as prescribed by law, and for the expenses of clerks of the United States Marine Corps

traveling under orders, including not to exceed $250 for the expenses of attendance upon meetings of technical, professional, scientific and other organizations, when, in the judgment of the Secretary of the Navy, such attendance would be of benefit in the conduct of the work of the Marine Corps, and including additional compensation for enlisted men of the Marine Corps, qualified as expert riflemen, sharpshooters, marksmen, or regularly detailed as gun captains, gun pointers, cooks, messmen, including interest on deposits by enlisted men, post-exchange debts of deserters and of men discharged or sentenced to terms of imprisonment while in debt to the United States, under such rules as the Secretary of the Navy may prescribe, and the authorized travel allowance of discharged enlisted men, and for prizes for excellence in gunnery exercises and target practice, and for pay of enlisted men designated as Navy mail clerks and assistant Navy mail clerks both afloat and ashore, and for gratuities to enlisted men discharged not under honorable conditions—pay and allowances, $6,735,710; allowance for lodging and subsistence, $581,817; in all, $7,317,527;

Pay and allowances.

For pay and allowances prescribed by law of enlisted men on the retired list, $675,330;

Retired enlisted men.

Undrawn clothing: For payment to discharged enlisted men for clothing undrawn, $271,566;

Undrawn clothing.

For pay and allowances of the Marine Corps Reserve (a) excluding transferred and assigned men, $401,330; (b) transferred men, $337,591; (c) assigned men, $5,400; in all, $744,321;

Marine Corps Reserve.

For mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers traveling under orders without troops, $90,000;

Mileage, etc.

In all, $14,390,612, and the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law and shall constitute one fund.

Accounting.

PAY OF CIVIL EMPLOYEES, MARINE CORPS

Pay of civil force: For personal services in the District of Columbia, as follows:

Civil force at headquarters.

Offices of the Major General Commandant and adjutant inspector, $94,939;

Office of paymaster, $40,651;

Office of the quartermaster, $105,920; in all, $241,510: *Provided*, That the total number of enlisted men on duty at Marine Corps headquarters on May 7, 1930, shall not be increased, and in lieu of enlisted men whose services at such headquarters shall be terminated for any cause prior to July 1, 1935, their places may be filled by civilians, for the pay of whom, in accordance with the Classification Act of 1923, as amended, either or both the appropriations "Pay, Marine Corps", and "General expenses, Marine Corps", shall be available.

Proviso.
No increase in enlisted men at headquarters.

Vacancies to be filled by civilians.
Pay rates according to Classification Act. Vol. 42, p. 1488; Vol. 46, pp. 776, 1003. U.S.C., p. 65; Supp. VII, p. 34.

GENERAL EXPENSES, MARINE CORPS

General expenses.

For every expenditure requisite for, and incident to, the authorized work of the Marine Corps, other than as appropriated for under the headings of pay and salaries, as follows:

Authorized work.

For provisions, subsistence, board and lodging of enlisted men, recruits and recruiting parties, and applicants for enlistment, cash allowance for lodging and subsistence to enlisted men traveling on duty; ice, ice machines and their maintenance, $2,123,812;

Provisions, etc.

For clothing for enlisted men, $460,322;

Clothing.

For fuel, heat, light, and power, including sales to officers, $424,600;

Fuel, etc.

Military supplies, etc.
Purchase, preservation, etc.
Prizes, badges, etc.

For military supplies and equipment, including their purchase, repair, preservation, and handling; recreational, school, educational, library, musical, amusement, field sport and gymnasium supplies, equipment, services, and incidental expenses; purchase and marking of prizes for excellence in gunnery and rifle practice, good-conduct badges, medals, and buttons awarded to officers and enlisted men by the Government for conspicuous, gallant, and special service; rental and maintenance of target ranges and entrance fees for competitions, $472,330.

Transportation, etc.
Dependents.

For transportation of troops and applicants for enlistment, including cash in lieu of ferriage and transfers en route; toilet kits for issue to recruits upon their first enlistment and other incidental expenses of the recruiting service; and for transportation for dependents of officers and enlisted men, $250,000;

Repairs, etc., to barracks, quarters, etc.

For repairs and improvements to barracks, quarters, and other public buildings at posts and stations; for the renting, leasing, and improvement of buildings in the District of Columbia, and at such other places as the public exigencies require, and the erection of temporary buildings upon the approval of the Secretary of the Navy at a total cost of not to exceed $10,000 during the year, $340,000;

Forage, etc.

For forage and stabling of public animals and the authorized number of officers' horses, $25,000;

Contingent.
Vehicles, etc.
Horses, etc.
Funeral expenses.

For miscellaneous supplies, material, equipment, personal and other services, and for other incidental expenses for the Marine Corps not otherwise provided for; purchase, repair, and exchange of typewriters and calculating machines; purchase and repair of furniture and fixtures; repair of motor-propelled passenger-carrying vehicles; purchase of five motorcycles, at not to exceed $295 each; and purchase, exchange, and repair of horse-drawn passenger-carrying and other vehicles, including parts; veterinary services and medicines for public animals and the authorized number of officers' horses; purchase of mounts and horse equipment for all officers below the grade of major required to be mounted; shoeing for public animals and the authorized number of officers' horses; books, newspapers, and periodicals; printing and binding; packing and crating of officers' allowance of baggage; funeral expenses of officers and enlisted men and accepted applicants for enlistment and retired officers on active duty, including the transportation of their bodies, arms, and wearing apparel from the place of demise to the homes of the deceased in the United States; construction, operation, and maintenance of laundries; and for all emergencies and extraordinary expenses, $1,845,261;

Marine Corps Reserve.

Marine Corps Reserve: For clothing, subsistence, heat, light, transportation, and miscellaneous expenses, $75,000;

Accounting.
Proviso.
Group IV (b) employees.

In all, $6,016,325, to be accounted for as one fund: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $90,000.

Alterations to naval vessels.

ALTERATIONS TO NAVAL VESSELS

Modernizing "New Mexico", "Mississippi", and "Idaho."
Vol. 46, p. 1453.

Toward the alterations and repairs required for the purpose of modernizing the United States ships New Mexico, Mississippi, and Idaho, authorized by the Act entitled "An Act to authorize alterations and repairs of certain naval vessels", approved February 28, 1931, $470,400, to remain available until expended: *Provided*, That the sum to be paid out of the amount available for expenditure under this head for the fiscal year 1935 for employees in field service

Proviso.
Group IV (b) employees.

assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $20,000.

INCREASE OF THE NAVY

Increase of the Navy.

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, including the commencement of one cruiser of subcategory (a) and three cruisers of subcategory (b), authorized by the Act approved February 13, 1929 (45 Stat. 1165), $27,342,000, and, in addition, (1) the Secretary of the Treasury is authorized and directed, upon the request of the Secretary of the Navy, to make transfers during the fiscal year 1935 from the naval supply account fund to this appropriation of sums aggregating not to exceed $5,000,000, and (2) there is hereby reappropriated for the objects embraced by this paragraph (a) $1,450,000 of the appropriation "Public Works, Navy, Emergency Construction, Act July 21, 1932", contained in the Act entitled "An Act to relieve destitution, to broaden the lending powers of the Reconstruction Finance Corporation, and to create employment by providing for and expediting a public-works program", approved July 31, 1932, and (b) $550,000 of the unexpended balances of the amounts heretofore appropriated under the head of "Public Works, Bureau of Yards and Docks", and the total sums hereby made available shall remain available until expended: *Provided*, the sum to be paid out of the amount available for expenditure under the head of "Construction and Machinery" for the fiscal year 1935 for employees in the field service assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $465,000: *Provided*, That of the appropriations contained in this Act under the head of "Increase of the Navy", there shall be available such sums as the Secretary of the Navy may from time to time determine to be necessary for the engagement of technical services, including the purchase of plans, and the employment of personnel in the Navy Department and in the field, in addition to those otherwise provided for, owing to the construction of vessels heretofore authorized and herein or heretofore appropriated for in part.

Construction and machinery of vessels heretofore authorized.

Vol. 45, p. 1165.

Amount from naval supply account.

Sum from emergency construction fund.
Vol. 47, p. 717.

Sum from "Public Works, Yards and Docks."
Vol. 47, p. 717.
Available until expended.
Provisos.
Group IV (b), etc., employees.

Technical services, purchase of plans, etc.

Armor, armament, and ammunition: Toward the armor, armament, and ammunition for vessels heretofore authorized, $6,277,334, to remain available until expended: *Provided*, That the sum to be paid out of the amount available for expenditure under this head for the fiscal year 1935 for employees in the field service assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $175,000.

Armor, etc., for vessels authorized.
Proviso.
Group IV (b) employees.

That in the expenditure of appropriations in this Act the Secretary of the Navy shall, unless in his discretion the interest of the Government will not permit, purchase or contract for, within the limits of the United States, only articles of the growth, production, or manufacture of the United States, notwithstanding that such articles of the growth, production, or manufacture of the United States may cost more, if such excess of cost be not unreasonable.

Purchase of foreign products, etc., forbidden.

The appropriations made in this Act for the purchase or manufacture of equipment or material or of a particular class of equipment or material shall be available for the purchase of letters patent,

Purchase, etc., of equipment available for letters patent, etc.

applications for letters patent, licenses under letters patent, and applications for letters patent that pertain to such equipment or material for which the appropriations are made.

Department use limited.

No part of any appropriation made for the Navy shall be expended for any of the purposes herein provided for on account of the Navy Department in the District of Columbia, including personal services of civilians and of enlisted men of the Navy, except as herein expressly authorized: *Provided*, That there may be detailed to the Bureau of Navigation not to exceed at any one time six enlisted men of the Navy: *Provided further*, That enlisted men detailed to the naval dispensary and the radio communication service shall not be regarded as detailed to the Navy Department in the District of Columbia.

Provisos.
Details to Navigation Bureau.
Designated services not regarded as Department detail.

No pay to officer, etc., using time-measuring device on work of employee.

No part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person or persons having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this Act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government: *Provided*, That nothing herein shall be construed as altering or repealing the proviso contained in section 1 of the Act to authorize the construction of certain naval vessels, approved February 13, 1929, which provides that the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States, except such material or parts as are not customarily manufactured in such Government plants.

Cash rewards, etc., restricted.

Repair, equipment, etc., at other than navy yards, etc., restricted.

Proviso.
Construction, etc., of first and alternate cruisers at Government yards, factories, etc., required.
Vol. 45, p. 1165.

Navy Department.

NAVY DEPARTMENT

Salaries.

SALARIES

For compensation for personal services in the District of Columbia, as follows:

Secretary, Assistant, and civilian personnel in offices, etc., designated.

Office of the Secretary of the Navy: Secretary of the Navy, Assistant Secretary of the Navy, and other personal services, $154,800.

General board, $11,304.

Naval examining and retiring boards, $9,540.

Compensation board, $6,156.

Office of Naval Records and Library, including employees engaged in the collection or copying and classification, with a view to publication, of the naval records of the war with the Central Powers of Europe, $30,672.

Office of Judge Advocate General, $104,940.
Office of Chief of Naval Operations, $61,830.
Board of Inspection and Survey, $15,516.
Office of Director of Naval Communications, $108,720.
Office of Naval Intelligence, $32,760.
Bureau of Navigation, $407,943.
Hydrographic Office, $337,356.
Naval Observatory, including $2,500 for pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, $149,994.
Bureau of Engineering, $268,470.
Bureau of Construction and Repair, $312,670.
Bureau of Ordnance, $134,703.
Bureau of Supplies and Accounts, $683,670.
Bureau of Medicine and Surgery, $69,048.
Bureau of Yards and Docks, $251,450.
Bureau of Aeronautics, $237,078.
In all, salaries, Navy Department, $3,388,620.

Salaries limited to average rates under Classification Act. Vol. 46, p. 1003, U.S.C., Supp. VII, p. 34.

In expending appropriations or portions of appropriations contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretaries of the Navy, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Proviso.
Restriction not applicable to clerical-mechanical service.
No reduction in fixed salaries. Vol. 42, p. 1490.

Transfers to another position without reduction.

Payment under higher rates permitted.

If only one position in a grade.

CONTINGENT EXPENSES

Department contingent expenses.

For professional and technical books and periodicals, law books, and necessary reference books, including city directories, railway guides, freight, passenger, and express tariff books and photostating, for department library; for purchase of photographs, maps, documents, and pictorial records of the Navy, photostating and other necessary incidental expenses in connection with the preparation for publication of the naval records of the war with the Central Powers of Europe; for stationery, furniture, newspapers, plans, drawings, and drawing materials; purchase and exchange of motor trucks or motor delivery wagons, maintenance, repair, and operation of motor trucks or motor delivery wagons; garage rent; street-car fares not exceeding $500; freight, expressage, postage, typewriters, and computing machines, and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, $75,000; it shall not be lawful to expend, unless otherwise specifically provided herein, for any of the offices or bureaus of the Navy Department in the District of Columbia, any sum out of appropriations made for

Naval records of World War.

Naval service appropriations not to be used for department expenses.

the naval service for any of the purposes mentioned or authorized in this paragraph.

Printing and binding.

PRINTING AND BINDING

For printing and binding for the Navy Department and the Naval Establishment executed at the Government Printing Office, $375,000, including not exceeding $85,000 for the Hydrographic Office and $2,800 for the Naval Reserve Officers' Training Corps.

Hydrographic Office.

CONTINGENT AND MISCELLANEOUS EXPENSES, HYDROGRAPHIC OFFICE

Contingent and miscellaneous expenses.

For purchase and printing of nautical books, charts, and sailing directions, copperplates, steel plates, chart paper, packing boxes, chart portfolios, electrotyping copperplates, cleaning copperplates; tools, instruments, power, and material for drawing, engraving, and printing; materials for and mounting charts; reduction of charts by photography; photolithographing charts for immediate use; transfer of photolithographic and other charts to copper; purchase of equipment for the storage of plates used in making charts and for the storage of Hydrographic Office charts and publications; modernization, care and repair to printing presses, furniture, instruments, and tools; extra drawing and engraving; translating from foreign languages; telegrams on public business; preparation of pilot charts and their supplements, and printing and mailing same; purchase of data for charts and sailing directions and other nautical publications; books of reference and works and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, and to other professional and technical subjects connected with the work of the Hydrographic Office, $62,000.

Pilot charts.

Branch offices.

BRANCH HYDROGRAPHIC OFFICES

Contingent expenses.

For contingent expenses of branch hydrographic offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oregon), Portland (Maine), Chicago, Cleveland, Detroit, Buffalo, Duluth, Sault Sainte Marie, Seattle, Panama, San Juan (Puerto Rico), Los Angeles, Honolulu, and Galveston, including furniture, fuel, lights, works, and periodicals, relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, stationery, miscellaneous articles, rent and care of offices, care of time balls, car fare and ferriage in visiting merchant vessels, freight and express charges, telegrams, and other necessary expenses incurred in collecting the latest information for pilot charts, and for other purposes for which the offices were established, $13,180.

Employees.

For services of necessary employees at branch offices, $40,014.

Naval Observatory.

CONTINGENT AND MISCELLANEOUS EXPENSES, NAVAL OBSERVATORY

Library, apparatus, repairs, etc.

For professional and scientific books, books of reference, periodicals, engravings, photographs, and fixtures for the library; for apparatus and instruments, and for repairs of the same; for repairs to buildings (including quarters), fixtures, and fences; for cleaning, repair, and upkeep of grounds and roads; furniture and furnishings for offices and quarters, gas, chemicals, paints, and stationery, including transmission of public documents through the Smithsonian exchange, foreign postage; plants, seeds, and fertilizers; for fuel, oil, grease, pipe, wire, and other materials needed for the maintenance and repair of boilers, engines, heating apparatus, electric lighting and power, and water supply; purchase and maintenance of teams;

maintenance, repair, and operation of motor trucks and passenger automobiles, and of horse-drawn vehicles; telegraph and telephone service; and other absolutely necessary expenses, $20,000.

Government-owned automobiles. Use restricted to official business.

SEC. 2. No part of any money appropriated by this Act shall be used for maintaining, driving, or operating any Government-owned motor-propelled passenger-carrying vehicle not used exclusively for official purposes; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department. This section shall not apply to any motor vehicle for official use of the Secretary of the Navy, and no other persons connected with the Navy Department or the naval service, except the commander in chief of the United States Asiatic Fleet, Marine Corps officers serving with expeditionary forces in foreign countries, and medical officers on out-patient medical service, shall have a Government-owned motor vehicle assigned for their exclusive use.

Transportation between domicile and place of employment.

Exemptions.

Approved, March 15, 1934.

[CHAPTER 70.]

AN ACT

March 15, 1934.
[H.R. 7295.]
[Public, No. 123.]

Making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1935, and for other purposes

Treasury and Post Office Departments Appropriation Act, 1935.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—TREASURY DEPARTMENT

Title I—Treasury Department.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department for the fiscal year ending June 30, 1935, namely:

Appropriations for fiscal year, 1935.

OFFICE OF THE SECRETARY

Secretary's office.

Salaries: Secretary of the Treasury, Under Secretary of the Treasury, three Assistant Secretaries of the Treasury, and other personal services in the District of Columbia, $150,000: *Provided*, That in expending appropriations or portions of appropriations contained in this Act for the payment of personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretaries of the Treasury the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriations unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is

Secretary, Under Secretary, Assistants, and office personnel.

Provisos.
Salaries limited to average rates under Classification Act.
Vol. 42, p. 1488; Vol. 46, p. 1003.
U.S.C., p. 65; Supp. VII, p. 34.
Exception.

Not applicable to clerical-mechanical service.
No reduction in fixed salaries.
Vol. 42, p. 1480; Vol. 46, p. 1005.
Transfers to another position without reduction.

Higher salary rates permitted.

If only one position in a grade.

specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Solicitor's office.

OFFICE OF SOLICITOR OF THE TREASURY

Solicitor, and office personnel.

Salaries: For the Solicitor, and other personal services in the District of Columbia, $27,900.

Custody, etc. of lands.
R.S., secs. 3749, 3750, p. 739.
U.S.C., p. 1305.

Lands and other property of the United States: For custody, care, protection, and expenses of sales of lands and other property of the United States, acquired and held under sections 3749 and 3750 of the Revised Statutes (U.S.C., title 40, secs. 301, 302), the examination of titles, recording of deeds, advertising, and auctioneers' fees in connection therewith, $500.

Chief clerk's office.

OFFICE OF CHIEF CLERK AND SUPERINTENDENT

Chief clerk, and office personnel.

Salaries: For the chief clerk, who shall be the chief executive officer of the Department and who may be designated by the Secretary of the Treasury to sign official papers and documents during the temporary absence of the Secretary, Under Secretary, and Assistant Secretaries of the Department, and for other personal services in the District of Columbia, including the operating force of the Treasury, Liberty Loan, and Auditors' Buildings and the Treasury Department Annex, Pennsylvania Avenue and Madison Place, and of other buildings under the control of the Treasury Department, $459,000.

Operating force, department buildings.

CONTINGENT EXPENSES, TREASURY DEPARTMENT

Department contingent expenses.
Operating expenses, department buildings.
Periodicals, reference books, etc.
Freight, etc.
Motor vehicles.
Fuel, etc.
Furniture, etc.

For miscellaneous and contingent expenses of the office of the Secretary and the bureaus and offices of the Department, including operating expenses of the Treasury, Treasury Annex, Auditors' and Liberty Loan Buildings; newspaper clippings, financial journals, law books, and other books of reference; freight, expressage, telegraph and telephone service; purchase and exchange of motor trucks, and one passenger automobile (at a cost not exceeding $2,500) for the Secretary of the Treasury, and maintenance and repair of motor trucks and two passenger automobiles (one for the Secretary of the Treasury and one for general use of the Department), all to be used for official purposes only; file holders and cases; fuel, oils, grease, and heating supplies and equipment; gas and electricity for lighting, heating, and power purposes, including material, fixtures, and equipment therefor; purchase, exchange, and repair of typewriters and labor-saving machines and equipment and supplies for same; floor covering and repairs thereto; furniture and office equipment, including supplies therefor and repairs thereto; awnings, window shades, and fixtures; cleaning supplies and equipment; drafting equipment; ammonia for ice plant; flags; hand trucks, ladders; miscellaneous hardware; street-car fares not exceeding $500; thermometers; lavatory equipment and supplies; tools and sharpening same; laundry service; laboratory supplies and equipment, removal of rubbish, postage, and other absolutely necessary articles, supplies, and equipment not otherwise provided for; $126,160, of which $2,500 shall be immediately available: *Provided*, That the appropriations for the Public Debt Service and Internal Revenue Service for the fiscal year 1935 are hereby made available for the payment of items otherwise properly chargeable to this appropriation, the provisions of section 6, Act of August 23, 1912 (U.S.C., title 31, sec. 669), to the contrary notwithstanding.

Proviso.
Other funds available.

Vol. 37, p. 414.
U.S.C., p. 1019.

DIVISION OF SUPPLY

Division of Supply.

Salaries: For the Chief, Division of Supply, and other personal services in the District of Columbia, $156,600.

Chief, and other personal services.

Printing and binding: For printing and binding for the Treasury Department, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, including materials for the use of the bookbinder located in the Treasury Department, but not including work done at the New York customhouse bindery authorized by the Joint Committee on Printing in accordance with the Act of March 1, 1919 (U.S.C., title 44, sec. 111), $525,000.

Printing and binding.

Work excluded. Vol. 40, p. 1270. U.S.C., p. 1421.

Stationery: For stationery for the Treasury Department and its several bureaus and offices, and field services thereof, including tags, labels, and index cards, printed in the course of manufacture, packing boxes and other materials necessary for shipping stationery supplies, and cost of transportation of stationery supplies purchased free on board point of shipment and of such supplies shipped from Washington to field offices, $275,000.

Stationery.

OFFICE OF COMMISSIONER OF ACCOUNTS AND DEPOSITS

Accounts and Deposits Office.

For Commissioner of Accounts and Deposits and other personal services in the District of Columbia, $113,040.

Commissioner, and office personnel.

For books of reference, law books, books on finance, technical and scientific books, newspapers, and periodicals, for expenses incurred in completing imperfect series, for library cards, supplies, and for all other necessary expenses, $1,000.

Reference books, periodicals, etc.

DIVISION OF BOOKKEEPING AND WARRANTS

Bookkeeping and Warrants Division.

For the chief of the division, and other personal services in the District of Columbia, $150,390.

Chief, and office personnel.

Contingent expenses, public moneys: For contingent expenses under the requirements of section 3653 of the Revised Statutes (U.S.C., title 31, sec. 545), for the collection, safe-keeping, transfer, and disbursement of the public money, transportation of notes, bonds, and other securities of the United States, salaries of special agents, actual expenses of examiners detailed to examine the books, accounts and money on hand at the several depositories, including national banks acting as depositories under the requirements of section 3649 of the Revised Statutes (U.S.C., title 31, sec. 548), also including examinations of cash accounts at mints and cost of insurance on shipments of money by registered mail when necessary, $150,000.

Contingent expenses, public moneys. R.S., sec. 3653, p. 719. U.S.C., p. 1010.

Examination of depositories. R.S., sec. 3649, p. 718. U.S.C., p. 1010.

Recoinage of minor coins: To enable the Secretary of the Treasury to continue the recoinage of worn and uncurrent minor coins of the United States now in the Treasury or hereafter received, and to reimburse the Treasurer of the United States for the difference between the nominal or face value of such coins and the amount the same will produce in new coins, $65,000.

Recoinage of minor coins.

PUBLIC DEBT SERVICE

Public Debt Service.

For necessary expenses connected with the administration of any public debt issues and United States paper currency issues with which the Secretary of the Treasury is charged, including the purchase of law books, directories, books of reference, pamphlets, periodicals, and newspapers, and including the Commissioner of the Public Debt and other personal services in the District of Columbia, $1,892,500: *Provided*, That the amount to be expended for personal services in the District of Columbia shall not exceed

Commissioner, personnel, and other services.

Reference books, etc.

Amount for services in the District.

Restriction on use of indefinite appropriation. Vol. 40, p. 292. U.S.C., p. 1027.

$1,867,500: *Provided further*, That the indefinite appropriation "Expenses of loans, Act of September 24, 1917, as amended and extended" (U.S.C., title 31, secs. 760, 761), shall not be used during the fiscal year 1935 to supplement the appropriation herein made for the current work of the Public Debt Service.

Distinctive paper for securities. Quantity authorized.

Distinctive paper for United States securities: For distinctive paper for United States currency, national-bank currency, and Federal Reserve bank currency, not exceeding two million pounds, including transportation of paper, traveling, mill, and other necessary expenses, and salaries of employees, and allowance, in lieu of expenses, of officer or officers detailed from the Treasury Department, not exceeding $50 per month each when actually on duty; in all, $462,772: *Provided*, That no part of this appropriation shall be expended for the purchase of such paper at a price per pound in excess of 32¼ cents: *Provided further*, That in order to foster competition in the manufacture of distinctive paper for United States securities, the Secretary of the Treasury is authorized, in his discretion, to split the award for such paper for the fiscal year 1935 between the two bidders whose prices per pound are the lowest received after advertisement, but not in excess of the price fixed herein.

Provisos. Price limitation. Division of awards.

Addition to cumulative sinking fund. Vol. 47, p. 724.

Addition to cumulative sinking fund (section 308 of Emergency Relief and Construction Act of 1932): To carry into effect the provisions of section 308 of the Emergency Relief and Construction Act of 1932, approved July 21, 1932 (47 Stat., p. 709), there is hereby appropriated for each fiscal year beginning with the fiscal year 1935, out of any money in the Treasury not otherwise appropriated, for the purposes of the cumulative sinking fund provided in section 6 of the Victory Liberty Loan Act, as amended, in addition to amounts otherwise appropriated, a sum equal to 2½ per centum of the aggregate of the expenditures on or after June 30, 1933, from appropriations made or authorized in sections 301 and 302, title III, of the Emergency Relief and Construction Act of 1932.

Vol. 40, p. 1311.

Public Works construction. Vol. 47, pp. 716, 720.

Appointments Division.

DIVISION OF APPOINTMENTS

Chief, and office personnel.

Salaries: For the chief of the division, and other personal services in the District of Columbia, $39,492.

OFFICE OF DISBURSING CLERK

Disbursing clerk, and office personnel.

Salaries: For the disbursing clerk and other personal services in the District of Columbia, $47,610.

Customs Bureau.

BUREAU OF CUSTOMS

Collecting customs revenue.

Collecting the revenue from customs: For collecting the revenue from customs, for the detection and prevention of frauds upon the customs revenue, and not to exceed $25,000 for the securing of evidence of violations of the customs laws, for expenses of transportation and transfer of customs receipts from points where there are no Government depositories, not to exceed $35,000 for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U.S.C., Supp. VI, title 5, sec. 118a), but not to exceed $720 for any one person, not to exceed $5,000 for the hire of motor-propelled passenger-carrying vehicles, not to exceed $500 for subscriptions to newspapers, and including the purchase (not to exceed $25,000), exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles when necessary for official use in field work, $18,500,000, of which such

Transfer of receipts from points lacking Government depositories.

Living quarters, allowances, etc. Vol 46, p. 818. U.S.C., Supp. VII, p. 20.

Vehicles, newspapers, etc.

amount as may be necessary shall be available for the cost of seizure, storage and disposition of any merchandise, vehicle and team, automobile, boat, air or water craft, or any other conveyance seized under the provisions of the customs laws, and $401,562 shall be available for personal services in the District of Columbia exclusive of ten persons from the field force authorized to be detailed under section 525 of the Tariff Act of 1930: *Provided*, That no part of this appropriation shall be expended for maintenance or repair of motor-propelled passenger-carrying vehicles for use in the District of Columbia except one for use in connection with the work of the customhouse in Georgetown.

Seizures, under customs laws.

Services in the District.
Field details.
Vol. 46, p. 741.
Proviso.
Motor vehicle restriction.

BUREAU OF THE BUDGET

Bureau of the Budget.

Salaries and expenses: Director, Assistant Director, and all other necessary expenses of the Bureau, including compensation of attorneys and other employees in the District of Columbia; contract stenographic reporting services, telegrams, telephone service, law books, books of reference, periodicals, stationery, furniture, office equipment, other supplies, traveling expenses, street-car fares; $139,851.

Director, Assistant, personnel, and other expenses.

For printing and binding, $32,000.

Printing and binding.

OFFICE OF TREASURER OF THE UNITED STATES

Treasurer's office.

Salaries: For Treasurer of the United States, Assistant Treasurer, and for other personal services in the District of Columbia, $1,080,000.

Treasurer, Assistant, and office personnel.

For personal services in the District of Columbia, in redeeming Federal Reserve and national currency, $294,300, to be reimbursed by the Federal Reserve and national banks.

Redeeming Federal Reserve and national currency.

OFFICE OF THE COMPTROLLER OF THE CURRENCY

Office of Comptroller of the Currency.

Salaries: Comptroller of the Currency and other personal services in the District of Columbia, $211,050.

Comptroller, and office personnel.

For personal services in the District of Columbia in connection with Federal Reserve and national currency, $46,152, to be reimbursed by the Federal Reserve and national banks.

Personal services; reimbursable.

BUREAU OF INTERNAL REVENUE

Internal Revenue Bureau.

Collecting the internal revenue: For expenses of assessing and collecting the internal-revenue taxes, including the Commissioner of Internal Revenue, general counsel for the Bureau of Internal Revenue, an assistant to the commissioner, a special deputy commissioner, three deputy commissioners, one stamp agent (to be reimbursed by the stamp manufacturers), and the necessary officers, collectors, deputy collectors, attorneys, experts, agents, accountants, inspectors, clerks, janitors, and messengers in the District of Columbia, the several collection districts, and the several divisions of internal-revenue agents, to be appointed as provided by law, telegraph and telephone service, rental of quarters outside the District of Columbia, postage, freight, express, necessary expenses incurred in making investigations in connection with the enrollment or disbarment of practitioners before the Treasury Department in internal-revenue matters, expenses of seizure and sale, and other necessary miscellaneous expenses, including stenographic reporting services, and the purchase of such supplies, equipment, furniture, mechanical devices, law books and books of reference, and such other articles as may be necessary for use in the District of Columbia, the several collection districts, and the several divisions of internal-revenue agents,

Collecting internal revenue.
Commissioner, general counsel, and office and field personnel.
Post, p. 1061.

Outside rent.

Miscellaneous.

Services in the District.
Provisos.
Witness fees.

$27,450,520, of which amount not to exceed $7,547,202 may be expended for personal services in the District of Columbia: *Provided*, That no part of this amount shall be used in defraying the expenses of any officer designated above, subpenaed by the United States court to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts": *Provided further*, That not more than $100,000 of the total amount appropriated herein may be expended by the Commissioner of Internal Revenue for detecting and bringing to trial persons guilty of violating the internal revenue laws or conniving at the same, including payments for information and detection of such violation.

Detection and prosecution of revenue law violations.

Refunding taxes.

Refunding taxes illegally or erroneously collected: For refunding taxes illegally or erroneously collected, as provided by law, including the payment of claims for the fiscal year 1935 and prior years, $40,000,000: *Provided*, That a report shall be made to Congress by internal-revenue districts and alphabetically arranged of all disbursements hereunder in excess of $500 as required by section 3 of the Act of May 29, 1928 (U.S.C., Supp. VI, title 26, sec. 1676), including the names of all persons and corporations to whom such payments are made, together with the amount paid to each.

Proviso.
Detailed report to Congress.
Vol. 45, p. 996.

U.S.C., Supp. VII, p. 677.

Industrial Alcohol Bureau.

BUREAU OF INDUSTRIAL ALCOHOL

Salaries and expenses.
Vol. 41, p. 305; Vol. 42, p. 222; Vol. 44, p. 1381; Vol. 46, p. 430.
U.S.C., p. 853; Supp. VII, pp. 27, 712.

Salaries and expenses: For expenses to administer the applicable provisions of the National Prohibition Act as amended and supplemented (U.S.C., title 27) and internal revenue laws, pursuant to the Act of March 3, 1927 (U.S.C., Supp. VI, title 5, secs. 281–281e), and the Act of May 27, 1930 (U.S.C., Supp. VI, title 27, secs. 103–108), and the provisions of the Act of March 22, 1933 (48 Stat., 16), as amended, and the "Liquor Taxing Act of 1934," approved January 11, 1934, including the employment of executive officers, attorneys, inspectors, chemists, assistant chemists, supervisors, storekeeper-gaugers, clerks, messengers, and other necessary employees in the field and in the Bureau of Industrial Alcohol in the District of Columbia, to be appointed as authorized by law; the securing of evidence of violations of the Acts; the cost of chemical analyses made by others than employees of the United States and expenses incident to such chemists testifying when necessary; the purchase of such supplies, equipment, mechanical devices, laboratory supplies, books, and such other expenditures as may be necessary in the several field offices; cost of acquisition and maintenance of automobiles delivered to the Secretary of the Treasury for use in administration of the law under his jurisdiction; hire, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary, for official use in field work; and for rental of necessary quarters; in all, $4,086,974, of which amount not to exceed $280,119 may be expended for personal services in the District of Columbia: *Provided*, That for purpose of concentration, upon the initiation of the Commissioner of Industrial Alcohol and under regulations prescribed by him, distilled spirits may be removed from any internal-revenue bonded warehouse to any other such warehouse, and may be bottled in bond in any such warehouse before or after payment of the tax, and the commissioner shall prescribe the form and penal sum of bond covering distilled spirits in internal-revenue bonded warehouses and in transit between such warehouses.

Ante, p. 16.

Securing evidence.
Chemical analyses.

Vehicles.

Services in the District.

Proviso.
Distilled spirits may be removed to warehouse for bottling in bond.

BUREAU OF NARCOTICS

Narcotics Bureau.

Salaries and expenses: For expenses to enforce the Act of December 17, 1914 (U.S.C., title 26, sec. 211), as amended by the Revenue Act of 1918 (U.S.C., title 26, secs. 691–708), the Act approved February 9, 1909, as amended by the Act of May 26, 1922 (U.S.C., title 21, secs. 171–184), known as the Narcotic Drugs Import and Export Act, pursuant to the Act of March 3, 1927 (U.S.C., Supp. VI, title 5, secs. 281–281e), and the Act of June 14, 1930 (U.S.C., Supp. VI, title 5, secs. 282–282c), including the employment of executive officers, attorneys, agents, inspectors, chemists, supervisors, clerks, messengers, and other necessary employees in the field and in the Bureau of Narcotics in the District of Columbia, to be appointed as authorized by law; the securing of evidence of violations of the Acts; the costs of chemical analyses made by others than employees of the United States; the purchase of such supplies, equipment, mechanical devices, books, and such other expenditures as may be necessary in the several field offices; cost incurred by officers and employees of the Bureau of Narcotics in the seizure, storage, and disposition of property under the internal revenue laws when the same is disposed of under section 3460, Revised Statutes (U.S.C., title 26, sec. 1193); hire, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary for official use in field work; and for rental of necessary quarters; in all, $1,244,899, of which amount not to exceed $183,942 may be expended for personal services in the District of Columbia: *Provided*, That the Secretary of the Treasury may authorize the use by narcotic agents of motor vehicles confiscated under the provisions of the Act of March 3, 1925 (U.S.C., title 27, sec. 43), as amended, and to pay the cost of acquisition, maintenance, repair, and operation thereof: *Provided further*, That not exceeding $10,000 may be expended for the collection and dissemination of information and appeal for law observance and law enforcement, including cost of printing, purchase of newspapers, and other necessary expenses in connection therewith and not exceeding $1,500 for attendance at meetings concerned with the work of the Bureau of Narcotics: *Provided further*, That moneys expended from this appropriation for the purchase of narcotics and subsequently recovered shall be deposited in the Treasury to the credit of the appropriation for enforcement of the narcotic Acts current at the time of the deposit.

Salaries and expenses.

Vol. 38, p. 785; Vol. 40, p. 1130; Vol. 35, p. 614; Vol. 42, p. 596. U.S.C., pp. 635, 742, 785.

Vol. 44, p. 1381; Vol. 46, p. 585. U.S.C., Supp. VII, p. 28.

Executive officers, personnel, etc.

Securing evidence of law violations.

Chemical analyses.

Seizures, etc.

R.S., sec. 3460, p. 685. U.S.C., p. 846.

Provisos.

Use of forfeited vehicles.

Vol. 43, p. 1116. U.S.C., p. 853.

Law observance information.

Attendance at meetings.

Credits for sums expended.

COAST GUARD

Coast Guard.

Office of the commandant: For personal services in the District of Columbia, $300,000.

Office personnel.

The services of skilled draftsmen and such other technical services as the Secretary of the Treasury may deem necessary may be employed only in the office of the Coast Guard in connection with the construction and repair of Coast Guard vessels and boats, to be paid from the appropriation "Repairs to Coast Guard vessels": *Provided*, That the expenditures on this account for the fiscal year 1935 shall not exceed $10,890. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the Budget.

Technical services.

Proviso.

Limitation.

Report to Congress.

For every expenditure requisite for and incident to the authorized work of the Coast Guard, including the expense of maintenance, repair, and operation of vessels forfeited to the United States and delivered to the Treasury Department under the terms of the Act approved March 3, 1925 (U.S.C., title 27, sec. 41), and the mainte-

Service expenditures.

Vol. 43, p. 1116. U.S.C., p. 853.

nance, repair, and operation of two motor-propelled passenger-carrying vehicles, to be used only for official purposes in the field, as follows:

Pay, etc., officers and enlisted men.

For pay and allowances prescribed by law for commissioned officers, cadets, warrant officers, petty officers, and other enlisted men, active and retired, temporary cooks, surfmen, substitute surfmen, and two civilian instructors, and not exceeding $6,000 for cash prizes for men for excellence in gunnery, target practice, and engineering competitions, for carrying out the provisions of the Act of June 4, 1920 (U.S.C., title 34, sec. 943), rations or commutation thereof for cadets, petty officers, and other enlisted men, mileage and expenses allowed by law for officers; and traveling expenses for other persons traveling on duty under orders from the Treasury Department, including transportation of enlisted men and applicants for enlistment, with subsistence and transfers en route, or cash in lieu thereof, expenses of recruiting for the Coast Guard, rent of rendezvous, and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; transportation and packing allowances for baggage or household effects of commissioned officers, warrant officers, and enlisted men, $14,224,608;

Cash prizes.

Death allowance. Vol. 41, p. 824. U.S.C., p. 1143.

Traveling expenses.

Fuel, water, etc.

For fuel, lubricating oil, kerosene, and water for vessels, stations, and houses of refuge, $1,134,600;

Outfits, stores, etc.

For outfits, including repairs to portable equipment at shore units, ship chandlery, engineers' stores, and draft animals and their maintenance, $1,074,057;

Stations, houses of refuge, etc.

For rebuilding and repairing stations and houses of refuge, temporary leases, rent, and improvements of property for Coast Guard purposes, including use of additional land where necessary, $145,530;

Coastal communication.

For coastal communication lines and facilities and their maintenance, and communication service, $109,574;

Civilian field employees.

For compensation of civilian employees in the field, including clerks to district commanders, $88,942;

Contingent expenses. Custody of prisoners.

For contingent expenses, including subsistence of shipwrecked and destitute persons succored by the Coast Guard and of prisoners while in the custody of the Coast Guard; for the recreation, amusement, comfort, contentment, and health of the enlisted men of the Coast Guard, to be expended in the discretion of the Secretary of the Treasury, not exceeding $40,000; instruments and apparatus, supplies, technical books and periodicals, services necessary to the carrying on of scientific investigation, and not exceeding $4,000 for experimental and research work; care, transportation, and burial of deceased officers and enlisted men, including those who die in Government hospitals; wharfage, towage, freight, storage, advertising, surveys, medals, labor, newspapers, and periodicals for statistical purposes, and all other necessary expenses which are not included under any other headings, $173,795;

Vessel, etc., repairs.

For repairs to Coast Guard vessels and boats, $1,000,000;

Life Saving Service.

Retired pay for former members of. Vol. 46, p. 164.

For retired pay for certain members of the former Life-Saving Service authorized by the Act entitled "An Act providing for retired pay for certain members of the former Life-Saving Service, equivalent to compensation granted to members of the Coast Guard", approved April 14, 1930 (U.S.C., Supp. VI, title 14, sec. 178a), $95,294;

U.S.C. Supp. VII, p. 243.

Total, Coast Guard, exclusive of commandant's office, $18,046,400.

Engraving and Printing Bureau.

BUREAU OF ENGRAVING AND PRINTING

Work authorized for fiscal year, 1935.

For the work of engraving and printing, exclusive of repay work, during the fiscal year 1935, of not exceeding 51,000,000 delivered sheets of United States currency and national-bank currency,

97,175,283 delivered sheets of internal-revenue stamps including opium orders and special-tax stamps required under the Act of December 17, 1914 (U.S.C., title 26, sec. 211), 509,723 delivered sheets of withdrawal permits, and 10,438,121 delivered sheets of checks, drafts, and miscellaneous work, as follows: Vol. 38, p. 786. U.S.C., p. 742, 786.

For the director, two assistant directors, and other personal services in the District of Columbia, including wages of rotary press plate printers at per diem rates and all other plate printers at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work; for engravers' and printers' materials and other materials, including distinctive and nondistinctive paper, except distinctive paper for United States currency, national-bank currency and Federal Reserve bank currency; equipment of, repairs to, and maintenance of buildings and grounds and for minor alterations to buildings; directories, technical books and periodicals, and books of reference, not exceeding $300; rent of warehouse in the District of Columbia; traveling expenses not to exceed $2,000; equipment, maintenance, and supplies for the emergency room for the use of all employees in the Bureau of Engraving and Printing who may be taken suddenly ill or receive injury while on duty; miscellaneous expenses, including not to exceed $1,500 for articles approved by the Secretary of the Treasury as being necessary for the protection of the person of employees; for transfer to the Bureau of Standards for scientific investigations in connection with the work of the Bureau of Engraving and Printing, not to exceed $15,000; and for the maintenance and driving of two motor-propelled passenger-carrying vehicles; $4,568,060, to be expended under the direction of the Secretary of the Treasury.

Director, assistants and office personnel. Wages.

Materials, etc.

Books of reference, etc.

Emergency room.

Miscellaneous expenses.

Scientific investigations.

Vehicles.

During the fiscal year 1935 all proceeds derived from work performed by the Bureau of Engraving and Printing, by direction of the Secretary of the Treasury, not covered and embraced in the appropriation for such Bureau for such fiscal year, instead of being covered into the Treasury as miscellaneous receipts, as provided by the Act of August 4, 1886 (U.S.C., title 31, sec. 176), shall be credited when received to the appropriation for said Bureau for the fiscal year 1935.

Proceeds of work to be credited to Bureau.

Vol. 24, p. 227. U.S.C., p. 986.

SECRET SERVICE DIVISION

Secret Service Division.

Salaries: For the chief of the division and other personal services in the District of Columbia, $34,146.

Chief, and office personnel.

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money and persons engaged in counterfeiting, forging, and altering United States notes, bonds, national-bank notes, Federal Reserve notes, Federal Reserve bank notes, and other obligations and securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other crimes against the laws of the United States relating to the Treasury Department and the several branches of the public service under its control; hire, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles when necessary; purchase of arms and ammunition; traveling expenses; and for no other purpose whatsoever, except in the performance of other duties specifically authorized by law, and in the protection of the person of the President and the members of his immediate family and of the person chosen to be President of

Suppressing counterfeiting, etc.

Protecting the President, etc.

Provisos. Witness' fees.

the United States, $554,294: *Provided*, That no part of this amount shall be used in defraying the expenses of any person subpenaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts": *Provided further*, That of the amount herein appropriated, not to exceed $10,000 may be expended in the discretion of the Secretary of the Treasury for the purpose of securing information concerning violations of the laws relating to the Treasury Department, and for services or information looking toward the apprehension of criminals.

Violations of laws relating to the Treasury Department, etc.

White House police, salaries.

White House police: Captain, lieutenant, three sergeants, and for forty-three privates, at rates of pay provided by law; in all, $103,950.

Uniforms and equipment.

For uniforming and equipping the White House police, including the purchase, issue, and repair of revolvers and the purchase and issue of ammunition and miscellaneous supplies, to be procured in such manner as the President in his discretion may determine, $3,000.

Public Health Service.

PUBLIC HEALTH SERVICE

Office personnel.

Salaries, office of Surgeon General: For personal services in the District of Columbia, $274,113.

Pay allowance, etc., Surgeon General, officers, etc.

For pay, allowance, and commutation of quarters for regular commissioned medical officers, including the Surgeon General and assistant surgeons general and for other regular commissioned officers, $1,397,606.

Acting assistant surgeons.

For pay of acting assistant surgeons (noncommissioned medical officers), $270,000.

Other employees.

For pay of all other employees (attendants, and so forth), $877,500.

Freight, transportation, etc.

Vol. 46, p. 818. U.S.C., Supp. VII, p. 20.

For freight, transportation, and traveling expenses, including allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U.S.C., Supp. VI, title 5, sec. 118a), not to exceed $2,160 but not to exceed $720 for any one person; the expenses, except membership fees, of officers when officially detailed to attend meetings of associations for the promotion of public health, and the packing, crating, drayage, and transportation of the personal effects of commissioned officers, scientific personnel, pharmacists, and nurses of the Public Health Service, upon permanent change of station, $25,160: *Provided*, That funds expendable for transportation and traveling expenses may also be used for preparation for shipment and transportation to their former homes of remains of officers who die in line of duty.

Proviso. Transporting remains of officers.

National Institute of Health.

For maintaining the National Institute of Health, $50,000.

Books.

For journals and scientific books, office of Surgeon General, $450.

Medical examinations, etc.

Vol. 39, p. 885; U.S.C., p. 137.

For medical examinations, including the amount necessary for the medical inspection of aliens, as required by section 16 of the Act of February 5, 1917 (U.S.C., title 8, sec. 152), medical, surgical, and hospital services and supplies, including prosthetic and orthopedic supplies to be furnished under regulations approved by the Secretary of the Treasury, for beneficiaries (other than patients of the Veterans' Administration) of the Public Health Service and persons detained in hospitals of the Public Health Service under the immigration laws and regulations, including necessary personnel and reserve commissioned officers of the Public Health Service, personal services in the District of Columbia and elsewhere, including the furnishing and laundering of white duck coats, trousers, smocks, aprons, and caps to employees whose duties make

Services in the District, etc. General expenses.

necessary the wearing of same, maintenance, minor repairs, equipment, leases, fuel, lights, water, freight, transportation and travel, the maintenance, exchange, and operation of motor trucks and passenger motor vehicles for official use in field work (including not to exceed $3,000 for the purchase of motor-propelled passenger-carrying vehicles) and one for use in connection with the administrative work of the Public [1] Health Service in the District of Columbia, purchase of ambulances, transportation, care, maintenance, and treatment of lepers, including transportation to their homes in the continental United States of recovered indigent leper patients, court costs, and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for the care and treatment of the insane, and reasonable burial expenses (not exceeding $100 for any patient dying in hospital), $4,915,000: *Provided*, That the Immigration Service shall permit the Public Health Service to use the hospitals at Ellis Island Immigration Station for the care of Public Health Service patients free of expense for physical upkeep, but with a charge of actual cost of fuel, light, water, telephone, and similar supplies and services, to be covered into the proper Immigration Service appropriations; and money collected by the Immigration Service on account of hospital expenses of persons detained in hospitals of the Public Health Service under the immigration laws and regulations shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That no part of this sum shall be used for the quarantine service, the prevention of epidemics, or scientific work of the character provided for under the appropriations which follow.

Lepers, transportation, care, etc.

Insane, etc.

Provisos.
Use of Ellis Island hospitals.

Receipts to be covered into Treasury.

Uses forbidden.

All sums received by the Public Health Service during the fiscal year 1935, except allotments and reimbursements on account of patients of the Veterans' Administration, allotments and reimbursements on account of medical and other services to the Federal penal and correctional institutions of the Department of Justice, under the provisions of the Act approved May 13, 1930 (U.S.C., Supp. VI, title 18, secs. 751, 752), and amounts received under the provisions of sections 9 and 12 of the Act approved January 19, 1929 (U.S.C., Supp. VI, title 21, secs. 229, 232), shall be covered into the Treasury as miscellaneous receipts.

Disposal of receipts.

Vol. 46, p. 273, U.S.C., Supp. VII, p. 358.
Vol. 45, pp. 1087, 1088. U.S.C., Supp. VII, p. 468.

Quarantine service: For maintenance and ordinary expenses, exclusive of pay of officers and employees, of United States quarantine stations, including the exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in field work and not to exceed $3,500 for the purchase of motor-propelled passenger-carrying vehicles, $322,150.

Quarantine service.

Prevention of epidemics: To enable the President, in case only of threatened or actual epidemic of infectious or contagious disease, to aid State and local boards or otherwise in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force, $199,718, including the purchase of newspapers and clippings from newspapers containing information relating to the prevalence of disease and the public health.

Prevention of epidemics.

Field investigations: For investigations of diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewage, and the pollution of navigable streams and lakes of the United States, including personal service, and including the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in field work, and not to exceed

Field investigations.

[1] So in original.

$2,250 for the purchase and exchange of motor-propelled passenger-carrying vehicles, $209,313.

Interstate quarantine service.

Interstate quarantine service: For cooperation with State and municipal health authorities in the prevention of the spread of contagious and infectious diseases in interstate traffic, $35,495.

Rural sanitation.

Rural sanitation: For special studies of, and demonstration work in, rural sanitation, including personal services, and including the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in field work, $25,032: *Provided*, That no part of this appropriation shall be available for demonstration work in rural sanitation in any community unless the State, county, or municipality in which the community is located agrees to pay one half of the expenses of such demonstration work.

Proviso.
Local contribution required.

Biologic products.
Regulating sale of viruses, etc.

Biologic products: To regulate the propagation and sale of viruses, serums, toxins, and analogous products, including arsphenamine, and for the preparation of curative and diagnostic biologic products, including personal services of reserve commissioned officers and other personnel, $39,524.

Venereal Diseases Division.
Maintenance, etc.
Vol. 40, p. 886.
U.S.C., p. 1315.

For the maintenance and expenses of the Division of Venereal Diseases, established by sections 3 and 4, chapter XV, of the Act approved July 9, 1918 (U.S.C., title 42, secs. 24, 25), including personal and other services in the field and in the District of Columbia, $58,808, of which amount not to exceed $17,478 may be expended for personal services in the District of Columbia.

Services in the District.

Mental Hygiene Division.
Vol. 46, pp. 587, 819.
U.S.C., Supp. VII, p. 467.
Narcotic Farm, Lexington, Ky.
Vol. 45, p. 1085; U.S.C., Supp. VII, p. 467.

Division of Mental Hygiene: For carrying out the provisions of section 4 of the Act of June 14, 1930 (U.S.C., Supp. VI, title 21, secs. 196 and 225); for maintenance and operation of the Narcotic Farm, Lexington, Kentucky, in accordance with the provisions of the Act of January 19, 1929 (U.S.C., Supp. VI, title 21, secs. 221–237), including personal services in the District of Columbia and elsewhere; traveling expenses; necessary supplies and equipment; subsistence and care of inmates; expenses incurred in pursuing and identifying escaped inmates and of interment or transporting remains of deceased inmates; purchase and exchange of farm products and livestock; law books, books of reference, newspapers and periodicals; furnishing and laundering of uniforms and other distinctive wearing apparel necessary for employees in the performance of their official duties; tobacco for inmates; purchase and exchange, not to exceed $7,700, and maintenance, operation, and repair of motor-propelled passenger-carrying vehicles; $455,000.

Educational exhibits; preventing spread of diseases.

Educational exhibits: For the preparation of public-health exhibits designed to demonstrate the cause, prevalence, methods of spread, and measures for preventing diseases dangerous to the public health, including personal services and the cost of acquiring, transporting, and displaying exhibit material, $1,000.

Bureau of the Mint.

BUREAU OF THE MINT

OFFICE OF DIRECTOR OF THE MINT

Director, and office personnel.

Salaries: For the Director of the Mint and other personal services in the District of Columbia, $33,156.

Transporting bullion and coin.

For transportation of bullion and coin, by registered mail or otherwise, between mints and assay offices, $6,000.

Contingent expenses.

For contingent expenses of the Bureau of the Mint, to be expended under the direction of the Director: For assay laboratory chemicals, fuel, materials, balances, weights, and other necessaries, including books, periodicals, specimens of coins, ores, and incidentals, $600.

For examination of mints, expense in visiting mints for the purpose of superintending the annual settlements, and for special examinations and for the collection of statistics relative to the annual production and consumption of the precious metals in the United States, $4,700.

Examinations, etc.

MINTS AND ASSAY OFFICES

Mints and assay offices.

For compensation of officers and employees of the mints at Philadelphia, Pennsylvania, San Francisco, California, Denver, Colorado, and New Orleans, Louisiana, and assay offices at New York, New York, and Seattle, Washington, and for incidental and contingent expenses, including traveling expenses, new machinery, and repairs, cases and enameling for medals manufactured, net wastage in melting and refining and in coining departments, loss on sale of sweeps arising from the treatment of bullion and the manufacture of coins, not to exceed $500 for the expenses of the annual assay commission, and not exceeding $1,000 in value of specimen coins and ores for the cabinet of the mint at Philadelphia, $1,064,103.

Employees and expenses.

PROCUREMENT DIVISION—SUPPLY BRANCH

Procurement Division; Supply Branch.

Salaries and expenses: For the Director of Procurement and other personal services in the District of Columbia and in the field service, and for miscellaneous expenses, including two two-ton trucks, office supplies and materials, maintenance of motor trucks, telegrams, telephone service, traveling expenses, office equipment, inspection, fuel, light, electric current, and other expenses for carrying into effect regulations governing the procurement, warehousing, and distribution by the Procurement Division of the Treasury Department of property, equipment, stores, and supplies in the District of Columbia (including not to exceed $500 to settle claims for damages caused to private property by motor vehicles used by the Procurement Division), $225,792: *Provided*, That the Secretary of the Treasury is authorized and directed during the fiscal year 1935 to transfer to this appropriation from any appropriations or funds available to the several departments and establishments of the Government such amounts as may be approved by the Director of the Bureau of the Budget, not to exceed the amount of the annual compensation of employees heretofore or hereafter transferred or detailed to the Procurement Division, Branch of Supply, respectively, from any such department or establishment, where the transfer or detail of such employees was or will be incident to a transfer of a function or functions to that Division: *Provided further*, That the permanent capital of the general supply fund established by the Act approved February 27, 1929 (U.S.C., Supp. VI, title 41, sec. 7c), is hereby increased by the value of fuel on the books of the Government fuel yards on June 30, 1934, plus the unexpended balances adjusted as of that date of appropriations heretofore made for the Government fuel yards, and during the fiscal year 1935 the general supply fund shall be charged with expenditures for the purchase and transportation of fuel, storing and handling of fuel, maintenance and operation of yards and equipment, including two motor-propelled passenger-carrying vehicles for inspectors, purchase of equipment, rentals, and all other expenses requisite for and incident to the operation of the Government fuel yards, including personal services in the District of Columbia, and for the payment of outstanding obligations for such purposes previously incurred: *Provided further*, That payments during the fiscal year 1935 to the general supply fund for materials, supplies (including fuel), and

Director, office and field personnel.
Executive Order No. 6166.

Provisos.
Transfer of available funds to Branch of Supply authorized.

Permanent capital of general supply fund increased.
Vol. 45, p. 1342.
U.S.C., p. 907.
Funds for fuel yard operations added.

Designated expenditures chargeable to fund.

Provisos.
Payments for materials, etc., issued.

services, and overhead expenses, for all issues shall be made on the books of the Treasury Department by transfer and counter-warrants prepared by the Procurement Division of the Treasury Department and countersigned by the Comptroller General, such warrants to be based solely on itemized invoices prepared by the Procurement Division at issue prices to be fixed by the Director of Procurement: *Provided further*, That advances received pursuant to law (U.S.C., Supp. VI, title 31, sec. 686) from departments and establishments of the United States Government and the Government of the District of Columbia during the fiscal year 1935 shall be credited to the general supply fund: *Provided further*, That the term "fuel" shall be held to include "fuel oil": *And provided further*, That the requirements of sections 3711 and 3713 of the Revised Statutes (U.S.C., title 40, sec. 109) relative to the weighing of coal and wood and the separate certificate as to the weight, measurement, or quantity of coal and wood purchased shall not apply to purchases by the Procurement Division at free-on-board destination outside of the District of Columbia.

Prices.

Interdepartmental advances credited to fund.
U.S.C., Supp. VII, p. 769.

"Fuel" and "fuel oil."

Fuel inspection, etc., requirements not to apply.
R.S., secs. 3711, 3713, pp. 733, 734. U.S.C., p. 1296.

Typewriter repairs.

Repairs to typewriting machines (except bookkeeping and billing machines) in the Government service in the District of Columbia may be made at cost by the Procurement Division, payment therefor to be effected by charging the proper appropriation and crediting the appropriation "Salaries and expenses, Procurement Division."

Standard typewriting machines, etc.

Prices established for 1935.

Quiet machines.

No part of any money appropriated by this or any other Act shall be used during the fiscal year 1935 for the purchase of any standard typewriting machines, except bookkeeping and billing machines, at a price in excess of the following for models with carriages which will accommodate paper of the following widths, to wit: Ten inches (correspondence models), $70; twelve inches, $75; fourteen inches, $77.50; sixteen inches, $82.50; eighteen inches, $87.50; twenty inches, $94; twenty-two inches, $95; twenty-four inches, $97.50; twenty-six inches, $103.50; twenty-eight inches, $104; thirty inches, $105; thirty-two inches, $107.50; or, for standard typewriting machines distinctively quiet in operation, the maximum prices shall be as follows for models with carriages which will accommodate paper of the following widths, to wit: Ten inches, $80; twelve inches, $85; fourteen inches, $90; eighteen inches, $95:

Proviso.
Purchase order.

Provided, That standard typewriting machines distinctively quiet in operation purchased during such fiscal year by any such department, establishment, or municipal government shall only be purchased on the written order of the head thereof.

Public works branch.

PROCUREMENT DIVISION—PUBLIC WORKS BRANCH PUBLIC BUILDINGS, CONSTRUCTION AND RENT

Construction, etc., of projects authorized.

Vol. 44, pp. 632, 633; Vol. 45, p. 137; Vol. 46, p. 1164.
U.S.C. Supp. VII, pp. 897–898, 899.

For commencement, continuation, or completion of construction in connection with any or all projects authorized under the provisions of sections 3 and 5 of the Public Buildings Act, approved May 25, 1926 (U.S.C., Supp. VI, title 40, secs. 343–345), and the Acts amendatory thereof approved February 24, 1928 (U.S.C., Supp. VI, title 40, sec. 345) and March 31, 1930 (U.S.C., Supp. VI, title 40, secs. 341–349), within the respective limits of cost fixed for such projects, $13,000,000: *Provided*, That no part of this appropriation shall be used for work on the building for the Coast Guard or some other Government activity (Apex Building), authorized by the Act of March 4, 1931 (46 Stat., p. 1605).

Proviso.
Coast Guard, etc., buildings.
Vol. 46, p. 1605.

Lexington, Ky., narcotic farm.

Lexington, Kentucky, Narcotic Farm: For completion, $614,615.

National Institute of Health Building.

National Institute of Health Building, Washington, District of Columbia: For completion, $50,000.

Washington, District of Columbia, Post Office Building: For completion of extension, $400,000. Washington, D.C., post office.

PUBLIC BUILDINGS, REPAIRS, EQUIPMENT, AND GENERAL EXPENSES

Repairs and preservation: For repairs and preservation of all completed and occupied public buildings and the grounds thereof under the control of the Treasury Department, and for wire partitions and fly screens therefor; Government wharves and piers under the control of the Treasury Department, together with the necessary dredging adjacent thereto; care of vacant sites under the control of the Treasury Department, such as necessary fences, filling dangerous holes, cutting grass and weeds, but not for any permanent improvements thereon; repairs and preservation of buildings not reserved by vendors on sites under the control of the Treasury Department acquired for public buildings or the enlargement of public buildings, the expenditures on this account for the current fiscal year not to exceed 15 per centum of the annual rental of such buildings: *Provided*, That of the sum herein appropriated not exceeding $100,000 may be used for the repair and preservation of marine hospitals, the national leprosarium, and quarantine stations (including Marcus Hook) and completed and occupied outbuildings (including wire partitions and fly screens for same), and not exceeding $24,000 for the Treasury, Treasury Annex, Liberty Loan, and Auditors' Buildings in the District of Columbia: *Provided further*, That this sum shall not be available for the payment of personal services except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of $100 at any one building, $650,000. Repairs, preservation, etc., of completed and occupied buildings. *Provisos.* Marine hospitals, quarantine stations, etc. Treasury buildings, D.C. Personal services restriction.

Mechanical equipment: For installation and repair of mechanical equipment in all completed and occupied public buildings under the control of the Treasury Department, including heating, hoisting, plumbing, gas piping, ventilating, vacuum cleaning, and refrigerating apparatus, electric-light plants, meters, interior pneumatic tube and intercommunicating telephone systems, conduit, wiring, call bell and signal systems, platform scales, and for maintenance and repair of tower clocks; for installation and repair of mechanical equipment, for any of the foregoing items, in buildings not reserved by vendors on sites under the control of the Treasury Department acquired for public buildings or the enlargements of public buildings, the total expenditures on this account for the current fiscal year not to exceed 10 per centum of the annual rentals of such buildings: *Provided*, That of the sum herein appropriated, not exceeding $90,000 may be used for the installation and repair of mechanical equipment in marine hospitals, the national leprosarium, and quarantine stations (including Marcus Hook), and not exceeding $25,000 for the Treasury, Treasury Annex, Liberty Loan, and Auditors' Buildings in the District of Columbia, but not including the generating plant and its maintenance in the Auditors' Building, and not exceeding $10,000 for changes in, maintenance of, and repairs to the pneumatic-tube systems in New York City installed under franchise of the city of New York approved June 29, 1909, and June 11, 1928, and the payment of any obligations arising thereunder, in accordance with the authority of the Acts approved August 5, 1909 (36 Stat., p. 120), and May 15, 1928 (45 Stat., p. 533), authorizing the Secretary of the Treasury to enter into contracts with the city of New York to abide by the terms, conditions, and requirements of said franchises: *Provided further*, That this sum shall not be available for the payment of personal services except for work done by contract, or for tempo- Mechanical equipment. *Provisos.* Marine hospitals, quarantine stations, etc. Treasury buildings, D.C. Pneumatic tube service, New York. Vol. 36, p. 120; Vol. 45, p. 533. Contracts. Personal service restriction.

rary job labor under exigency not exceeding at one time the sum of $100 at any one building, $500,000.

Vaults, safes.

Vaults and safes: For vaults and lock-box equipments and repairs thereto in all completed and occupied public buildings under the control of the Treasury Department, and for the necessary safe equipments and repairs thereto in all public buildings under the administration of the Treasury Department, whether completed and occupied or in course of construction, exclusive of personal services, except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of $50 at any one building, $50,000.

General expenses.
Vol. 35, p. 537.
U.S.C., p. 1020.
Technical services.

General expenses: To enable the Secretary of the Treasury to execute and give effect to the provisions of section 6 of the Act of May 30, 1908 (U.S.C., title 31, sec. 683): For salaries of architectural, engineering, and technical personnel and inspectors in the District of Columbia and elsewhere, not otherwise provided for, not

Superintendence.

exceeding $314,686; expenses of superintendence, including expenses of all inspectors and other officers and employees, on duty or detailed in connection with work on public buildings and the furnishing and equipment thereof, and the work of the Procurement Division, Public Works Branch, under orders from the Treasury Department;

Transporting effects, etc.

for the transportation of household goods, incident to change of headquarters of district engineers, construction engineers, inspection engineers, and inspectors, not in excess of five thousand pounds at any one time, together with the necessary expense incident to packing and draying the same, not to exceed in any one year a total expendi-

Office expenses, field supplies, etc.

ture of $10,000; office rent and expenses of field force, including temporary, stenographic, and other assistance, in the preparation of reports and the care of public property, and so forth, advertising, office supplies, including drafting materials, especially prepared paper, typewriting machines, adding machines, and other mechanical labor-saving devices, and exchange of same; furniture, carpets, electric-light fixtures, and office equipment; telegraph and telephone service; freight, expressage, and postage incident to shipments of drawings, furniture, and supplies for the field forces, testing instruments, and so forth, including articles and supplies not usually payable from other appropriations: *Provided*, That no expenditures shall be made hereunder for transportation of operating supplies for public buildings; not to exceed $1,000 for books of reference, law books, technical periodicals and journals; ground rent at Salamanca, New York, for which payment may be made in advance; contingencies of every kind and description, traveling expenses of site agents, and of employees directed by the Secretary of the Treasury to attend meetings of technical and professional societies in connection with the work of the Procurement Division, Public Works Branch, recording deeds and other evidences of title, photographic instruments, chemicals, plates, and photographic materials, and such other articles and supplies and such minor and incidental expenses not enumerated, connected solely with work on public buildings, the acquisition of sites, and the administrative work connected with the annual appropriations under the Procurement Division, Public Works Branch, as the Secretary of the Treasury may deem necessary and specially order or approve, but not including heat, light, janitor service, awnings, curtains, or any expenses for the general maintenance of the Treasury Building, or surveys, plaster models, progress photographs, test-pit borings, or mill and shop inspections, $365,035, of which amount not to exceed $252,472 may be expended for personal services in the District of Columbia.

Provisos.
Transporting operating supplies, excluded.

Other contingencies.

Objects not included.

Outside professional services: To enable the Secretary of the Treasury to obtain outside professional and/or technical services, as provided by the Public Buildings Act approved May 25, 1926 (U.S.C., Supp. VI, title 40, sec. 342), and by the Act approved March 31, 1930 (46 Stat., p. 137), and to pay reasonable compensation for such services, and to employ appraisers, when necessary, by contract or otherwise, $500,000, to remain available until expended.

Outside professional services.
Vol. 44, p. 631; Vol. 46, p. 137.
U.S.C., Supp. VII, p. 897.

PUBLIC BUILDINGS, OPERATING EXPENSES

Operating expenses.

Operating force: For such personal services as the Secretary of the Treasury may deem necessary in connection with the care, maintenance, and repair of all public buildings under the administration of the Treasury Department (except as hereinafter provided), together with the grounds thereof and the equipment and furnishings therein, including inspectors of buildings, repairs and equipment, assistant custodians, janitors, watchmen, laborers, and charwomen; telephone operators for the operation of telephone switchboards or equivalent telephone switchboard equipment in Federal buildings, jointly serving in each case two or more governmental activities; engineers, firemen, elevator conductors, coal passers, electricians, dynamo tenders, lampists, and wiremen; mechanical labor force in connection with said buildings, including carpenters, plumbers, steam fitters, machinists, and painters, but in no case shall the rates of compensation for such mechanical labor force be in excess of the rates current at the time and in the place where such services are employed, $1,305,000: *Provided*, That the foregoing appropriations shall be available for use in connection with all public buildings under the administration of the Treasury Department, outside the District of Columbia, and exclusive of marine hospitals, quarantine stations, mints, branch mints, and assay offices.

Operating force.
Personal services.

Proviso.
Availability.

Furniture and repairs of furniture: For furniture, carpets, and repairs of same, for completed and occupied public buildings under the administration of the Treasury Department, exclusive of marine hospitals, quarantine stations, mints, branch mints, and assay offices, and for gas and electric lighting fixtures and repairs of same for completed and occupied public buildings under the administration of the Treasury Department, including marine hospitals and quarantine stations, but exclusive of mints, branch mints, and assay offices, and for furniture and carpets for public buildings and extension of public buildings in course of construction which are to remain under the custody and administration of the Treasury Department, exclusive of marine hospitals, quarantine stations, mints, branch mints, and assay offices, and buildings constructed for other executive departments or establishments of the Government, $100,000: *Provided*, That the foregoing appropriation shall not be used for personal services except for work done under contract or for temporary job labor under exigency and not exceeding at one time the sum of $100 at any one building: *Provided further*, That all furniture now owned by the United States in other public buildings or in buildings rented by the United States shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not.

Furniture, etc.

Provisos.
Personal service restriction.

Use of present furniture.

Operating supplies: For fuel, steam, gas for lighting and heating purposes, water, ice, lighting supplies, electric current for lighting, heating, and power purposes, telephone service for custodial forces; removal of ashes and rubbish, snow, and ice; cutting grass and weeds, washing towels, and miscellaneous items for the use of the

Operating supplies.
Fuel, light, power, etc.

custodial forces in the care and maintenance of completed and occupied public buildings and the grounds thereof under the administration of the Treasury Department, and in the care and maintenance of the equipment and furnishings in such buildings; miscellaneous supplies, tools, and appliances required in the operation (not embracing repairs) of the mechanical equipment, including heating, plumbing, hoisting, gas piping, ventilating, vacuum-cleaning and refrigerating apparatus, electric-light plants, meters, interior pneumatic tube and intercommunicating telephone systems, conduit wiring, call bell and signal systems in such buildings, and for the transportation of articles or supplies, authorized herein for buildings under the administration of the Treasury Department outside the District of Columbia, but excluding marine hospitals and quarantine stations, mints, branch mints, and assay offices, and personal services, except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of $100 at any one building, $395,000. The appropriation made herein for gas shall include the rental and use of gas governors when ordered by the Secretary of the Treasury in writing: *Provided*, That rentals shall not be paid for such gas governors greater than 35 per centum of the actual value of the gas saved thereby, which saving shall be determined by such tests as the Secretary of the Treasury shall direct: *Provided further*, That the Secretary of the Treasury is authorized to contract for telephone service in public buildings under the administration of the Treasury Department by means of telephone switchboards or equivalent telephone-switching equipment jointly serving in each case two or more Government activities where he finds that joint service is economical and in the interest of the Government, and to secure reimbursement for the cost of such joint service from available appropriations for telephone expenses of the bureaus and offices receiving the same.

Provisos.
Rentals thereof.

Contracts for joint telephone switchboards.

Departmental salaries.

Departmental salaries: For personal services in the District of Columbia for the Procurement Division, Public Works Branch, $270,000.

Miscellaneous items.

MISCELLANEOUS ITEMS, TREASURY DEPARTMENT

AMERICAN PRINTING HOUSE FOR THE BLIND

American Printing House for the Blind, expenses.
Vol. 44, p. 1060.
U.S.C., Supp. VII, p. 460.

To enable the American Printing House for the Blind more adequately to provide books and apparatus for the education of the blind in accordance with the provisions of the Act approved February 8, 1927 (U.S.C., Supp. VI, title 20, sec. 101), $65,000.

Citation of Title.

This title may be cited as the "Treasury Department Appropriation Act, 1935."

Title II—Post Office Department.

TITLE II—POST OFFICE DEPARTMENT

Appropriations for fiscal year, 1935.
Vol. 5, p. 80.
U.S.C., pp. 49, 1283.

The following sums are appropriated in conformity with the Act of July 2, 1836 (U.S.C., title 5, sec. 380, title 39, sec. 786), for the Post Office Department for the fiscal year ending June 30, 1935, namely:

Department expenses.

POST OFFICE DEPARTMENT, WASHINGTON, DISTRICT OF COLUMBIA

OFFICE OF THE POSTMASTER GENERAL

Postmaster General's office.
Postmaster General, and office personnel.

Salaries: For the Postmaster General and other personal services in the office of the Postmaster General in the District of Columbia, $205,510.

SALARIES IN BUREAUS AND OFFICES

Bureaus and offices.

Allotments specified.

For personal services in the District of Columbia in bureaus and offices of the Post Office Department in not to exceed the following amounts, respectively:

Office of the First Assistant Postmaster General, $433,629.
Office of the Second Assistant Postmaster General, $376,501.
Office of the Third Assistant Postmaster General, $682,603.
Office of the Fourth Assistant Postmaster General, $316,019.
Office of the Solicitor for the Post Office Department, $73,152.
Office of the chief inspector, $168,300.
Office of the purchasing agent, $31,860.
Bureau of Accounts, $81,198.

CONTINGENT EXPENSES, POST OFFICE DEPARTMENT

Department contingent expenses.

Stationery, etc.

For stationery and blank books, index and guide cards, folders, and binding devices, including purchase of free penalty envelopes, $15,000.

Telegraphing.

For telegraphing, $6,000.

Miscellaneous.

For miscellaneous items, including purchase, exchange, maintenance, and repair of tools, electrical supplies, typewriters, adding machines, and other labor-saving devices; maintenance of motor trucks and of two motor-driven passenger-carrying vehicles, to be used only for official purposes (one for the Postmaster General and one for the general use of the department); street-car fares not exceeding $540; floor coverings, postage stamps for correspondence addressed abroad, which is not exempt under article 47 of the London convention of the Universal Postal Union; and other necessary expenses; $40,250; and of such sum of $40,250 not exceeding $14,500 may be expended for telephone service, not exceeding $1,800 may be expended for purchase and exchange of law books, books of reference, railway guides, city directories, and books necessary to conduct the business of the department, and not exceeding $2,000 may be expended for expenses, except membership fees, of attendance at meetings or conventions concerned with postal affairs, when incurred on the written authority of the Postmaster General, and not exceeding $800 may be expended for expenses of the purchasing agent and of the solicitor and attorneys connected with his office while traveling on business of the department.

Correspondence abroad.
Vol. 44, pp. 2243, 2245.

Attendance at meetings.

Furniture, etc.

For furniture and filing cabinets and repairs thereto, $7,000.

Printing and binding.

For printing and binding for the Post Office Department, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, $850,000.

Field service appropriations not to be used for department.

Appropriations hereinafter made for the field service of the Post Office Department, except as otherwise provided, shall not be expended for any of the purposes hereinbefore provided for on account of the Post Office Department in the District of Columbia: *Provided*, That the actual and necessary expenses of officials and employees of the Post Office Department and Postal Service, when traveling on official business, may continue to be paid from the appropriations for the service in connection with which the travel is performed, and appropriations for the fiscal year 1935 of the character heretofore used for such purposes shall be available therefor: *Provided further*, That appropriations hereinafter made, except such as are exclusively for payment of compensation, shall be immediately available for expenses in connection with the examination of estimates for appropriations in the field including per diem allowances in lieu of actual expenses of subsistence.

Provisos.
Travel expenses, payable from service appropriations.

Use in examining field estimates.

Field service.

FIELD SERVICE, POST OFFICE DEPARTMENT

Postmaster General.

OFFICE OF THE POSTMASTER GENERAL

Cash rewards to employees for inventions improving the service.

The Postmaster General is hereby authorized to pay a cash reward for any invention, suggestion, or series of suggestions for an improvement or economy in device, design, or process applicable to the Postal Service submitted by one or more employees of the Post Office Department or the Postal Service which shall be adopted for use and will clearly effect a material economy or increase efficiency, and for that purpose the sum of $500 is hereby appropriated: *Provided*, That the sums so paid to employees in accordance with this Act shall be in addition to their usual compensation: *Provided further*, That the total amount paid under the provisions of this Act shall not exceed $1,000 in any month or for any one invention or suggestion: *Provided further*, That no employee shall be paid a reward under this Act until he has properly executed an agreement to the effect that the use by the United States of the invention, suggestion, or series of suggestions made by him shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns: *Provided further*, That this appropriation shall be available for no other purpose.

Provisos.
Additional to regular pay.

Limitation.

Agreement for Government use required.

Appropriation restricted.

Travel, etc.

For travel and miscellaneous expenses in the Postal Service, office of the Postmaster General, $1,000.

Damage claims.

Vol. 42, p. 63.
U.S.C., p. 50.

To enable the Postmaster General to pay claims for damages, occurring during the fiscal year 1935, or in prior fiscal years, to persons or property in accordance with the provisions of the Deficiency Appropriation Act approved June 16, 1921 (U.S.C., title 5, sec. 392), $16,000.

Inspectors.

Office of chief inspector: For salaries of fifteen inspectors in charge of divisions and five hundred and twenty-five inspectors, $1,790,955.

Traveling expenses, investigations, etc.

For traveling expenses of inspectors, inspectors in charge, the chief post-office inspector, and the assistant chief post-office inspector, and for the traveling expenses of four clerks performing stenographic and clerical assistance to post-office inspectors in the investigation of important fraud cases, and for tests, exhibits, documents, photographs, office and other necessary expenses incurred by post-office inspectors in connection with their official investigations, including necessary miscellaneous expenses of division headquarters, $488,270: *Provided*, That not exceeding $16,460 of this sum shall be available for transfer by the Postmaster General to other departments and independent establishments for chemical and other investigations.

Proviso.
Allotment for chemical, etc., investigations.

Clerks at division headquarters.

For compensation of one hundred and thirty clerks at division headquarters, $291,420.

Rewards for detecting law violations.

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, $45,000: *Provided*, That rewards may be paid in the discretion of the Postmaster General, when an offender of the class mentioned was killed in the act of committing the crime or in resisting lawful arrest: *Provided further*, That no part of this sum shall be used to pay any rewards at rates in excess of those specified in Post Office Department Order 9955, dated February 28, 1930: *Provided further*, That of the amount herein appropriated not to exceed $20,000 may be expended, in the discretion of the Postmaster General, for the purpose of securing information concerning violations of the postal laws and for services and information looking toward the apprehension of criminals.

Provisos.
Death of offender.

Rates.

Securing information.

OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL

First Assistant Postmaster General.

Postmasters, etc.

For compensation to postmasters and for allowances for rent, light, fuel, and equipment to postmasters of the fourth class, $40,500,000.

Assistant postmasters.

For compensation to assistant postmasters at first and second class post offices, $5,805,000.

Employees first and second class offices.

For compensation to clerks and employees at first and second class post offices, including auxiliary clerk hire at summer and winter post offices, printers, mechanics, skilled laborers, watchmen, messengers, laborers, and substitutes, $146,500,000.

Contract station clerks.

For compensation to clerks in charge of contract stations, $1,550,000.

Separating mails.

For separating mails at third and fourth class post offices, $431,631.

Unusual conditions.

For unusual conditions at post offices, $45,000.

Clerks, third class offices.

For allowances to third-class post offices to cover the cost of clerical services, $6,750,000.

Miscellaneous, first and second class offices.

For miscellaneous items necessary and incidental to the operation and protection of post offices of the first and second classes, and the business conducted in connection therewith, not provided for in other appropriations, $1,828,500.

Village delivery.

For village delivery service in towns and villages having post offices of the second or third class, and in communities adjacent to cities having city delivery, $1,408,905.

Detroit River service.

For Detroit River postal service, $15,995.

Car fare and bicycle allowance.

For car fare and bicycle allowance, including special-delivery car fare, $1,200,000.

City delivery, carriers.

For pay of letter carriers, City Delivery Service, $104,000,000.

Special delivery, etc.

For fees to special-delivery messengers, $5,107,500.

Rural delivery service.

For pay of rural carriers, auxiliary carriers, substitutes for rural carriers on annual and sick leave, clerks in charge of rural stations, and tolls and ferriage, Rural Delivery Service, and for the incidental expenses thereof, $82,902,500.

Travel, etc.

For travel and miscellaneous expenses in the Postal Service, office of the First Assistant Postmaster General, $1,000.

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL

Second Assistant Postmaster General.

Star routes, except Alaska.

For inland transportation by star routes (excepting service in Alaska), including temporary service to newly established offices, and not to exceed $200,000 for Government-operated star-route service, $12,500,000.

Alaska.

For inland transportation by star routes in Alaska, $135,000.

Steamboat, etc., routes.

For inland transportation by steamboat or other powerboat routes, including ship, steamboat, and way letters, $1,229,600.

Railroad routes and messenger service.

Provisos.

Freight train conveyance.

For inland transportation by railroad routes and for mail messenger service, $98,500,000: *Provided*, That not to exceed $1,500,000 of this appropriation may be expended for pay of freight and incidental charges for the transportation of mails conveyed under special arrangement in freight trains or otherwise: *Provided further*, That separate accounts be kept of the amount expended for mail messenger service: *Provided further*, That there may be expended from this appropriation for clerical and other assistance in the District of Columbia not exceeding the sum of $55,530 to carry out the provisions of section 5 of the Act of July 28, 1916 (U.S.C., title 39, sec. 562) (the space basis Act), and not exceeding the sum of $28,400 to carry out the provisions of section 214 of the Act of February 28, 1925 (U.S.C., title 39, sec. 826) (cost ascertainment).

Separate accounting, messenger service.

Services in the District.

Vol. 39, p. 429; Vol. 43, p. 1069.

U.S.C., pp. 1269, 1286.

Railway Mail Service.
Division superintendents.

Railway Mail Service: For fifteen division superintendents, fifteen assistant division superintendents, two assistant superintendents at large, one assistant superintendent in charge of car construction, one hundred and twenty-one chief clerks, one hundred and twenty-one assistant chief clerks, clerks in charge of sections in the offices of division superintendents, railway postal clerks, substitute railway postal clerks, joint employees, and laborers in the Railway Mail Service, $47,200,000.

Travel allowance to clerks.

For travel allowance to railway postal clerks and substitute railway postal clerks, $2,350,000.

Expenses away from headquarters.

For actual and necessary expenses, general superintendent and assistant general superintendent, division superintendents, assistant division superintendents, assistant superintendents, chief clerks, and assistant chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post Office Department and away from their several designated headquarters, $60,000.

Miscellaneous.
Arms for mail protection.
Terminal offices, rent.

For rent, light, heat, fuel, telegraph, miscellaneous and office expenses, telephone service, badges for railway postal clerks, for the purchase or rental of arms and miscellaneous items necessary for the protection of the mails, and rental of space for terminal railway post offices for the distribution of mails when the furnishing of space for such distribution cannot, under the Postal Laws and Regulations, properly be required of railroad companies without additional compensation, and for equipment and miscellaneous items necessary to terminal railway post offices, $775,000.

Electric and cable car service.

For electric and cable car service, $375,000.

Foreign mails.
Vol. 41, p. 988; Vol. 45, p. 689.
U.S.C., p. 1537; Supp. VII, p. 964.

For transportation of foreign mails by steamship, aircraft, or otherwise, including the cost of advertising in connection with the award of contracts authorized by the Merchant Marine Act of 1928 (U.S.C., title 46, secs. 861–889; Supp. VI, title 46, secs. 886–891x), $37,500,000: *Provided*, That no part of the money herein appropriated shall be paid on contract numbered 56 to the Seatrain Company: *Provided further*, That not to exceed $7,000,000 of this sum may be expended for carrying foreign mail by aircraft under contracts which will not create obligations for the fiscal year 1936 in excess of $7,000,000: *Provided further*, That the Postmaster General is authorized to expend such sums as may be necessary, not to exceed $250,000, to cover the cost to the United States for maintaining sea-post service on ocean steamships conveying the mails to and from the United States including the salary of the Assistant Director, Division of International Postal Service, with headquarters at New York City.

Provisos.
Payment to Seatrain Company forbidden.
Aircraft allowances; contract restrictions.
Sea post service.
Assistant Director, International Postal Service.

Balances due foreign countries.

For balances due foreign countries, $1,000,000.

Travel, etc.

For travel and miscellaneous expenses in the Postal Service, office of the Second Assistant Postmaster General, $1,000.

Aircraft contract, inland service.

For the inland transportation of mail by aircraft, as authorized by law, and for the incidental expenses thereof, including not to exceed $17,760 for supervisory officials and clerks at air mail transfer points, and not to exceed $34,967 for personal services in the District of Columbia and incidental and travel expenses, $12,000,000.

Indemnity, lost international mail.

For payment of limited indemnity for the injury or loss of international mail in accordance with convention, treaty, or agreement stipulations, $15,000.

Third Assistant Postmaster General.

OFFICE OF THE THIRD ASSISTANT POSTMASTER GENERAL

Stamps, stamped envelops, postal cards, etc.

For manufacture of adhesive postage stamps, special-delivery stamps, books of stamps, stamped envelops, newspaper wrappers, postal cards, and for coiling of stamps, $3,500,000.

Distributing agency.

For pay of agent and assistants to examine and distribute stamped envelops and newspaper wrappers, and expenses of agency, $19,940.

Indemnity, lost domestic mail.

For payment of limited indemnity for the injury or loss of pieces of domestic registered matter, insured and collect-on-delivery mail, and for failure to remit collect-on-delivery charges, $625,000.

Travel, etc.

For travel and miscellaneous expenses in the Postal Service, office of the Third Assistant Postmaster General, $1,000.

Fourth Assistant Postmaster General.

OFFICE OF THE FOURTH ASSISTANT POSTMASTER GENERAL

Stationery, etc.

For stationery for the Postal Service, including the money-order and registry system; and also for the purchase of supplies for the Postal Savings System, including rubber stamps, canceling devices, certificates, envelops, and stamps for use in evidencing deposits, and free penalty envelops; and for the reimbursement of the Secretary of the Treasury for expenses incident to the preparation, issue, and registration of the bonds authorized by the Act of June 25, 1910 (U.S.C., title 39, sec. 760), $500,000.

Postal Savings system, supplies.

Bond expenses. Vol. 36, p. 817. U.S.C., p. 1282.

Miscellaneous equipment and supplies.

For miscellaneous equipment and supplies, including the purchase and repair of furniture, package boxes, posts, trucks, baskets, satchels, straps, letter-box paint, baling machines, perforating machines, duplicating machines, printing presses, directories, cleaning supplies, and the manufacture, repair, and exchange of equipment, the erection and painting of letter-box equipment, and for the purchase and repair of presses and dies for use in the manufacture of letter boxes; for postmarking, rating, money-order stamps, and electrotype plates and repairs to same; metal, rubber, and combination type, dates and figures, type holders, ink pads for canceling and stamping purposes, and for the purchase, exchange, and repair of typewriting machines, envelop-opening machines, and computing machines, copying presses, numbering machines, time recorders, letter balances, scales (exclusive of dormant or built-in platform scales in Federal buildings), test weights, and miscellaneous articles purchased and furnished directly to the Postal Service, including complete equipment and furniture for post offices in leased quarters; for miscellaneous expenses in the preparation and publication of post-route maps and rural delivery maps or blueprints, including tracing for photolithographic reproduction; for other expenditures necessary and incidental to post offices of the first, second, and third classes, and offices of the fourth class having or to have rural delivery service, and for letter boxes, $700,000; and the Postmaster General may authorize the sale to the public of post-route maps and rural delivery maps or blueprints at the cost of printing and 10 per centum thereof added; of this amount $1,500 may be expended in the purchase of atlases and geographical and technical works: *Provided*, That no part of this appropriation shall be expended for the purchase of furniture and complete equipment for third-class post offices except miscellaneous equipment of the general character furnished such offices during the fiscal year 1931.

Letter boxes.

Postmarking, etc., stamps.

Post route maps.

Proviso. Furniture, etc., third class offices.

Twine, etc.

For wrapping twine and tying devices, $300,000.

Shipping supplies.

For expenses incident to the shipment of supplies, including hardware, boxing, packing, and not exceeding $40,000 for the pay of employees in connection therewith in the District of Columbia, $51,506.

Canceling and labor saving devices, etc.

For rental, purchase, exchange, and repair of canceling machines and motors, mechanical mail-handling apparatus, and other labor-saving devices, including cost of power in rented buildings and miscellaneous expenses of installation and operation of same, including salaries of ten traveling mechanicians, and for traveling expenses, $397,250.

Equipment shops, materials, etc.

Equipment Shops, Washington, District of Columbia: For the purchase, manufacture, and repair of mail bags and other mail containers and attachments, mail locks, keys, chains, tools, machinery, and material necessary for same, and for incidental expenses pertaining thereto; material, machinery, and tools necessary for the manufacture and repair of such other equipment for the Postal Service as may be deemed expedient; for the expenses of maintenance and repair of the mail bag equipment shops building and equipment, including fuel, light, power, and miscellaneous supplies and services; for compensation to labor employed in the equipment shops and in the operation, care, maintenance, and protection of the equipment shops building, $804,500, of which not to exceed $499,500 may be expended for personal services in the District of Columbia: *Provided*, That out of this appropriation the Postmaster General is authorized to use as much of the sum, not exceeding $15,000, as may be deemed necessary for the purchase of material and the manufacture in the equipment shops of such small quantities of distinctive equipments as may be required by other executive departments; and for service in Alaska, Puerto Rico, Philippine Islands, Hawaii, or other island possessions.

Services in the District.

Proviso.
Distinctive equipment for departments, Alaska, and island possessions.

Rent, light, etc., first, second, and third class offices.

For rent, light, fuel, and water, for first, second, and third class post offices, and the cost of advertising for lease proposals for such offices, $14,500,000.

Pneumatic tubes, New York City.

For the transmission of mail by pneumatic tubes or other similar devices in the city of New York, including the Borough of Brooklyn of the city of New York, at an annual rate not in excess of $19,500 per mile of double line of tubes, including power, labor, and all other operating expenses, $524,000.

Boston, Mass.

For the rental of not exceeding two miles of pneumatic tubes, not including labor and power in operating the same, for the transmission of mail in the city of Boston, Massachusetts, $24,000: *Provided*, That the provisions not inconsistent herewith of the Acts of April 21, 1902 (U.S.C., title 39, sec. 423), and May 27, 1908 (U.S.C., title 39, sec. 423), relating to the transmission of mail by pneumatic tubes or other similar devices shall be applicable hereto.

Proviso.
Provisions applicable.
Vol. 32, p. 114; Vol. 35, p. 412.
U.S.C., p. 1260.

Vehicle allowance for delivery, collection, etc.

For vehicle service; the hire of vehicles; the rental of garage facilities; the purchase, exchange, and maintenance of motor vehicles; the hire of supervisors, clerical assistance, mechanics, drivers, garagemen, and such other employees as may be necessary in providing vehicles and vehicle service for use in the collection, transportation, and delivery of the mail, $13,325,000: *Provided*, That the Postmaster General may, in his disbursement of this appropriation, apply a part thereof to the leasing of quarters for the housing of Government-owned motor vehicles at a reasonable annual rental for a term not exceeding ten years: *Provided further*, That the Postmaster General, during the fiscal year 1935, may purchase and maintain from the appropriation "Vehicle service" such tractors and trailer trucks as may be required in the operation of the vehicle service: *Provided further*, That no part of this appropriation shall be expended for maintenance or repair of motor-propelled passenger-carrying vehicles for use in connection with the administrative work of the Post Office Department in the District of Columbia.

Provisos.
Garage rental.

Tractors and trailer trucks.

Motor-vehicle restriction.

Transportation, etc., of equipment.

For the transportation and delivery of equipment, materials, and supplies for the Post Office Department and Postal Service by freight, express, or motor transportation, and other incidental expenses, $344,100.

Travel, etc.

For travel and miscellaneous expenses in the Postal Service, office of the Fourth Assistant Postmaster General, $1,000.

PUBLIC BUILDINGS, MAINTENANCE AND OPERATION

Public buildings, maintenance, etc.

Salaries and expenses, departmental: For personal services in the District of Columbia and for traveling expenses necessary in connection with the operation and maintenance of public buildings under the administration of the Post Office Department, $69,846.

Departmental salaries and expenses.

Operating force: For personal services in connection with the operation and maintenance of public buildings, including the Washington Post Office and the Customhouse Building in the District of Columbia, under the administration of the Post Office Department, together with the grounds thereof and the equipment and furnishings therein, including telephone operators for the operation of telephone switchboards or equivalent telephone switchboard equipment in such buildings jointly serving in each case two or more governmental activities, $10,935,000: *Provided*, That in no case shall the rates of compensation for the mechanical labor force be in excess of the rates current at the time and in the place where such services are employed.

Operating force.

Proviso.
Compensation rates, mechanical labor.

Operating supplies: For fuel, steam, gas, and electric current for lighting, heating, and power purposes, water, ice, lighting supplies, removal of ashes and rubbish, snow and ice, cutting grass and weeds, washing towels, telephone service for custodial forces, and for miscellaneous services and supplies, tools and appliances, for the operation and maintenance of completed and occupied public buildings and grounds, including mechanical and electrical equipment, but not the repair thereof, under the administration of the Post Office Department, including the Washington Post Office and the Customhouse Building in the District of Columbia, and for the transportation of articles and supplies authorized herein, $4,150,000: *Provided*, That the foregoing appropriation shall not be available for personal services except for work done by contract, or for temporary job labor under exigency not exceeding at one time the sum of $100 at any one building: *Provided further*, That the Postmaster General is authorized to contract for telephone service in public buildings under his administration by means of telephone switchboards or equivalent telephone-switching equipment jointly serving in each case two or more governmental activities, where he determines that joint service is economical and in the interest of the Government, and to secure reimbursement for the cost of such joint service from available appropriations for telephone expenses of the Bureaus and offices receiving the same.

Operating supplies.

Provisos.
Limitation on availability.

Contracts for telephone service.

Furniture, carpets, and safes: For the procurement, including transportation, of furniture, carpets, safes, lighting fixtures, and repairs of same, for use in public buildings which are now, or may hereafter be, under the administration of the Post Office Department, $1,250,000: *Provided*, That the foregoing appropriation shall not be used for personal services except for work done under contract or for temporary job labor under exigency and not exceeding at one time the sum of $100 at any one building: *Provided further*, That all furniture now owned by the United States in other public buildings or in buildings rented by the United States shall be used, so far as practicable, whether it corresponds with the present regulation plan of furniture or not.

Furniture and equipment.

Provisos.
Personal service restriction.

Use of present furniture.

In the disbursement of appropriations contained in this Act for the field service of the Post Office Department the Postmaster General may transfer to the Bureau of Standards not to exceed $20,000 for scientific investigations in connection with the purchase of mate-

Sums transferred to Standards Bureau for investigating materials.

rials, equipment, and supplies necessary in the maintenance and operation of the Postal Service.

Appropriations from Treasury for field service to supply deficiencies.

If the revenues of the Post Office Department shall be insufficient to meet the appropriations made under title II of this Act, a sum equal to such deficiency in the revenues of such department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply such deficiency in the revenues of the Post Office Department for the fiscal year ending June 30, 1935, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General.

Appropriations for travel, etc., fiscal year 1935.

SEC. 2. Appropriations for the fiscal year 1935 available for expenses of travel of civilian officers and employees of the executive departments and establishments shall be available also for expenses of travel performed by them on transfer from one official station to another when authorized by the head of the department or establishment concerned in the order directing such transfer: *Provided*, That such expenses shall not be allowed for any transfer effected for the convenience of any officer or employee.

Proviso.
Transfers for convenience of officers.

Restrictions on expenditures by executive departments, etc.

SEC. 3. No appropriation available for the executive departments and independent establishments of the Government for the fiscal year ending June 30, 1935, whether contained in this Act or any other Act, shall be expended—

Cost limit of automobiles.

(a) To purchase any motor-propelled passenger-carrying vehicle (exclusive of busses, ambulances, and station wagons), at a cost, completely equipped for operation, and including the value of any vehicle exchanged, in excess of $750, unless otherwise specifically provided for in the appropriation.

Maintenance, automobiles, not used for official purposes.
"Official purposes", construed.

(b) For the maintenance, operation, and repair of any Government-owned motor-propelled passenger-carrying vehicle not used exclusively for official purposes; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical services and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department or establishment concerned. The limitations of this subsection (b) shall not apply to any motor vehicles for official use of the President, or of the heads of the executive departments.

Limitations not applicable.

Maintenance cost limit.

(c) For the maintenance, upkeep, and repair (exclusive of garage rent, pay of operators, tires, fuel, and lubricants) on any one motor-propelled passenger-carrying vehicle, except busses and ambulances, in excess of one third of the market price of a new vehicle of the same make and class and in no case in excess of $400.

Appointments after Senate rejections restricted.

SEC. 4. That no part of the money appropriated under this Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve of the nomination of said person.

Citation of title.

SEC. 5. This title may be cited as the "Post Office Department Appropriation Act, 1935."

Approved, March 15, 1934.

[CHAPTER 71.]

AN ACT

March 16, 1934.
[H.R. 5632.]
Public, No. 124.]

To supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, for the protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the expiration of ninety days after the date of enactment of this Act no person over sixteen years of age shall take any migratory waterfowl unless at the time of such taking he carries on his person an unexpired Federal migratory-bird hunting stamp issued to him in the manner hereinafter provided; except that no such stamp shall be required for the taking of migratory waterfowl by Federal or State institutions or official agencies, for propagation purposes or by the resident owner tenant or share cropper of the property or officially designated agencies of the Department of Agriculture for the killing of such waterfowl when found injuring crops or other property, under such restrictions as the Secretary of Agriculture may by regulation prescribe. The Secretary of Agriculture shall, immediately upon the passage of this Act, adopt and promulgate such regulations as are pertinent to the protection of private property in the injury of crops. Any person to whom a stamp has been issued under this Act shall upon request exhibit such stamp for inspection to any officer or employee of the Department of Agriculture authorized to enforce the provisions of this Act or to any officer of any State or any political subdivision thereof authorized to enforce game laws.

Migratory Bird Conservation.
Vol. 40, p. 755; Vol. 45, p. 1222.
Vol. 39, p. 1702.
Post, p. 1031.
Hunting stamp, provisions.
Exceptions.

Regulations by Secretary of Agriculture.

Stamps; inspection of.

SEC. 2. That the stamps required under this Act shall be issued, and the fees therefor collected, by the Post Office Department, under regulations prescribed jointly by the Secretary of Agriculture and the Postmaster General: *Provided*, That stamps shall be issued at the post office or post offices of all county seats in the several States, at all post offices in all cities with a population of two thousand five hundred or over and at such other post offices as said officers may by regulation prescribe. Each such stamp shall, at the time of issuance, be affixed adhesively to the game license issued to the applicant under State law, if the applicant is required to have a State license, or, if the applicant is not required to have a State license, to a certificate furnished for that purpose by the Post Office Department at the time of issuance of such stamp. For each such stamp issued under the provisions of this Act, there shall be collected by the postmaster the sum of $1. Each stamp shall expire and be void after the 30th day of June next succeeding its issuance.

Issue of, by Post Office Department.

Collection of fees.

Proviso.
Issuing offices.

Stamp to be affixed to game license.

Fee.

Duration.

SEC. 3. Nothing in this Act shall be construed to authorize any person to take any migratory waterfowl otherwise than in accordance with regulations adopted and approved pursuant to any treaty heretofore or hereafter entered into between the United States and any other country for the protection of migratory birds, nor to exempt any person from complying with the game laws of the several States.

Compliance with State game laws and treaties.
Vol. 39, p. 1702.

SEC. 4. All moneys received for such stamps shall be accounted for by the postmaster and paid into the Treasury of the United States, and shall be reserved and set aside as a special fund to be known as the migratory bird conservation fund, to be administered by the Secretary of Agriculture. All moneys received into such fund are hereby appropriated for the following objects and shall be available therefor until expended:

Migratory bird conservation fund, stamp receipts to constitute.

Expenditures authorized.

Acquiring areas or sanctuaries.

(a) Not less than 90 per centum shall be available for the location, ascertainment, acquisition, administration, maintenance, and development of suitable areas for inviolate migratory-bird sanctuaries, under the provisions of the Migratory Bird Conservation Act, to be expended for such purposes in all respects as moneys appropriated

Developing, etc., other preserves, etc.

pursuant to the provisions of such Act; for the administration, maintenance, and development of other refuges under the administration of the Secretary of Agriculture, frequented by migratory game birds; and for such investigations on such refuges and elsewhere in regard to migratory waterfowl as the Secretary of Agriculture may deem essential for the highest utilization of the refuges and for the protection and increase of these birds.

Administrative expenses.

(b) The remainder shall be available for administrative expenses under this Act and the Migratory Bird Conservation Act, including

Reimbursing expenses of issuing, etc., stamps.

reimbursement to the Post Office Department of funds expended in connection with the printing, engraving, and issuance of migratory-bird hunting stamps, and including personal services in the District of Columbia and elsewhere: *Provided*, That the protection of said inviolate migratory-bird sanctuaries shall be, so far as possible, under section 17 of the Migratory Bird Conservation Act, passed February 18, 1929.

Proviso.
Cooperation with States, etc.
Vol. 45, p. 1225.

Administration of Migratory Bird Treaty Act.
Vol. 39, p. 1702.

(c) The remainder shall be available for administrative expenses under this Act, including reimbursement to the Post Office Department of funds expended in connection with the issuance of stamps, and printing and engraving of the same, and for administration expenses under the Migratory Bird Treaty Act and any other Act to carry into effect any treaty for the protection of migratory birds, and the Migratory Bird Conservation Act.

Penal provisions.
Altering, loaning, etc., stamps.

SEC. 5. (a) No person shall alter, mutilate, loan, or transfer to another any stamp issued to him pursuant to this Act, nor shall any person other than the person to whom such stamp is issued use the same for any purpose.

Counterfeiting.

(b) No person shall imitate or counterfeit any stamp authorized by this Act, or any die, plate, or engraving therefor, or make, print, or knowingly use, sell, or have in his possession any such counterfeit, license, die, plate, or engraving.

Enforcement provisions.

SEC. 6. For the efficient execution of this Act, the judges of the several courts, established under the laws of the United States, United States commissioners, and persons appointed by the Secretary of Agriculture to enforce the provisions of this Act, shall have, with respect thereto, like powers and duties as are conferred upon said judges, commissioners, and employees of the Department of Agriculture by the Migratory Bird Treaty Act or any other Act to carry into effect any treaty for the protection of migratory birds with

Seizures, etc.
Vol. 40, p. 756.

respect to that Act. Any bird or part thereof taken or possessed contrary to such Acts shall, when seized, be disposed of as provided by the Migratory Bird Treaty Act, or Acts aforesaid.

Penalty for violation.

SEC. 7. Any person who shall violate any provision of this Act or who shall violate or fail to comply with any regulation made pursuant thereto shall be subject to the penalties provided in section 6 of the Migratory Bird Treaty Act.

Cooperation with States, etc.

SEC. 8. The Secretary of Agriculture is authorized to cooperate with the several States and Territories in the enforcement of the provisions of this Act.

Terms defined.

SEC. 9. (a) Terms defined in the Migratory Bird Treaty Act, or the Migratory Bird Conservation Act, shall, when used in this Act, have the meaning assigned to such terms in such Acts, respectively.

(b) As used in this Act (1) the term "migratory waterfowl" means the species enumerated in paragraph (a) of subdivision 1 of article I of the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916; (2) the term "State" includes the several States and Territories of the United States and the District of Columbia; and (3) the term "take" means pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

Approved, March 16, 1934.

[CHAPTER 72.]

AN ACT

March 21, 1934.
[H.R. 6228.]
[Public, No. 125.]

To provide for the appointment of a commission to establish the boundary line between the District of Columbia and the Commonwealth of Virginia.

District of Columbia-Virginia boundary line.

Appointment of Commission to establish.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to determine the boundary line between the District of Columbia and the State of Virginia, and to provide for settlement of claims to property along or affected by said boundary line, the President of the United States is hereby requested to designate and appoint one commissioner, who is hereby directed, authorized, and empowered to act in conjunction with a like commissioner to be appointed pursuant to an act of the Legislature of Virginia. The said two commissioners so appointed and a third person to be selected by them are hereby constituted a commission for the purpose of surveying and ascertaining the boundary line between the District of Columbia and the State of Virginia, and are hereby directed, authorized, and empowered to survey and fix said boundary line and to mark the said line when so determined by suitable monuments, acting within the limits of their authority and guided by the provisions herein set forth. The said commissioners so selected shall serve until the completion of their report or not later than March 1, 1935.

Authority to fix line.

Duration of Commission.

Factors to be considered.

SEC. 2. In determining the location of said boundary said commissioners shall take into consideration, amongst other things, the several decisions of the Supreme Court of the United States in relation thereto, the findings and reports of the Maryland and Virginia Boundary Commission of 1877, the compact of 1785 between the State of Maryland and the Commonwealth of Virginia, the claims of ownership of the United States and all private persons and corporations along the Virginia shore line, and the equitable and prescriptive rights, if any, of the United States and private claimants growing out of long, continued, and uninterrupted possession, and shall mark such line as they may recommend as the boundary line and shall report their findings and recommendations to Congress and to the Legislature of Virginia for action to finally ratify and establish said boundary line.

Private claimants.

Marking of recommended line.

Findings; ratification.

SEC. 3. To provide for the settlement of titles to the property adjoining or affected by the determination of said boundary line, the said commissioners are further authorized and instructed to investigate all questions of title as between the United States and private citizens over such lands, all questions of equitable and prescriptive rights arising from long and continued possession and occupancy either on the part of the United States or private citizens, and all improvements of said lands either by the United States or private citizens made in good faith and upon belief of good title, and said commissioners shall report their findings and recommendations in this respect for the equitable settlement of all such disputed titles,

Settlement of property titles.

Questions of equitable and prescriptive rights, etc.

including proposed payments to and from the United States, and such other recommendations as in their opinion may promote a just and reasonable settlement of the title to said property. Nothing contained in said recommendation with respect to title shall be binding upon either the United States or private claimants.

Recommendation as to title not binding.

Compensation, expenses, etc.

SEC. 4. Said commissioners shall receive compensation for such days as they may actually work at the rate of $15 per day, plus travel and subsistence expenses, and shall have authority to employ such assistants at such rates of pay as they may deem appropriate without regard for the Classification Act of 1923. The said commissioners may call upon all officers and agencies of the Federal Government and the District of Columbia for information and advice, and said officers are hereby authorized and directed to supply such information on request. Said commission shall make such surveys, hold such hearings, and conduct such other investigations as it may deem necessary and advisable to carry out the purposes of this Act.

Assistants; pay without regard to Classification Act.
Vol. 42, p. 1488; Vol. 46, p. 1003; U.S.C. p. 65, Supp. VII, p. 34.

Securing information.

Hearings.

Appropriation authorized.
Post, p. 833.

SEC. 5. For the purpose of carrying out the provisions of this Act and the payment of salaries and compensation herein provided for, the sum of $10,000, or as much thereof as may be necessary, is hereby authorized to be appropriated from any funds in the Treasury not otherwise appropriated.

Approved, March 21, 1934.

[CHAPTER 73.]

March 22, 1934.
[H.R. 5862.]
[Public, No. 126.]

AN ACT

To provide for the removal of American citizens and nationals accused of crime to and from the jurisdiction of any officer or representative of the United States vested with judicial authority in any country in which the United States exercises extraterritorial jurisdiction.

Criminal Code amendment.
U.S.C., pp. 506, 510.
Removal of fugitives to country in which extraterritorial jurisdiction exercised.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section 591 of title 18 of the United States Code, so far as applicable, shall apply within the jurisdiction of the United States in any country where the United States exercises extraterritorial jurisdiction for the arrest and removal therefrom to the United States, its Territories, Districts, or possessions, including the Panama Canal Zone and the Philippine Islands, or any other territory governed, occupied, or controlled by it, of any citizen or national of the United States who is a fugitive from justice charged with or convicted of the commission of any crime or offense against the United States, and shall also apply throughout the United States, its Territories, Districts, and possessions, including the Panama Canal Zone and the Philippine Islands, as well as to any other territory governed, occupied, or controlled by the United States, for the arrest and removal therefrom to the jurisdiction of any officer or representative of the United States vested with judicial authority in any country in which the United States exercises extraterritorial jurisdiction, of any citizen or national of the United States who is a fugitive from justice charged with or convicted of the commission of any crime or offense against the United States in any country where it exercises extraterritorial jurisdiction. Such fugitive first mentioned may, by any officer or representative of the United States vested with judicial authority in any country in which the United States exercises extraterritorial jurisdiction and agreeably to the usual mode of process against offenders subject to such jurisdiction, be arrested and imprisoned or admitted to bail, as the case may be, pending the issuance of a warrant for his removal to

Custody, etc., pending issuance of warrant.

the United States, its Territories, Districts, or possessions, including the Panama Canal Zone and the Philippine Islands, or any other territory governed, occupied, or controlled by it, which warrant it shall be the duty of the principal officer or representative of the United States vested with judicial authority in the country where the fugitive shall be found seasonably to issue, and of the United States marshal or corresponding officer to execute. Such marshal or other officer, or the deputies of such marshal or officer, when engaged in executing such warrant without the jurisdiction of the court to which they are attached, shall have all the powers of a marshal of the United States so far as such powers are requisite for the prisoner's safekeeping and the execution of the warrant.

Executing, etc., warrant.

Powers of marshal when executing warrant.

SEC. 2. Whenever the executive authority of any State, Territory, District, or possession of the United States, including the Panama Canal Zone and the Philippine Islands, demands any American citizen or national as a fugitive from justice who has fled to the jurisdiction of any officer or representative of the United States vested with judicial authority in any country in which the United States exercises extraterritorial jurisdiction, and produces a copy of an indictment found or an affidavit made before a magistrate of any State, Territory, District, or possession of the United States, charging the fugitive so demanded with having committed treason, felony or other crime, certified as authentic by the Governor, chief magistrate, or other person authorized to act as such from whence the fugitive so charged has fled, it shall be the duty of the officer or representative of the United States vested with judicial authority to whom the demand has been made to cause such fugitive to be arrested and secured, and to cause notice of the arrest to be given to the executive authorities making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear. If no such agent shall appear within three months from the time of the arrest, the prisoner may be discharged. All costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the State, Territory, District or possession of the United States, including the Panama Canal Zone and the Philippine Islands, shall be paid by the executive authority making such demand. The agent who receives the fugitive into his custody shall be empowered to transport him to the jurisdiction from which he has fled, and every person who, by force, sets at liberty or rescues the fugitive from such agent while so transporting him shall be fined not more than $500 or imprisoned not more than one year.

Demand by a State, territory, etc., for return of fugitive.

Indictment or affidavit to accompany; charge specified.

Arrest of fugitive.

Notice to demanding authority.

Detention of fugitive for three months.

Costs.

Transportation of fugitive; penalty for aiding escape.

SEC. 3. Whenever, under this Act, it is desired to obtain the provisional arrest and detention of a fugitive in advance of the presentation of the formal proofs, such detention may be obtained by telegraph upon the request of the authority competent to request the surrender of such fugitive addressed to the authority competent to grant such surrender: *Provided*, That such request for provisional arrest and detention be accompanied by an express statement that a warrant for the fugitive's arrest has been issued within the jurisdiction of the authority making such request charging the fugitive with the commission of the crime for which his extradition is sought to be obtained: *Provided further*, That in the case of a request so made by a State, Territory, District, or possession, the expenses of obtaining a fugitive upon telegraphic request shall be borne by such State, Territory, District, or possession: *And provided further*, That no person shall be held in custody under telegraphic request by virtue of the provisions of this section for more than ninety days.

Provisional arrest on telegraphic request.

Provisos.
Information to accompany.

Payment of expenses.

Void after 90 days.

Escape of prisoner. Criminal code provisions applicable. U.S.C., p. 477.

SEC. 4. The provisions of section 244 of title 18 of the United States Code are hereby made applicable to proceedings in extradition instituted in accordance with the provisions of this Act.

Approved, March 22, 1934.

[CHAPTER 84.]

March 24, 1934. [H.R. 8573.] [Public, No. 127.]

AN ACT

To provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CONVENTION TO FRAME CONSTITUTION FOR PHILIPPINE ISLANDS

Philippine Independence Act. Constitutional convention. Election of delegates.

SECTION 1. The Philippine Legislature is hereby authorized to provide for the election of delegates to a constitutional convention, which shall meet in the hall of the house of representatives in the capital of the Philippine Islands, at such time as the Philippine Legislature may fix, but not later than October 1, 1934, to formulate and draft a constitution for the government of the Commonwealth of the Philippine Islands, subject to the conditions and qualifications prescribed in this Act, which shall exercise jurisdiction over all the territory ceded to the United States by the treaty of peace concluded between the United States and Spain on the 10th day of December 1898, the boundaries of which are set forth in article III of said treaty, together with those islands embraced in the treaty between Spain and the United States concluded at Washington on the 7th day of November 1900. The Philippine Legislature shall provide for the necessary expenses of such convention.

Territory included. Vol. 30, p. 1755.

Vol. 31, p. 1942.

Expenses.

Character of Constitution, etc.

CHARACTER OF CONSTITUTION—MANDATORY PROVISIONS

Form and contents.

SEC. 2. (a) The constitution formulated and drafted shall be republican in form, shall contain a bill of rights, and shall, either as a part thereof or in an ordinance appended thereto, contain provisions to the effect that, pending the final and complete withdrawal of the sovereignty of the United States over the Philippine Islands—

Mandatory provisions.

Allegiance.

(1) All citizens of the Philippine Islands shall owe allegiance to the United States.

Oath of office, etc.

(2) Every officer of the government of the Commonwealth of the Philippine Islands shall, before entering upon the discharge of his duties, take and subscribe an oath of office, declaring, among other things, that he recognizes and accepts the supreme authority of and will maintain true faith and allegiance to the United States.

Religious toleration.

(3) Absolute toleration of religious sentiment shall be secured and no inhabitant or religious organization shall be molested in person or property on account of religious belief or mode of worship.

Church, etc., property tax free.

(4) Property owned by the United States, cemeteries, churches, and parsonages or convents appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.

Trade relations with United States. *Post*, p. 459.

(5) Trade relations between the Philippine Islands and the United States shall be upon the basis prescribed in section 6.

Public debt.

(6) The public debt of the Philippine Islands and its subordinate branches shall not exceed limits now or hereafter fixed by the Congress of the United States; and no loans shall be contracted in foreign countries without the approval of the President of the United States.

(7) The debts, liabilities, and obligations of the present Philippine government, its Provinces, municipalities, and instrumentalities, valid and subsisting at the time of the adoption of the constitution, shall be assumed and paid by the new government. Assumption of debts, etc., by new government.

(8) Provision shall be made for the establishment and maintenance of an adequate system of public schools, primarily conducted in the English language. Public schools; English language.

(9) Acts affecting currency, coinage, imports, exports, and immigration shall not become law until approved by the President of the United States. Approval of designated Acts.

(10) Foreign affairs shall be under the direct supervision and control of the United States. Foreign affairs.

(11) All acts passed by the Legislature of the Commonwealth of the Philippine Islands shall be reported to the Congress of the United States. Laws to be reported to United States Congress.

(12) The Philippine Islands recognizes the right of the United States to expropriate property for public uses, to maintain military and other reservations and armed forces in the Philippines, and, upon order of the President, to call into the service of such armed forces all military forces organized by the Philippine government. Rights of United States recognized.

(13) The decisions of the courts of the Commonwealth of the Philippine Islands shall be subject to review by the Supreme Court of the United States as provided in paragraph (6) of section 7. United States Supreme Court jurisdiction.
Post, p. 462.

(14) The United States may, by Presidential proclamation, exercise the right to intervene for the preservation of the government of the Commonwealth of the Philippine Islands and for the maintenance of the government as provided in the constitution thereof, and for the protection of life, property, and individual liberty and for the discharge of government obligations under and in accordance with the provisions of the constitution. Right of intervention, by Presidential proclamation.

(15) The authority of the United States High Commissioner to the government of the Commonwealth of the Philippine Islands, as provided in this Act, shall be recognized. United States High Commissioner; authority recognized.
Post, p. 461.

(16) Citizens and corporations of the United States shall enjoy in the Commonwealth of the Philippine Islands all the civil rights of the citizens and corporations, respectively, thereof. Civil rights.

(b) The constitution shall also contain the following provisions, effective as of the date of the proclamation of the President recognizing the independence of the Philippine Islands, as hereinafter provided: Additional Constitutional provisions.

(1) That the property rights of the United States and the Philippine Islands shall be promptly adjusted and settled, and that all existing property rights of citizens or corporations of the United States shall be acknowledged, respected, and safeguarded to the same extent as property rights of citizens of the Philippine Islands. Property rights to be safeguarded, etc.

(2) That the officials elected and serving under the constitution adopted pursuant to the provisions of this Act shall be constitutional officers of the free and independent government of the Philippine Islands and qualified to function in all respects as if elected directly under such government, and shall serve their full terms of office as prescribed in the constitution. Qualifications of constitutional officers.

(3) That the debts and liabilities of the Philippine Islands, its Provinces, cities, municipalities, and instrumentalities, which shall be valid and subsisting at the time of the final and complete withdrawal of the sovereignty of the United States, shall be assumed by the free and independent government of the Philippine Islands; and that where bonds have been issued under authority of an Act of Congress of the United States by the Philippine Islands, or any Province, city, or municipality therein, the Philippine government Subsisting obligations to be assumed by new government.

Bonds.

To constitute a first lien on taxes.

will make adequate provision for the necessary funds for the payment of interest and principal, and such obligations shall be a first lien on the taxes collected in the Philippine Islands.

Treaty obligations to be assumed.

(4) That the government of the Philippine Islands, on becoming independent of the United States, will assume all continuing obligations assumed by the United States under the treaty of peace with Spain ceding said Philippine Islands to the United States.

To be so embodied in a treaty with United States.

(5) That by way of further assurance the government of the Philippine Islands will embody the foregoing provisions (except paragraph (2)) in a treaty with the United States.

SUBMISSION OF CONSTITUTION TO THE PRESIDENT OF THE UNITED STATES

Submission of Constitution to the President of the United States.

SEC. 3. Upon the drafting and approval of the constitution by the constitutional convention in the Philippine Islands, the constitution shall be submitted within two years after the enactment of this Act to the President of the United States, who shall determine whether or not it conforms with the provisions of this Act. If the President finds that the proposed constitution conforms substantially with the provisions of this Act he shall so certify to the Governor General of the Philippine Islands, who shall so advise the constitutional convention. If the President finds that the constitution does not conform with the provisions of this Act he shall so advise the Governor General of the Philippine Islands, stating wherein in his judgment the constitution does not so conform and submitting provisions which will in his judgment make the constitution so conform. The Governor General shall in turn submit such message to the constitutional convention for further action by them pursuant to the same procedure hereinbefore defined, until the President and the constitutional convention are in agreement.

SUBMISSION OF CONSTITUTION TO FILIPINO PEOPLE

Submission of Constitution to people.

SEC. 4. After the President of the United States has certified that the constitution conforms with the provisions of this Act, it shall be submitted to the people of the Philippine Islands for their ratification or rejection at an election to be held within four months after the

Election to be held.

date of such certification, on a date to be fixed by the Philippine Legislature, at which election the qualified voters of the Philippine Islands shall have an opportunity to vote directly for or against the proposed constitution and ordinances appended thereto. Such election shall be held in such manner as may be prescribed by the Philippine Legislature, to which the return of the election shall be

Canvass of returns.

made. The Philippine Legislature shall by law provide for the canvassing of the return and shall certify the result to the Governor General of the Philippine Islands, together with a statement of the

Proclamation, for election of commonwealth officers, if independence favored.

votes cast, and a copy of said constitution and ordinances. If a majority of the votes cast shall be for the constitution, such vote shall be deemed an expression of the will of the people of the Philippine Islands in favor of Philippine independence, and the Governor General shall, within thirty days after receipt of the certification from the Philippine Legislature, issue a proclamation for the election of officers of the government of the Commonwealth

Time for election.

of the Philippine Islands provided for in the constitution. The election shall take place not earlier than three months nor later than six months after the proclamation by the Governor General ordering such election. When the election of the officers provided for under the constitution has been held and the results determined, the Governor General of the Philippine Islands shall certify the results of the election to the President of the United States, who shall there-

upon issue a proclamation announcing the results of the election, and upon the issuance of such proclamation by the President the existing Philippine government shall terminate and the new government shall enter upon its rights, privileges, powers, and duties, as provided under the constitution. The present government of the Philippine Islands shall provide for the orderly transfer of the functions of government.

New government to enter on President's proclamation.

If a majority of the votes cast are against the constitution, the existing government of the Philippine Islands shall continue without regard to the provisions of this Act.

Existing government to continue, if vote be adverse.

TRANSFER OF PROPERTY AND RIGHTS TO PHILIPPINE COMMONWEALTH

SEC. 5. All the property and rights which may have been acquired in the Philippine Islands by the United States under the treaties mentioned in the first section of this Act, except such land or other property as has heretofore been designated by the President of the United States for Military and other reservations of the Government of the United States, and except such land or other property or rights or interests therein as may have been sold or otherwise disposed of in accordance with law, are hereby granted to the government of the Commonwealth of the Philippine Islands when constituted.

Transfer of property and rights to Philippine Commonwealth.

Post, p. 463.

RELATIONS WITH THE UNITED STATES PENDING COMPLETE INDEPENDENCE

SEC. 6. After the date of the inauguration of the government of the Commonwealth of the Philippine Islands trade relations between the United States and the Philippine Islands shall be as now provided by law, subject to the following exceptions:

Relations with United States pending complete independence.

Trade relations provisions.

Ante, p. 456.

(a) There shall be levied, collected, and paid on all refined sugars in excess of fifty thousand long tons, and on unrefined sugars in excess of eight hundred thousand long tons, coming into the United States from the Philippine Islands in any calendar year, the same rates of duty which are required by the laws of the United States to be levied, collected, and paid upon like articles imported from foreign countries.

Sugars.

(b) There shall be levied, collected, and paid on all coconut oil coming into the United States from the Philippine Islands in any calendar year in excess of two hundred thousand long tons, the same rates of duty which are required by the laws of the United States to be levied, collected, and paid upon like articles imported from foreign countries.

Coconut oil.

(c) There shall be levied, collected, and paid on all yarn, twine, cord, cordage, rope and cable, tarred or untarred, wholly or in chief value of manila (abaca) or other hard fibers, coming into the United States from the Philippine Islands in any calendar year in excess of a collective total of three million pounds of all such articles hereinbefore enumerated, the same rates of duty which are required by the laws of the United States to be levied, collected, and paid upon like articles imported from foreign countries.

Hard fibers, etc.

(d) In the event that in any year the limit in the case of any article which may be exported to the United States free of duty shall be reached by the Philippine Islands, the amount or quantity of such articles produced or manufactured in the Philippine Islands thereafter that may be so exported to the United States free of duty shall be allocated, under export permits issued by the government of the Commonwealth of the Philippine Islands, to the producers or manufacturers of such articles proportionately on the basis of their exportation to the United States in the preceding year; except that

Duty-free export limitation.

Export permits may issue for excess.

Unrefined sugar.

in the case of unrefined sugar the amount thereof to be exported annually to the United States free of duty shall be allocated to the sugar-producing mills of the islands proportionately on the basis of their average annual production for the calendar years 1931, 1932, and 1933, and the amount of sugar from each mill which may be so exported shall be allocated in each year between the mill and the planters on the basis of the proportion of sugar to which the mill and the planters are respectively entitled. The government of the Philippine Islands is authorized to adopt the necessary laws and regulations for putting into effect the allocation hereinbefore provided.

Allocation provisions.

Graduated export taxes.

(e) The government of the Commonwealth of the Philippine Islands shall impose and collect an export tax on all articles that may be exported to the United States from the Philippine Islands free of duty under the provisions of existing law as modified by the foregoing provisions of this section, including the articles enumerated in subdivisions (a), (b), and (c), within the limitations therein specified, as follows:

(1) During the sixth year after the inauguration of the new government the export tax shall be 5 per centum of the rates of duty which are required by the laws of the United States to be levied, collected, and paid on like articles imported from foreign countries;

(2) During the seventh year after the inauguration of the new government the export tax shall be 10 per centum of the rates of duty which are required by the laws of the United States to be levied, collected, and paid on like articles imported from foreign countries;

(3) During the eighth year after the inauguration of the new government the export tax shall be 15 per centum of the rates of duty which are required by the laws of the United States to be levied, collected, and paid on like articles imported from foreign countries;

(4) During the ninth year after the inauguration of the new government the export tax shall be 20 per centum of the rates of duty which are required by the laws of the United States to be levied, collected, and paid on like articles imported from foreign countries;

(5) After the expiration of the ninth year after the inauguration of the new government the export tax shall be 25 per centum of the rates of duty which are required by the laws of the United States to be levied, collected, and paid on like articles imported from foreign countries.

Sinking fund created therefrom, for liquidating indebtedness.

The government of the Commonwealth of the Philippine Islands shall place all funds received from such export taxes in a sinking fund, and such funds shall, in addition to other moneys available for that purpose, be applied solely to the payment of the principal and interest on the bonded indebtedness of the Philippine Islands, its Provinces, municipalities, and instrumentalities, until such indebtedness has been fully discharged.

"United States," construed.

When used in this section in a geographical sense, the term "United States" includes all Territories and possessions of the United States, except the Philippine Islands, the Virgin Islands, American Samoa, and the island of Guam.

Provisions pending final withdrawal of American sovereignty.

SEC. 7. Until the final and complete withdrawal of American sovereignty over the Philippine Islands—

Submission of Constitutional amendments.

(1) Every duly adopted amendment to the constitution of the government of the Commonwealth of the Philippine Islands shall be submitted to the President of the United States for approval. If the President approves the amendment or if the President fails to disapprove such amendment within six months from the time of

its submission, the amendment shall take effect as a part of such constitution.

Authority conferred on the President.

(2) The President of the United States shall have authority to suspend the taking effect of or the operation of any law, contract, or executive order of the government of the Commonwealth of the Philippine Islands, which in his judgment will result in a failure of the government of the Commonwealth of the Philippine Islands to fulfill its contracts, or to meet its bonded indebtedness and interest thereon or to provide for its sinking funds, or which seems likely to impair the reserves for the protection of the currency of the Philippine Islands, or which in his judgment will violate international obligations of the United States.

Reports.

(3) The Chief Executive of the Commonwealth of the Philippine Islands shall make an annual report to the President and Congress of the United States of the proceedings and operations of the government of the Commonwealth of the Philippine Islands and shall make such other reports as the President or Congress may request.

United States High Commissioner to the Philippine Islands.
Appointment, authority, duties, etc.
Ante, p. 457.

(4) The President shall appoint, by and with the advice and consent of the Senate, a United States High Commissioner to the government of the Commonwealth of the Philippine Islands who shall hold office at the pleasure of the President and until his successor is appointed and qualified. He shall be known as the United States High Commissioner to the Philippine Islands. He shall be the representative of the President of the United States in the Philippine Islands and shall be recognized as such by the government of the Commonwealth of the Philippine Islands, by the commanding officers of the military forces of the United States, and by all civil officials of the United States in the Philippine Islands. He shall have access to all records of the government or any subdivision thereof, and shall be furnished by the Chief Executive of the Commonwealth of the Philippine Islands with such information as he shall request.

Report of, upon failure of Commonwealth to meet obligations.

If the government of the Commonwealth of the Philippine Islands fails to pay any of its bonded or other indebtedness or the interest thereon when due or to fulfill any of its contracts, the United States High Commissioner shall immediately report the facts to the President, who may thereupon direct the High Commissioner to take over the customs offices and administration of the same, administer the same, and apply such part of the revenue received therefrom as may be necessary for the payment of such overdue indebtedness or for the fulfillment of such contracts. The United States High Commissioner shall annually, and at such other times as the President may require, render an official report to the President and Congress of the United States. He shall perform such additional duties and functions as may be delegated to him from time to time by the President under the provisions of this Act.

Compensation, etc.

The United States High Commissioner shall receive the same compensation as is now received by the Governor General of the Philippine Islands, and shall have such staff and assistants as the President may deem advisable and as may be appropriated for by Congress, including a financial expert, who shall receive for submission to the High Commissioner a duplicate copy of the reports of the insular auditor. Appeals from decisions of the insular auditor may be taken to the President of the United States. The salaries and expenses of the High Commissioner and his staff and assistants shall be paid by the United States.

Assistants, etc.

Inauguration.

The first United States High Commissioner appointed under this Act shall take office upon the inauguration of the new government of the Commonwealth of the Philippine Islands.

Resident Commissioner to United States.
Recognition, etc.

(5) The government of the Commonwealth of the Philippine Islands shall provide for the selection of a Resident Commissioner to the United States, and shall fix his term of office. He shall be the representative of the government of the Commonwealth of the Philippine Islands and shall be entitled to official recognition as such by all departments upon presentation to the President of credentials signed by the Chief Executive of said government. He shall have a seat in the House of Representatives of the United States, with the right of debate, but without the right of voting. His salary and expenses shall be fixed and paid by the government of the Philippine Islands. Until a Resident Commissioner is selected and qualified under this section, existing law governing the appointment of Resident Commissioners from the Philippine Islands shall continue in effect.

U.S. Supreme Court; review of cases.
Ante, p. 457.

(6) Review by the Supreme Court of the United States of cases from the Philippine Islands shall be as now provided by law; and such review shall also extend to all cases involving the constitution of the Commonwealth of the Philippine Islands.

Immigration.
Post, p. 465.

SEC. 8. (a) Effective upon the acceptance of this Act by concurrent resolution of the Philippine Legislature or by a convention called for that purpose, as provided in section 17—

Provisions governing.
Vol. 39, p. 874; Vol. 43, p. 153.

(1) For the purposes of the Immigration Act of 1917, the Immigration Act of 1924 (except section 13(c)), this section, and all other laws of the United States relating to the immigration, exclusion, or expulsion of aliens, citizens of the Philippine Islands who are not citizens of the United States shall be considered as if they were aliens. For such purposes the Philippine Islands shall be considered as a separate country and shall have for each fiscal year a quota of fifty. This paragraph shall not apply to a person coming or seeking to come to the Territory of Hawaii who does not apply for and secure an immigration or passport visa, but such immigration shall be determined by the Department of the Interior on the basis of the needs of industries in the Territory of Hawaii.

Admittance from Hawaii.

(2) Citizens of the Philippine Islands who are not citizens of the United States shall not be admitted to the continental United States from the Territory of Hawaii (whether entering such Territory before or after the effective date of this section) unless they belong to a class declared to be nonimmigrants by section 3 of the Immigration Act of 1924 or to a class declared to be nonquota immigrants under the provisions of section 4 of such Act other than subdivision (c) thereof, or unless they were admitted to such Territory under an immigration visa. The Secretary of Labor shall by regulations provide a method for such exclusion and for the admission of such excepted classes.

Nonimmigrant class exceptions.
Vol. 43, p. 154.
Nonquota immigrants.

Regulatory provisions.

Assignment of Foreign Service officer.

(3) Any Foreign Service officer may be assigned to duty in the Philippine Islands, under a commission as a consular officer, for such period as may be necessary and under such regulations as the Secretary of State may prescribe, during which assignment such officer shall be considered as stationed in a foreign country; but his powers and duties shall be confined to the performance of such of the official acts and notarial and other services, which such officer might properly perform in respect of the administration of the immigration laws if assigned to a foreign country as a consular officer, as may be authorized by the Secretary of State.

Application of Immigration Act of 1917.
Vol. 39, pp. 887, 890.

(4) For the purposes of sections 18 and 20 of the Immigration Act of 1917, as amended, the Philippine Islands shall be considered to be a foreign country.

Additional provisions.

(b) The provisions of this section are in addition to the provisions of the immigration laws now in force, and shall be enforced as a

part of such laws, and all the penal or other provisions of such laws not inapplicable, shall apply to and be enforced in connection with the provisions of this section. An alien, although admissible under the provisions of this section, shall not be admitted to the United States if he is excluded by any provision of the immigration laws other than this section, and an alien, although admissible under the provisions of the immigration laws other than this section, shall not be admitted to the United States if he is excluded by any provision of this section.

(c) Terms defined in the Immigration Act of 1924 shall, when used in this section, have the meaning assigned to such terms in that Act. Terms defined. Vol. 43, p. 168.

SEC. 9. There shall be no obligation on the part of the United States to meet the interest or principal of bonds and other obligations of the government of the Philippine Islands or of the Provincial and municipal governments thereof, hereafter issued during the continuance of United States sovereignty in the Philippine Islands: *Provided*, That such bonds and obligations hereafter issued shall not be exempt from taxation in the United States or by authority of the United States. Bonds and other obligations. *Proviso.* Not tax-exempt.

RECOGNITION OF PHILIPPINE INDEPENDENCE AND WITHDRAWAL OF AMERICAN SOVEREIGNTY

Recognition of independence, etc.

SEC. 10. (a) On the 4th day of July immediately following the expiration of a period of ten years from the date of the inauguration of the new government under the constitution provided for in this Act the President of the United States shall by proclamation withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty then existing and exercised by the United States in and over the territory and people of the Philippine Islands, including all military and other reservations of the Government of the United States in the Philippines (except such naval reservations and fueling stations as are reserved under section 5), and, on behalf of the United States, shall recognize the independence of the Philippine Islands as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof, under the constitution then in force. Effective date. Withdrawal of sovereignty, etc. Naval, etc., reservations. *Ante*, p. 459.

(b) The President of the United States is hereby authorized and empowered to enter into negotiations with the government of the Philippine Islands, not later than two years after his proclamation recognizing the independence of the Philippine Islands, for the adjustment and settlement of all questions relating to naval reservations and fueling stations of the United States in the Philippine Islands, and pending such adjustment and settlement the matter of naval reservations and fueling stations shall remain in its present status. Negotiations respecting naval and fueling stations.

NEUTRALIZATION OF PHILIPPINE ISLANDS

SEC. 11. The President is requested, at the earliest practicable date, to enter into negotiations with foreign powers with a view to the conclusion of a treaty for the perpetual neutralization of the Philippine Islands, if and when Philippine independence shall have been achieved. Neutralization to be sought.

NOTIFICATION TO FOREIGN GOVERNMENTS

SEC. 12. Upon the proclamation and recognition of the independence of the Philippine Islands, the President shall notify the govern- Recognition by foreign governments to be invited.

ments with which the United States is in diplomatic correspondence thereof and invite said governments to recognize the independence of the Philippine Islands.

TARIFF DUTIES AFTER INDEPENDENCE

Tariff duties after independence.

SEC. 13. After the Philippine Islands have become a free and independent nation there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from other foreign countries: *Provided*, That at least one year prior to the date fixed in this Act for the independence of the Philippine Islands, there shall be held a conference of representatives of the Government of the United States and the government of the Commonwealth of the Philippine Islands, such representatives to be appointed by the President of the United States and the Chief Executive of the Commonwealth of the Philippine Islands, respectively, for the purpose of formulating recommendations as to future trade relations between the Government of the United States and the independent government of the Philippine Islands, the time, place, and manner of holding such conference to be determined by the President of the United States; but nothing in this proviso shall be construed to modify or affect in any way any provision of this Act relating to the procedure leading up to Philippine independence or the date upon which the Philippine Islands shall become independent.

Proviso. Conference on trade relations to be held.

IMMIGRATION AFTER INDEPENDENCE

Immigration after independence.

SEC. 14. Upon the final and complete withdrawal of American sovereignty over the Philippine Islands the immigration laws of the United States (including all the provisions thereof relating to persons ineligible to citizenship) shall apply to persons who were born in the Philippine Islands to the same extent as in the case of other foreign countries.

CERTAIN STATUTES CONTINUED IN FORCE

Certain statutes continued in force.

SEC. 15. Except as in this Act otherwise provided, the laws now or hereafter in force in the Philippine Islands shall continue in force in the Commonwealth of the Philippine Islands until altered, amended, or repealed by the Legislature of the Commonwealth of the Philippine Islands or by the Congress of the United States, and all references in such laws to the government or officials of the Philippines or Philippine Islands shall be construed, insofar as applicable, to refer to the government and corresponding officials respectively of the Commonwealth of the Philippine Islands. The government of the Commonwealth of the Philippine Islands shall be deemed successor to the present government of the Philippine Islands and of all the rights and obligations thereof. Except as otherwise provided in this Act, all laws or parts of laws relating to the present government of the Philippine Islands and its administration are hereby repealed as of the date of the inauguration of the government of the Commonwealth of the Philippine Islands.

Saving clause.

SEC. 16. If any provision of this Act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 17. The foregoing provisions of this Act shall not take effect until accepted by concurrent resolution of the Philippine Legislature or by a convention called for the purpose of passing upon that question as may be provided by the Philippine Legislature. Effective date.

Approved, March 24, 1934.

[CHAPTER 86.]

AN ACT

March 26, 1934.
[H.R. 6185.]
[Public, No. 128.]

Fixing the date for holding elections of a Delegate from Alaska to the House of Representatives and of members of the Legislature of Alaska; fixing the date on which the Legislature of Alaska shall hereafter meet; prescribing the personnel of the territorial canvassing board, defining its duties, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the election of a Delegate from the Territory of Alaska to the House of Representatives provided for by the Act of Congress entitled "An Act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska", approved May 7, 1906, as amended, and the election of the members of the Legislature of the Territory of Alaska, provided for by the Act of Congress entitled, "An Act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes", approved August 24, 1912, shall hereafter be held on the second Tuesday in September in the year 1934, and every second year thereafter on the said second Tuesday in September. Alaska. Date changed for election of Delegate to House of Representatives. Vol. 34, p. 170; Vol. 37, p. 517.

SEC. 2. That the Legislature of the Territory of Alaska shall hereafter convene at the capitol at the city of Juneau, Alaska, on the second Monday in January in the year 1935, and on the second Monday in January every two years thereafter. Sessions of Legislature. Vol. 37, p. 514.

SEC. 3. That the canvassing board for the Territory of Alaska created by the Act of Congress entitled "An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska", approved May 7, 1906, shall hereafter consist of the Governor, the secretary of the Territory, and the collector of customs for Alaska. It shall be the duty of the said canvassing board to canvass and compile in writing the vote specified in the certificates of election returned to the Governor from the several election precincts in the Territory and to keep an accurate record of each voting precinct in the Territory and the date of its creation. Territorial canvassing board. Composition, duties, etc. Accurate record to be kept.

The said canvassing board shall commence the performance of its duties at the office of the Governor within ten days after the second Tuesday in October in each year in which an election is held as hereinabove provided, and shall continue with such work from day to day until the same is completed. No packages containing election returns shall be opened until the canvass commences, at which time they shall be opened in public and in such manner and under such conditions, as nearly as possible, as to give all parties interested an opportunity to see the returns. In case it shall appear to the board that no election return, as herein prescribed, has been received by the Governor from any precinct in which an election has been held, the said board may accept in place thereof the certified copy of the certificate of election for such precinct received from the clerk of the court, and may canvass and compile the same with the other election returns. The canvassing board shall terminate the canvass and issue the certificates of election so soon as it is satisfied that no missing return would, if received, change the result of a canvass Period of services. Opening returns. Certifying names, where returns justify.

Treatment of missing returns.

based upon the returns at hand, but when the board has information that an election was held at any precinct from which no return has been received and which return, if received, the board has reason to believe will affect the result of the election, it shall be the duty of the board to await the arrival of such return until 4 o'clock postmeridian on the 10th day of December in the year during which the election is held, but no longer, and any return received after that time shall not be counted by the board.

Elections, provisions governing.

Upon the completion of the said canvass as herein provided, the said board shall declare the person who has received the greatest number of votes for the office for which he is a candidate elected to such office for the term for which he is elected, and shall issue and deliver to him in writing, under their hands and seals, a certificate of his election. It shall be the duty of the Governor to preserve all election returns carefully and inviolate, and, after the certificates of result have been canvassed, to replace the returns into the packages from which they were taken and carefully seal the same and preserve all such returns inviolate for at least two years thereafter, unless sooner called upon by the House of Representatives of Congress or some court or tribunal of competent jurisdiction to produce the same for inspection. It shall also be the duty of the Governor to notify each successful candidate of his election, and to do so by the speediest means of communication.

Notice to be given.

Effect of existing laws.

SEC. 4. Except as herein otherwise provided, all of the provisions of the Acts of May 7, 1906, and of August 24, 1912, hereinabove referred to, shall continue in full force and effect until altered, amended, or repealed by Congress. And any and all laws enacted by the Legislature of the Territory of Alaska pertaining to elections in said Territory shall remain in full force and effect until altered, amended, or repealed by the said Legislature or by Congress. That the Legislature of the Territory of Alaska shall have the power from time to time as the need therefor may arise, to change the date of general elections in the said Territory, including the date of election of a Delegate from the Territory of Alaska to the House of Representatives and of the members of the territorial legislature; and that the Legislature of the Territory of Alaska shall also have the power by law to change from time to time the personnel of the canvassing board, the dates of its meetings, and may prescribe its duties.

Alterations, etc.

Authority of territorial legislature.

Approved, March 26, 1934.

[CHAPTER 87.]

March 26, 1934.
[H.R. 7808.]
[Public, No. 129.]

AN ACT

To authorize annual appropriations to meet losses sustained by officers and employees of the United States in foreign countries due to appreciation of foreign currencies in their relation to the American dollar, and for other purposes.

Foreign service officers and employees.
Annual appropriations authorized to meet losses, due to foreign currency appreciation.
Post, pp. 834, 1060.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are authorized to be appropriated annually such sums as may be necessary to enable the President, in his discretion and under such regulations as he may prescribe and notwithstanding the provisions of any other Act and upon recommendation of the Director of the Budget, to meet losses sustained on and after July 15, 1933, by officers, enlisted men, and employees of the United States while in service in foreign countries due to the appreciation of foreign currencies in their relation to the American dollar, and to cover any deficiency in the accounts of the Treasurer of the United States, including interest, arising out of the arrangement approved by the President on July 27, 1933, for the conversion into foreign currencies of checks

To cover deficiencies in Treasurer's accounts.

and drafts of officers, enlisted men, and employees for salaries and expenses: *Provided*, That such action as the President may take shall be binding upon all executive officers of the Government: *Provided further*, That no payments authorized by this Act shall be made to any officers, enlisted men, or employees for periods during which their checks or drafts were converted into foreign currencies under the arrangement hereinbefore referred to: *Provided further*, That allowances and expenditures pursuant to this Act shall not be subject to income taxes: *And provided further*, That the Director of the Budget shall report all expenditures made for this purpose to Congress annually with the Budget estimates.

Provisos.
Action of President binding.
Restriction.
Allowances herein not subject to income tax.
Report of expenditures to Congress.

Approved, March 26, 1934.

[CHAPTER 88.]

AN ACT

March 26, 1934.
[S. 2728.]
[Public, No. 130.]

To repeal Federal liquor prohibition laws to the extent they are in force in the Territory of Hawaii.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii during the period of the war, except as hereinafter provided", approved May 23, 1918 (U.S.C., title 48, sec. 520), is repealed.

Hawaii.
Federal liquor laws in force in, repealed.
Vol. 40, p. 560.
U.S.C., p. 1601.

SEC. 2. Title II of the National Prohibition Act, as amended and supplemented, and the Act entitled "An Act to provide revenue by the taxation of certain nonintoxicating liquor, and for other purposes", approved March 22, 1933, except such provisions of such title and of such Act of March 22, 1933, as shall be retained in force and effect in the States, are repealed to the extent such title and such Act of March 22, 1933, are in force and effect in the Territory of Hawaii.

Other provisions repealed.
Vol. 41, p. 307.
Ante, p. 16.

SEC. 3. Section 13 of the Revised Statutes (U.S.C., title 1, sec. 29) shall not apply with respect to any penalty, forfeiture, or liability incurred under any provision repealed by this Act.

Liabilities.
R.S., sec. 13, p. 2.
U.S.C., p. 2.

Approved, March 26, 1934.

[CHAPTER 89.]

AN ACT

March 26, 1934.
[H.R. 8134.]
[Public, No. 131.]

Making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1935, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1935, namely:

Department of Agriculture, etc., appropriations, fiscal year 1935.

TITLE I—DEPARTMENT OF AGRICULTURE

Department of Agriculture.

OFFICE OF THE SECRETARY

Secretary's office.

SALARIES

Secretary, Under Secretary, Assistant, and other personal services.

For the Secretary of Agriculture, Under Secretary of Agriculture, $10,000, and there is hereby established in the Department of Agriculture the position of Under Secretary of Agriculture, to be appointed by the President, by and with the advice and consent of the

Senate, and whose compensation shall be at the rate of $10,000 per annum, Assistant Secretary, and for other personal services in the District of Columbia, and elsewhere, $548,560: *Provided*, That in expending appropriations or portions of appropriations contained in this Act for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretary, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act as amended: *Provided further*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade, in the same or different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923 as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated: *Provided further*, That the Secretary of Agriculture is authorized to contract for stenographic reporting services, and the appropriations made in this Act shall be available for such purposes: *Provided further*, That the Secretary of Agriculture is authorized to expend from appropriations available for the purchase of lands not to exceed $1 for each option to purchase any particular tract or tracts of land: *Provided further*, That not to exceed $22,990 of the appropriations available for salaries and expenses of officers and employees of the Department of Agriculture permanently stationed in foreign countries may be used for payment of allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U.S.C., Supp. VI, title 5, sec. 118a), but the amount so used for any one person shall not exceed the amount permitted by law to be so used, during the fiscal year 1935, for any one person in the foreign service of the Department of Commerce: *Provided further*, That no part of the funds appropriated by this Act shall be used for the payment of any officer or employee of the Department of Agriculture who, as such officer or employee, or on behalf of the Department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast with respect to future prices of cotton or the trend of same.

Provisos.
Salaries limited to average rates under Classification Act.
Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003.
U.S.C., p. 65; Supp. VII, p. 34.
Exception.

Restriction not applicable to clerical-mechanical service.

No reduction in fixed salaries.
Vol. 42, p. 1490; U.S.C., p. 66.

Transfers to another position without reduction.

Higher rates permitted.

If only one position in a grade.

Contracts for stenographic reporting.

Purchasing options on land.

Allowances for living quarters abroad.

Vol. 46, p. 818.
U.S.C., Supp. VII, p. 20.

Predicting future prices of cotton forbidden.

MISCELLANEOUS EXPENSES, DEPARTMENT OF AGRICULTURE

Department contingent expenses.

For stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, furniture, carpets, and mattings; for freight, express charges, advertising and press clippings, telegraphing, telephoning, postage, washing towels; for the maintenance, repair, and operation of not to exceed three (including one for the Secretary of Agriculture, one for general utility needs of the entire Department, and one for the Forest Service) and purchase and exchange of one motor-propelled passenger-carrying vehicle, at a net cost of not to exceed $2,500, and one motorcycle for official purposes only; for the payment of the Department of Agriculture's proportionate share of the expense of the dispatch agent in New York; for official traveling expenses,

Dispatch agent, New York.

including examination of estimates for appropriations in the field for any bureau, office, or service of the Department; and for other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, which are authorized by such officer as the Secretary may designate, $115,048: *Provided*, That the Secretary of Agriculture, during the fiscal year 1935, may maintain stocks of stationery, supplies, equipment, and miscellaneous materials sufficient to meet, in whole or in part, requirements of the bureaus and offices of the Department in the city of Washington and elsewhere, but not to exceed in the aggregate, $200,000 in value at the close of the fiscal year, and the appropriations made for such bureaus and offices for such stocks shall be available to reimburse the appropriation for miscellaneous expenses current at the time supplies are issued: *Provided further*, That the appropriations made hereunder shall be available for the payment of salaries of employees engaged in purchasing, storing, handling, packing, or shipping of supplies and blank forms, and the amount of such salaries shall be charged proportionately as a part of the cost of supplies issued, and in the case of blank forms and supplies not purchased from this appropriation the amount of such salaries shall be charged proportionately to the proper appropriation: *Provided further*, That the facilities of the central storehouse of the Department shall to the fullest extent practicable be used to make unnecessary the maintenance of separate bureau storehouse activities in the Department: *Provided further*, That a separate schedule of expenditures, transfers of funds, or other transactions hereunder shall be included in the annual Budget.

Provisos.
Maintenance of stationery, etc., stocks.

Maximum allotment.

Available for miscellaneous expenses.

Employees, handling, etc., supplies.

Use of central storehouse to avoid separate units.

Segregation of transactions.

RENT OF BUILDINGS IN THE DISTRICT OF COLUMBIA

Rent.

For rent of buildings and parts of buildings in the District of Columbia, for use of the various bureaus, divisions, and offices of the Department of Agriculture, $63,000.

Buildings in the District.

Total, Office of the Secretary, $726,608.

OFFICE OF INFORMATION

Information Office.

SALARIES AND GENERAL EXPENSES

Salaries and expenses.

For necessary expenses in connection with the publication, indexing, illustration, and distribution of bulletins, documents, and reports, including labor-saving machinery and supplies, envelopes, stationery and materials, office furniture and fixtures, photographic equipment and materials, artists' tools and supplies, telephone and telegraph service, freight and express charges; purchase and maintenance of bicycles; purchase of manuscripts; traveling expenses; electrotypes, illustrations, and other expenses not otherwise provided for, $323,641, of which not to exceed $308,394 may be used for personal services in the District of Columbia.

PRINTING AND BINDING

Printing and binding.

For all printing and binding for the Department of Agriculture, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, $610,466, including the purchase of reprints of scientific and technical articles published in periodicals and journals; printing the proceedings of the Twelfth International Veterinary Congress to be held in the United States during the fiscal year 1935, not to exceed $11,000; the Annual Report of the Secretary of Agriculture, as required by the Act approved January 12, 1895 (U.S.C., title 44, secs. 111, 212–220,

Report of 12th International Veterinary Congress.

Report of Secretary. Vol. 28, p. 612; Vol. 34, p. 835. U.S.C., pp. 1421, 1429.

222, 241, 244, 257), and in pursuance of the Joint Resolution Numbered 13, approved March 30, 1906 (U.S.C., title 44, secs. 214, 224), and also including not to exceed $250,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct, but not including work done at the field printing plants of the Weather Bureau and the Forest Service authorized by the Joint Committee on Printing, in accordance with the Act approved March 1, 1919 (U.S.C., title 44, secs. 111, 220).

Farmers' bulletins.

Exception.

Vol. 40, p. 1270. U.S.C., pp. 1421, 1430.

Total, Office of Information, $934,107.

Library.

LIBRARY, DEPARTMENT OF AGRICULTURE

Salaries and expenses.

Salaries and expenses: For purchase and exchange of books of reference, law books, technical and scientific books, periodicals, and for expenses incurred in completing imperfect series; not to exceed $1,200 for newspapers, and when authorized by the Secretary of Agriculture for dues for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; for salaries in the city of Washington and elsewhere; for official traveling expenses, and for library fixtures, library cards, supplies, and for all other necessary expenses, $87,812, of which amount not to exceed $63,738 may be expended for personal services in the District of Columbia.

Experiment Stations Office.

OFFICE OF EXPERIMENT STATIONS

PAYMENTS TO STATES, HAWAII, ALASKA, AND PUERTO RICO FOR AGRICULTURAL EXPERIMENT STATIONS

Support of stations. Vol. 24, p. 440. U.S.C., p. 115. Vol. 12, p. 503. U.S.C., p. 111.

To carry into effect the provisions of an Act approved March 2, 1887 (U.S.C., title 7, secs. 362, 363, 365, 368, 377–379), entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July 2, 1862 (U.S.C., title 7, secs. 301–308), and of the Acts supplementary thereto", the sums apportioned to the several States, to be paid quarterly in advance, $720,000.

Allotment of additional appropriations. Vol. 34, p. 63. U.S.C., p. 115.

To carry into effect the provisions of an Act approved March 16, 1906 (U.S.C., title 7, sec. 369), entitled "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof", and Acts supplementary thereto, the sums apportioned to the several States to be paid quarterly in advance, $720,000.

Further allotments. Vol. 43, p. 970. U.S.C., p. 115.

To carry into effect the provisions of an Act entitled "An Act to authorize the more complete endowment of agricultural experiment stations", approved February 24, 1925 (U.S.C., title 7, secs. 361, 366, 370, 371, 373–376, 380, 382), $2,880,000.

Extending benefits to Hawaii. Vol. 45, p. 571. U.S.C., Supp. VII, p. 62.

Hawaii: To carry into effect the provisions of an Act entitled "An Act to extend the benefits of certain Acts of Congress to the Territory of Hawaii", approved May 16, 1928 (U.S.C., Supp. VI, title 7, secs. 386–386b), $28,000.

Extension work in Alaska. Vol. 45, p. 1256. U.S.C., Supp. VII, p. 62.

Alaska: To carry into effect the provisions of an Act entitled "An Act to extend the benefits of the Hatch Act and the Smith-Lever Act to the territory of Alaska," approved February 23, 1929 (U.S.C., Supp. VI, title 7, sec. 386c), $15,000.

Puerto Rico: To carry into effect the provisions of an Act entitled "An Act to coordinate the agricultural experiment station work and to extend the benefits of certain Acts of Congress to the Territory of Puerto Rico", approved March 4, 1931 (U.S.C., Supp. VI, title 7, secs. 386d–386f), $25,000.

Extending benefits to Puerto Rico. Vol. 46, p. 1520. U.S.C., Supp. VII, p. 62.

In all, payments to States, Hawaii, Alaska, and Puerto Rico for agricultural experiment stations, $4,388,000.

Salaries and expenses.

SALARIES AND GENERAL EXPENSES

To enable the Secretary of Agriculture to enforce the provisions of the Acts approved March 2, 1887 (U.S.C., title 7, secs. 362, 363, 365, 368, 377–379), March 16, 1906 (U.S.C., title 7, secs. 369, 375), February 24, 1925 (U.S.C., title 7, secs. 361, 366, 370, 371, 373–376, 380, 382), May 16, 1928 (U.S.C., Supp. VI, title 7, secs. 386–386b), February 23, 1929 (U.S.C., Supp. VI, title 7, sec. 386c), and March 4, 1931 (U.S.C., Supp. VI, title 7, secs. 386d–386f), and Acts amendatory or supplementary thereto, relative to their administration and for the administration of agricultural experiment stations in Hawaii and Puerto Rico, including the employment of clerks, assistants, and other persons in the city of Washington and elsewhere, freight and express charges, official traveling expenses, office fixtures, supplies, apparatus, telegraph and telephone service, gas, electric current, and rent outside of the District of Columbia, $137,125; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above Acts, ascertain whether the expenditures are in accordance with their provisions, coordinate the work of the Department of Agriculture with that of the State agricultural colleges and experiment stations in the lines authorized in said Acts, and make report thereon to Congress.

Administration of stations, etc. Vol. 24, p. 440; Vol. 34, p. 63; Vol. 43, p. 970; Vol. 45, pp. 571, 1256; Vol. 46, p. 1520. U.S.C., p. 115; Supp. VII, p. 62.

Territorial and insular possessions.

Outside rent.

Annual financial statements, forms.

Insular experiment stations: To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Hawaii and Puerto Rico, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, $64,977, as follows: $31,162 for Hawaii, and $33,815 for Puerto Rico; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Hawaii and Puerto Rico, and the amount obtained from the sale thereof shall be covered into the Treasury of the United States as miscellaneous receipts.

Insular experiment stations.

Allotments.

Sale of products; use of receipts.

In all, salaries and expenses, $202,102.

Total, Office of Experiment Stations, $4,590,102, of which amount not to exceed $126,792 may be expended for personal services in the District of Columbia, and not to exceed $750 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

Vehicles for field work.

EXTENSION SERVICE

Extension Service.

PAYMENTS TO STATES, HAWAII, AND ALASKA

For cooperative agricultural extension work, to be allotted, paid, and expended in the same manner, upon the same terms and conditions, and under the same supervision as the additional appropriations made by the Act of May 8, 1914 (U.S.C., title 7, secs. 341–348), entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July 2, 1862 (U.S.C.,

Cooperative extension work allotments.

Vol. 38, p. 372; Vol. 45, pp. 571, 711. U.S.C., p. 114; Supp. VII, p. 61.

title 7, secs. 301–308), and of Acts supplementary thereto, and the United States Department of Agriculture", $1,580,000; and all sums appropriated by this Act for use for demonstration or extension work within any State shall be used and expended in accordance with plans mutually agreed upon by the Secretary of Agriculture and the proper officials of the college in such State which receives the benefits of said Act of May 8, 1914: *Provided*, That of the above appropriation not more than $300,000 shall be expended for purposes other than salaries of county agents.

Use as mutually agreed upon.

Proviso. County agents.

To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act entitled 'An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts', approved July 2, 1862 (U.S.C., title 7, secs. 301–308), and all Acts supplementary thereto, and the United States Department of Agriculture", approved May 22, 1928 (U.S.C., Supp. VI, title 7, secs. 343a, 343b), $1,480,000.

Further cooperation with State colleges. Vol. 12, p. 503; Vol. 38, p. 372; Vol. 45, p. 711. U.S.C., p. 111; Supp. VII, p. 61.

Alaska: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska", approved February 23, 1929 (U.S.C., Supp. VI, title 7, sec. 386c), $12,000.

Extension work in Alaska. Vol. 45, p. 1256. U.S.C., Supp. VII, p. 62.

Additional cooperative agricultural extension work: For additional cooperative agricultural extension work, including employment of specialists in economics and marketing, to be allotted and paid by the Secretary of Agriculture to the several States and the Territory of Hawaii in such amounts as he may deem necessary to accomplish such purposes, $1,000,000.

Additional cooperative extension work.

In all, payments to States, Hawaii, and Alaska for agricultural extension work, $4,072,000.

SALARIES AND GENERAL EXPENSES

General administrative expenses: For necessary expenses for general administrative purposes, including personal services in the District of Columbia, $12,426.

Administrative expenses.

Farmers' cooperative demonstration work: For farmers' cooperative demonstration work, including special suggestions of plans and methods for more effective dissemination of the results of the work of the Department of Agriculture and the agricultural experiment stations and of improved methods of agricultural practice, at farmers' institutes and in agricultural instruction, and for such work on Government reclamation projects, and for personal services in the city of Washington and elsewhere, supplies, and all other necessary expenses, $684,648: *Provided*, That the expense of such service shall be defrayed from this appropriation and such cooperative funds as may be voluntarily contributed by State, county, and municipal agencies, associations of farmers, and individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State.

Farmers' cooperative work.

Proviso. Voluntary contributions within State accepted.

Agricultural exhibits at fairs: To enable the Secretary of Agriculture to make suitable agricultural exhibits at State, interstate, and international fairs held within the United States; for the purchase of necessary supplies and equipment; for telephone and telegraph service, freight and express charges; for travel, and for every other expense necessary, including the employment of assistance in or outside the city of Washington, $66,510.

Agricultural exhibits at fairs.

Cooperative farm forestry: For cooperation with appropriate officials of the various States or with other suitable agencies to assist the owners of farms in establishing, improving, and renewing wood lots, shelter belts, windbreaks, and other valuable forest growth, and in growing and renewing useful timber crops under the provisions of section 5 of the Act entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor", approved June 7, 1924 (U.S.C., title 16, secs. 564–570, including personal services in the District of Columbia, $51,354.

Cooperative farm forestry.

Wood lots, etc.

Timber crops.

Vol. 43, p. 654. U.S.C., p. 427.

In all, salaries and expenses, $814,938, of which amount not to exceed $405,946 may be expended for personal services in the District of Columbia.

Services in the District.

Total, Extension Service, $4,886,938.

Grand total, office of the Secretary of Agriculture, $11,225,567.

WEATHER BUREAU

Weather Bureau.

SALARIES AND GENERAL EXPENSES

General expenses.

For carrying into effect in the District of Columbia and elsewhere in the United States, in the West Indies, in the Panama Canal, the Caribbean Sea, and on adjacent coasts, in the Hawaiian Islands, in Bermuda, and in Alaska the provisions of an Act approved October 1, 1890 (U.S.C., title 15, secs. 311–313, 317), so far as they relate to the weather service transferred thereby to the Department of Agriculture, and the amendment thereof contained in section 5 (e) of the Air Commerce Act of 1926 (U.S.C., Supp. VI, title 15, sec. 313), for the employment of professors of meteorology, district forecasters, local forecasters, meteorologists, section directors, observers, apprentices, operators, skilled mechanics, instrument makers, foremen, assistant foremen, proofreaders, compositors, pressmen, lithographers, folders and feeders, repair men, station agents, messengers, messenger boys, laborers, special observers, display men, and other necessary employees; for fuel, gas, electricity, freight and express charges, furniture, stationary,[1] ice, dry goods, twine, mats, oil, paints, glass, lumber, hardware, and washing towels; for advertising; for purchase, subsistence, and care of horses and vehicles, the purchase and repair of harness, for official purposes only; for instruments, shelters, apparatus, storm-warning towers and repairs thereto; for rent of offices; for repair, alterations, and improvements to existing buildings and care and preservation of grounds, including the construction of necessary outbuildings and sidewalks on public streets, abutting Weather Bureau grounds; and the erection of temporary buildings for living quarters of observers; for official traveling expenses; for telephone rentals, and for telegraphing, telephoning, and cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreement with the companies performing the service; for the maintenance and repair of Weather Bureau telegraph, telephone, and cable lines; and for every other expenditure required for the establishment, equipment, and maintenance of meteorological offices and stations and for the issuing of weather forecasts and warnings of storms, cold waves, frosts, and heavy snows, the gaging and measuring of the flow of rivers and the issuing of river forecasts and warnings; for observations and reports relating to crops, and for other necessary observations and reports,

Classification of.

Vol. 26, p. 653. U.S.C., p. 381.

Air Service reports.

Vol. 44, p. 571. U.S.C., Supp. VII, p. 262.

Personal services.

Contingent expenses.

Telegraphing, etc.

Issuing forecasts and warnings.

[1] So in original.

Cooperation with other bureaus, etc.

including cooperation with other bureaus of the Government and societies and institutions of learning for the dissemination of meteorological information as follows:

Chief of bureau, and office personnel.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, $112,857.

General weather service and research.

General weather service and research: For necessary expenses incident to collecting and disseminating meteorological, climatological, and marine information, and for investigations in meteorology, climatology, seismology, evaporation, and aerology in the District of Columbia and elsewhere, including $3,815 for investigations of the relationship of weather conditions to forest fires, under section 6 of the Act approved May 22, 1928 (U.S.C., Supp. VI, title 16, sec. 581e), $1,806,519, of which not to exceed $800 may be expended for the contribution of the United States to the cost of the office of the secretariat of the International Meteorological Committee, and not to exceed $10,000 may be expended for the maintenance of a printing office in the city of Washington for the printing of weather maps, bulletins, circulars, forms, and other publications: *Provided*, That no printing shall be done by the Weather Bureau that can be done at the Government Printing Office without impairing the service of said Bureau.

Weather relationship to forest fires.
Vol. 45, p. 701.
U.S.C., Supp. VII, p. 327.
International Meteorological Committee.

Proviso.
Printing restriction.

Horticultural protection.

Horticultural protection: For investigations, observations, and reports, forecasts, warnings, and advices for the protection of horticultural interests, $31,857.

Aerological stations.

Aerology: For the maintenance of stations for observing, measuring, and investigating atmospheric phenomena, including salaries and other expenses, in the city of Washington and elsewhere, $1,081,059.

Total, Weather Bureau, $3,032,292, of which amount not to exceed $420,850 may be expended for personal services in the District of Columbia.

Animal Industry Bureau.

BUREAU OF ANIMAL INDUSTRY

SALARIES AND GENERAL EXPENSES

General expenses.
Vol. 23, p. 31.
U.S.C., pp. 117, 631.
Vol. 26, p. 833.
U.S.C., p. 1444.
Vol. 26, p. 414; Vol. 32, p. 791.
U.S.C., pp. 630, 631, 632.

For carrying out the provisions of the Act approved May 29, 1884 (U.S.C., title 7, sec. 391; title 21, secs. 112–119, 130), establishing a Bureau of Animal Industry, and the provisions of the Act approved March 3, 1891 (U.S.C., title 45, secs. 75, 76), providing for the safe transport and humane treatment of export cattle from the United States to foreign countries, and for other purposes; the Act approved August 30, 1890 (U.S.C., title 21, secs. 101–105), providing for the importation of animals into the United States, and for other purposes; and the provisions of the Act approved February 2, 1903 (U.S.C., title 21, secs. 111–113, 120–122), to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of livestock, and for other purposes; and also the provisions of the Act approved March 3, 1905 (U.S.C., title 21, secs. 123–128), to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other livestock therefrom, and for other purposes; and for carrying out the provisions of the Act of June 29, 1906 (U.S.C., title 45, secs. 71–74), entitled "An Act to prevent cruelty to animals while in transit by railroad or other means of transportation"; and for carrying out the provisions of the Act approved March 4, 1913 (U.S.C., title 21, secs. 151–158), regulating the preparation, sale, barter, exchange, or shipment of any virus, serum, toxin, or analogous products manu-

Contagious diseases.
Vol. 33 p. 1264.
U.S.C., p. 633.

Cattle quarantine.

Twenty-eight hour law.
Vol. 34, p. 607.
U.S.C., p. 1444.

Animal viruses, etc.
Vol. 37 p. 832
U.S.C., p. 634.

factured in the United States and the importation of such products intended for use in the treatment of domestic animals; and for carrying out the provisions of the Packers and Stockyards Act, approved August 15, 1921 (U.S.C., title 7, secs. 181–229); and to enable the Secretary of Agriculture to collect and disseminate information concerning livestock and animal products; to prepare and disseminate reports on animal industry; to employ and pay from the apropriation [1] herein made as many persons in the city of Washington or elsewhere as he may deem necessary; to purchase in the open market samples of all tuberculin, serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States, for the detection, prevention, treatment, or cure of diseases of domestic animals, to test the same, and to disseminate the results of said tests in such manner as he may deem best; to purchase and destroy diseased or exposed animals, including poultry, or quarantine the same whenever in his judgment essential to prevent the spread of pleuropneumonia, tuberculosis, contagious poultry diseases, or other diseases of animals from one State to another, as follows:

Packers and Stockyards Act. Vol. 42, p. 159. U.S.C., p. 102.

Collecting, etc., livestock information.

Pay of employees.

Tuberculin, serums, etc.

Purchase and destruction of diseased animals.

Pleuropneumonia, etc.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, $162,185.

Chief of bureau, and office personnel.

Inspection and quarantine: For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of livestock, and the inspection of vessels, the execution of the twenty-eight hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and repairs, alterations, improvements, or additions to buildings thereon; the inspection work relative to the existence of contagious diseases, and the mallein testing of animals, $622,090.

Inspection and quarantine work.

Eradicating tuberculosis: For investigating the diseases of tuberculosis and paratuberculosis of animals, and avian tuberculosis, for their control and eradication, for the tuberculin testing of animals, and for researches concerning the causes of the diseases, their modes of spread, and methods of treatment and prevention, including demonstrations, the formation of organizations, and such other means as may be necessary, either independently or in cooperation with farmers, associations, or State, Territory, or county authorities, $4,042,179, of which $1,042,179 shall be set aside for administrative and operating expenses and $3,000,000 for the payment of indemnities: *Provided*, That in carrying out the purpose of this appropriation, if in the opinion of the Secretary of Agriculture it shall be necessary to condemn and destroy tuberculous or paratuberculous cattle, if such animals have been destroyed, condemned, or die after condemnation, he may, in his discretion, and in accordance with such rules and regulations as he may prescribe, expend in the city of Washington or elsewhere such sums as he shall determine to be necessary, within the limitations above provided, for the payment of indemnities, for the reimbursement of owners of such animals, in cooperation with such States, Territories, counties, or municipalities, as shall by law or by suitable action in keeping with its authority in the matter, and by rules and regulations adopted and enforced in pursuance thereof, provide inspection of tuberculous or paratuberculous cattle and for compensation to owners of cattle so condemned, but no part of the money hereby appropriated shall be

Eradicating tuberculosis.

Methods, etc.

Provisos.
Indemnities for animals destroyed.

Cooperation with States, etc.

[1] So in original.

used in compensating owners of such cattle except in cooperation with and supplementary to payments to be made by State, Territory, county, or municipality where condemnation of such cattle shall take place, nor shall any payment be made hereunder as compensation for or on account of any such animal if at the time of inspection or test, or at the time of condemnation thereof, it shall belong to or be upon the premises of any person, firm, or corporation to which it has been sold, shipped, or delivered for the purpose of being slaughtered: *Provided further*, That out of the money hereby appropriated no payment as compensation for any cattle condemned for slaughter shall exceed one third of the difference between the appraised value of such cattle and the value of the salvage thereof; that no payment hereunder shall exceed the amount paid or to be paid by the State, Territory, county, and municipality where the animal shall be condemned; that in no case shall any payment hereunder be more than $25 for any grade animal or more than $50 for any purebred animal, and that no payment shall be made unless the owner has complied with all lawful quarantine regulations.

Restriction on payments.

Eradicating cattle ticks.

Eradicating cattle ticks: For all necessary expenses for the eradication of southern cattle ticks, $562,007, of which $150,000 shall be immediately available: *Provided*, That, except upon the written order of the Secretary of Agriculture, no part of this appropriation shall be used for the purchase of animals or in the purchase of materials for or in the construction of dipping vats upon land not owned solely by the United States, except at fairs or expositions where the Department of Agriculture makes exhibits or demonstrations; nor shall any part of this appropriation be used in the purchase of materials or mixtures for use in dipping vats except in experimental or demonstration work carried on by the officials or agents of the Bureau of Animal Industry.

Proviso.
Limitation on purchases.

Animal husbandry.

Feeding, breeding, etc., experiments.

Animal husbandry: For all necessary expenses for investigations and experiments in animal husbandry; for experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations and other agencies, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all other necessary expenses, $592,675, including $12,500 for livestock experiments and demonstrations at Big Springs and/or elsewhere in Texas, to be available only when the State of Texas, or other cooperating agency in Texas shall have appropriated an equal amount or, in the opinion of the Secretary of Agriculture, shall have furnished its equivalent in value in cooperation for the same purpose during the fiscal year ending June 30, 1935: *Provided*, That of the sum thus appropriated $148,430 may be used for experiments in poultry feeding and breeding.

Big Springs, Tex., demonstrations, etc.

Condition.

Proviso.
Poultry feeding, etc.

Animal disease investigations.
Beltsville, Md.

Bethesda, Md., station.

Diseases of animals: For all necessary expenses for scientific investigations of diseases of animals, including the construction of necessary buildings at Beltsville, Maryland, the maintenance of the bureau experiment station at Bethesda, Maryland, and the necessary expenses for investigations of tuberculin, serums, antitoxins, and analogous products, $336,949: *Provided*, That of said sum $68,480 may be used for researches concerning the cause, modes of spread, and methods of treatment and prevention of the disease of contagious abortion of animals.

Proviso.
Contagious abortion of animals.

Hog cholera investigations, etc.

Eradicating hog cholera: For investigating the disease of hog cholera and related swine diseases, and for their control or eradication by such means as may be necessary, including demonstrations, the formation of organizations, and other methods, either inde-

pendently or in cooperation with farmers' associations, State or county authorities, $340,515: *Provided*, That of said sum $198,263 shall be available for expenditure in carrying out the provisions of the Act approved March 4, 1913 (U.S.C., title 21, secs. 151–158), regulating the preparation, sale, barter, exchange, or shipment of any virus, serum, toxin, or analogous product manufactured in the United States and the importation of such products intended for use in the treatment of domestic animals: *Provided further*, That of said sum $25,520 shall be available for researches concerning the cause, modes of spread, and methods of treatment and prevention of these diseases.

Provisos.
Regulating trade in viruses, etc.
Vol. 37, p. 832.
U.S.C., p. 634.

Pathological researches.

Eradicating dourine: For all necessary expenses for the investigation, treatment, and eradication of dourine, $7,871.

Eradicating dourine.

Packers and Stockyards Act: For necessary expenses in carrying out the provisions of the Packers and Stockyards Act, approved August 15, 1921 (U.S.C., title 7, secs. 181–229), $307,493: *Provided*, That the Secretary of Agriculture may require reasonable bonds from every market agency and dealer, under such rules and regulations as he may prescribe to secure the performance of their obligations, and whenever, after due notice and hearing, the Secretary finds any registrant is insolvent or has violated any provisions of said Act he may issue an order suspending such registrant for a reasonable specified period. Such order of suspension shall take effect within not less than five days, unless suspended or modified or set aside by the Secretary of Agriculture or a court of competent jurisdiction: *Provided further*, That the Secretary of Agriculture may, whenever necessary, authorize the charging and collection from owners of a reasonable fee for the inspection of brands appearing upon livestock subject to the provisions of the said Act for the purpose of determining the ownership of such livestock: *Provided further*, That such fee shall not be imposed except upon written request made to the Secretary of Agriculture by the Board of Livestock Commissioners, or duly organized livestock association of the States from which such livestock have originated or been shipped to market.

Packers and Stockyards Act.
Vol. 42, p. 159.
U.S.C., p. 102.
Provisos.
Bonds from agencies and dealers.

Suspension for violation.

Fee for inspecting brands.

Not imposed unless requested.

In all, salaries and expenses, $6,973,964.

MEAT INSPECTION

Meat inspection.

For additional expenses in carrying out the provisions of the Meat Inspection Act of June 30, 1906 (U.S.C., title 21, sec. 95), as amended by the Act of March 4, 1907 (U.S.C., title 21, secs. 71–94), and as extended to equine meat by the Act of July 24, 1919 (U.S.C., title 21, sec. 96), including the purchase of tags, labels, stamps, and certificates printed in course of manufacture, $1,828,823.

Additional expenses.
Vol. 34, pp. 674, 1260.
U.S.C., p. 630.
Equine meat.
Vol. 41, p. 241.
U.S.C., p. 630.

ERADICATION OF FOOT-AND-MOUTH AND OTHER CONTAGIOUS DISEASES OF ANIMALS

Contagious diseases of animals.

In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals, which, in the opinion of the Secretary of Agriculture, threatens the livestock industry of the country, he may expend, in the city of Washington or elsewhere, any unexpended balances of appropriations heretofore made for this purpose in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has

Emergency, eradicating foot-and-mouth, etc., diseases.

Use of balances.

Payment for destroyed animals.

Provisos. Appraisement based on meat, etc., value.

complied with all lawful quarantine regulations: *Provided*, That the payment for animals hereafter purchased may be made on appraisement based on the meat, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any animal shall exceed three times its meat or dairy value, and, except in case of an extraordinary emergency, to be determined by the Secretary of Agriculture, the payment by the United States Government for any animals shall not exceed one half of any such appraisements: *Provided further*, That the sum of $5,000 of the unexpended balance of the appropriation of $3,500,000, contained in the Second Deficiency Appropriation Act, fiscal year 1924, approved December 5, 1924, for the eradication of the foot-and-mouth disease and other contagious or infectious diseases of animals, is hereby made available during the fiscal year 1935 to enable the Secretary of Agriculture to control and eradicate the European fowl pest and similar diseases in poultry.

Eradicating European fowl pest. Vol. 43, p. 682.

Services in the District.

Vehicles.

Total, Bureau of Animal Industry, $8,802,787, of which amount not to exceed $712,970 may be expended for departmental personal services in the District of Columbia, and not to exceed $48,480 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

Dairy Industry Bureau.

BUREAU OF DAIRY INDUSTRY

General expenses.

SALARIES AND GENERAL EXPENSES

Investigations, etc. Vol. 43, p. 243. U.S.C., p. 117.

For carrying out the provisions of the Act approved May 29, 1924 (U.S.C., title 7, secs. 401–404), establishing a Bureau of Dairying, for salaries in the city of Washington and elsewhere, and for all other necessary expenses, as follows:

Chief of bureau, and office personnel.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of the chief of bureau and other personal services in the District of Columbia, $56,514.

Investigations, demonstrations, etc.

Dairy investigations: For conducting investigations, experiments, and demonstrations in dairy industry, cooperative investigations of the dairy industry in the various States, and inspection of renovated-butter factories, including repairs to buildings, not to exceed $5,000 for the construction of buildings, $503,348.

Services in the District.

Total, Bureau of Dairy Industry, $559,862, of which amount not to exceed $282,862 may be expended for personal services in the District of Columbia.

Plant Industry Bureau.

BUREAU OF PLANT INDUSTRY

General expenses.

SALARIES AND GENERAL EXPENSES

Investigating fruits, plants, products, etc.

For all necessary expenses in the investigation of fruits, fruit trees, grain, cotton, tobacco, vegetables, grasses, forage, drug, medicinal, poisonous, fiber, and other plants and plant industries in cooperation with other branches of the department, the State experiment stations, and practical farmers, and for the erection of necessary farm buildings: *Provided*, That the cost of any building erected shall not exceed $1,500; for field and station expenses, including fences, drains, and other farm improvements; for repairs in the District of Columbia and elsewhere; for rent outside of the District of Columbia; and for the employment of all investigators, local and special agents, agricultural explorers, experts, clerks, illustrators, assistants, and all labor and other necessary expenses in the city of Washington and

Proviso. Limit for buildings. Field, etc., expenses.

Employment of investigators, etc.

elsewhere required for the investigations, experiments, and demonstrations herein authorized as follows:

Chief of bureau, and office personnel.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, $171,569.

Arlington, Va., farm.

Arlington Farm: For continuing the necessary improvements to establish and maintain a general experiment farm and agricultural station on the Arlington estate, in the State of Virginia, in accordance with the provisions of the Act of Congress approved April 18, 1900 (31 Stat., pp. 135, 136), $44,469: *Provided*, That the limitations in this Act as to the cost of farm buildings shall not apply to this paragraph.

Vol. 31, p. 135.

Proviso. Cost limitation not applicable.

Wild plants and grazing lands.

Botany: For investigation, improvement, and utilization of wild plants and grazing lands, and for determining the distribution of weeds and means of their control, $33,816.

Cereal crops and diseases, improvement, etc.

Cereal crops and diseases: For the investigation and improvement of cereals, including corn, and methods of cereal production and for the study and control of cereal diseases, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broomcorn and methods of broomcorn production, $415,048.

Flax, broomcorn, etc.

Cotton production and diseases.

Cotton production and diseases: For investigation of cotton production, including the improvement by cultural methods, breeding, acclimatization, adaptation, and selection, and for investigation and control of diseases, $173,092.

Drug, etc., plants.

Drug and related plants: For the investigation, testing, and improvement of plants yielding drugs, spices, poisons, oils, and related products and byproducts, $34,101.

Dry land, etc., agriculture.

Dry-land agriculture: For the investigation and improvement of methods of crop production under subhumid, semiarid, or dry-land conditions, $197,945: *Provided*, That no part of this appropriation shall be used for the establishment of any new field station.

Experimental grounds, etc.

Experimental greenhouse maintenance: For maintenance and operation of experimental greenhouses and adjacent experimental grounds and plots, $71,239.

Forage crops and diseases.

Forage crops and diseases: For the purchase, propagation, testing, and distribution of new and rare seeds; for the investigation and improvement of grasses, alfalfa, clover, and other forage crops, including the investigation and control of diseases, $174,596.

Foreign seed and plant introduction.

Foreign plant introduction: For investigations in foreign seed and plant introduction, including the study, collection, purchase, testing, propagation, and distribution of rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries and from our possessions, and for experiments with reference to their introduction and cultivation in this country, $218,297, of which $20,000 shall be immediately available.

Rare, etc., seeds.

Forest pathology.

Forest pathology: For the investigation of diseases of forest and ornamental trees and shrubs, including a study of the nature and habits of the parasitic fungi causing the chestnut-tree bark disease, the white-pine blister rust, and other epidemic tree diseases, for the purpose of discovering new methods of control and applying methods of eradication or control already discovered, and including $117,600 for investigations of diseases of forest trees and forest products, under section 3 of the Act approved May 22, 1928 (U.S.C., Supp. VI, title 16, sec. 581b), $237,066.

Vol. 45, p. 701. U.S.C., Supp. VII, p. 327.

Fruit and vegetable crops and diseases.

Fruit and vegetable crops and diseases: For investigation and control of diseases, for improvement of methods of culture, propagation, breeding, selection, and related activities concerned with the production of fruits, nuts, vegetables, ornamentals, and related

plants, for investigation of methods of harvesting, packing, shipping, storing, and utilizing these products, and for studies of the physiological and related changes of such products during processes of marketing and while in commercial storage, $990,936.

Genetics and biophysics, investigations.

Genetics and biophysics: For biophysical investigations in connection with the various lines of work herein authorized, $28,753.

Plant disease survey, etc.

Mycology and disease survey: For mycological collections and the maintenance of a plant-disease survey, $39,342.

National Arboretum. Vol. 44, p. 1422. U.S.C., Supp. VII, p. 461.

National Arboretum: For the maintenance of the National Arboretum established under the provisions of the Act entitled "An Act authorizing the Secretary of Agriculture to establish a National Arboretum, and for other purposes", approved March 4, 1927 (U.S.C., Supp. VI, title 20, secs. 191–194), including the erection of buildings, salaries in the city of Washington and elsewhere, traveling expenses of employees and advisory council, and other necessary expenses, $4,146, of which such amounts as may be necessary may

Landscape architects.

be expended by contract or otherwise for the services of consulting landscape architects without reference to the Classification Act of 1923, as amended, or civil service rules.

Nematology.

Nematology: For crop technological investigations, including the study of plant-infesting nematodes, $40,327.

Plant nutrition.

Plant nutrition: For plant-nutrition investigations, $14,660.

Rubber, fiber, and other tropical plants.

Rubber, fiber, and other tropical plants: For investigation of crops introduced from tropical regions, and for the improvement of rubber, abaca, and other fiber plants by cultural methods, breeding, acclimatization, adaptation, and selection, and for investigation of their diseases, and for determining the feasibility of increasing the production of hard fibers outside of the continental United States, $60,035.

Seed investigations. Testing commercial seeds and grasses.

Seed investigations: For studying and testing commercial seeds, including the testing of samples of seeds of grasses, clover, or alfalfa, and lawn-grass seeds secured in the open market, and where such samples are found to be adulterated or misbranded the results of

Preventing admission, etc. Vol. 37, p. 506; Vol. 44, p. 325. U.S.C., p. 95; Supp. VII, p. 57.

the tests shall be published, together with the names of the persons by whom the seeds were offered for sale, and for carrying out the provisions of the Act approved August 24, 1912 (U.S.C., title 7, secs. 111–114), entitled "An Act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes", $61,509: *Provided*, That not

Proviso. International Seed Testing Congress.

to exceed $250 of this amount may be used for meeting the share of the United States in the expenses of the International Seed Testing Congress in carrying out plans for correlating the work of the various adhering governments on problems relating to seed analysis or other subjects which the congress may determine to be necessary in the interest of international seed trade.

Sugar Plant investigations.

Sugar-plant investigations: For sugar-plant investigations, including studies of diseases and the improvement of sugar beets and sugar beet seed, $295,303.

Tobacco investigations.

Tobacco investigations: For the investigation and improvement of tobacco and the methods of tobacco production and handling, $69,245.

Western irrigation agriculture. Utilizing reclaimed lands.

Western irrigation agriculture: For investigations in connection with western irrigation agriculture, the utilization of lands reclaimed under the Reclamation Act, and other areas in the arid and semiarid regions, $100,848, and in addition thereto $12,000 of the unexpended balance for this purpose for the fiscal year 1933 is continued available for the same purpose for the fiscal year 1935.

Services in the District.

Total, Bureau of Plant Industry, $3,476,342, of which amount not to exceed $1,435,137 may be expended for personal services in the District of Columbia and not to exceed $3,750 shall be available

for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia. Vehicles.

FOREST SERVICE

Forest Service.

SALARIES AND GENERAL EXPENSES

General expenses.

To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water-supply or sanitary system and of connecting the same with any such building, and exclusive of the cost of any tower upon which a lookout house may be erected, shall not exceed $2,500; to pay all expenses necessary to protect, administer, and improve the national forests, including tree planting in the forest reserves to prevent erosion, drift, surface wash, and soil waste and the formation of floods, and including the payment of rewards under regulations of the Secretary of Agriculture for information leading to the arrest and conviction for violation of the laws and regulations relating to fires in or near national forests, or for the unlawful taking of, or injury to, Government property; to ascertain the natural conditions upon and utilize the national forests, to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests in the city of Washington and elsewhere; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase necessary supplies, apparatus, office fixtures, law books, reference and technical books and technical journals for officers of the Forest Service stationed outside of Washington, and for medical supplies and services and other assistance necessary for the immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest Service: *Provided further*, That the appropriations for the work of the Forest Service shall be available for meeting the expenses of warehouse maintenance and the procurement, care, and handling of supplies and materials stored therein for distribution to projects under the supervision of the Forest Service and for sale and distribution to other Government activities, the cost of such supplies and materials, including the cost of supervision, transportation, and handling, to be reimbursed to appropriations current at the time additional supplies and materials are procured for warehouse stocks from the appropriations chargeable with the cost of stock issued; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, and washing towels, and official traveling and other necessary expenses, including traveling expenses for legal and fiscal officers while performing Forest Service work; and for rent outside of the District of Columbia, as follows:

Experiments, etc.

Restricted to United States.

Provisos.
Cost of buildings.

Protecting, etc., national forests.

Care of fish and game.

Supplies, etc.

Warehouse maintenance.

Outside rent.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of the Chief Forester and other personal services in the District of Columbia, $258,092.

Chief Forester and office personnel.

National forests.

NATIONAL FOREST ADMINISTRATION

Forest supervisors, rangers, guards, etc.

For the employment of forest supervisors, deputy forest supervisors, forest rangers, forest guards, and administrative clerical assistants on the national forests, and for additional salaries and field-station expenses, including the maintenance of nurseries, collecting seed, and planting, necessary for the use, maintenance, improvement, and protection of the national forests, and of additional national forests created or to be created under section 11 of the Act of March 1, 1911 (U.S.C., title 16, sec. 521), and under the Act of June 7, 1924 (U.S.C., title 16, secs. 471, 499, 505, 564–570), and lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted for the purposes of said Acts, and for necessary miscellaneous expenses incident to the general administration of the Forest Service and of the national forests:

Vol. 36, p. 963; Vol. 43, p. 653; U.S.C., pp. 418–428.

Expenses allotted.

Proviso.
Care of graves of fire-fighters.

In national forest region 1, Montana, Washington, Idaho, and South Dakota, $984,763: *Provided*, That the Secretary of Agriculture is authorized to use not to exceed $200 in caring for the graves of fire fighters buried at Wallace, Idaho; Newport, Washington; and Saint Maries, Idaho;

Proviso.
Long-horned cattle, Wichita National Forest.

In national forest region 2, Colorado, Wyoming, South Dakota, Nebraska, and Oklahoma, $554,655: *Provided*, That not to exceed $1,000 of this appropriation may be expended for the maintenance of the herd of long-horned cattle on the Wichita National Forest;

In national forest region 3, Arizona and New Mexico, $566,390;

In national forest region 4, Utah, Idaho, Wyoming, Nevada, and Colorado, $764,409;

In national forest region 5, California and Nevada, $1,038,069;

In national forest region 6, Washington, Oregon, and California, $1,030,164;

In national forest region 7, Arkansas, Alabama, Florida, Georgia, South Carolina, North Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, New Hampshire, Maine, Puerto Rico, Kentucky, Louisiana, Mississippi, Oklahoma, Texas, and Vermont, $438,488;

In national forest region 8, Alaska, $100,032;

In national forest region 9, Michigan, Minnesota, Illinois, Iowa, Missouri, and Wisconsin, $141,383;

Aggregate.

Provisos.
Interchangeable funds for fire protection.

In all, for the use, maintenance, improvement, protection, and general administration of the national forests, $5,618,353: *Provided*, That the foregoing amounts appropriated for such purposes shall be available interchangeably in the discretion of the Secretary of Agriculture for the necessary expenditures for fire protection and other unforeseen exigencies: *Provided further*, That the amounts so interchanged shall not exceed in the aggregate 10 per centum of all the amounts so appropriated.

Limitation.

Fighting forest fires.

Fighting forest fires: For fighting and preventing forest fires on or threatening the national forests and for the establishment and maintenance of a patrol to prevent trespass and to guard against and check fires upon the lands revested in the United States by the Act approved June 9, 1916 (39 Stat., p. 218), and the lands known as the Coos Bay Wagon Road lands involved in the case of Southern Oregon Company against United States (numbered 2711), in the Circuit Court of Appeals of the Ninth Circuit, $100,000, which amount shall be immediately available.

Revested Oregon-California lands, etc.
Vol. 39, p. 218.
Coos Bay Wagon Road lands.

Classification of lands for homestead entries, etc.

Classification of lands: For the selection, classification, and segregation of lands within the boundaries of national forests that may be opened to homestead settlement and entry under the homestead laws applicable to the national forests; for the examination and appraisal

of lands in effecting exchanges authorized by law and for the survey thereof by metes and bounds or otherwise, by employees of the Forest Service, under the direction of the Commissioner of the General Land Office; and for the survey and platting of certain lands, chiefly valuable for agriculture, now listed or to be listed within the national forests, under the Act of June 11, 1906 (U.S.C., title 16, secs. 506–509), the Act of August 10, 1912 (U.S.C., title 16, sec. 506), and the Act of March 3, 1899 (U.S.C., title 16, sec. 488), as provided by the Act of March 4, 1913 (U.S.C., title 16, sec. 512), $30,910.

Surveying, etc., agricultural lands in national forests.
Vol. 30, p. 1097; Vol. 34, p. 233; Vol. 37, pp. 287, 842.
U.S.C., pp. 421–424.

FOREST RESEARCH

Forest research.

For forest research in accordance with the provisions of sections 1, 2, 7, 8, 9, and 10 of the Act entitled "An Act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects", approved May 22, 1928 (U.S.C., Supp. VI, title 16, secs. 581, 581a, 581f–581i), as follows:

Development of timber, etc.
Vol. 45, p. 699.
U.S.C., Supp. VII, p. 326.

Forest management: Fire, silvicultural, and other forest investigations and experiments under section 2, at forest experiment stations or elsewhere, $392,810.

Forest management.
Vol. 45, p. 700.

Range investigations: Investigations and experiments to develop improved methods of management of forest and other ranges under section 7, at forest or range experiment stations or elsewhere, $81,025.

Management of ranges, etc.
Vol. 45, p. 701.

Forest products: Experiments, investigations, and tests of forest products under section 8, at the Forest Products Laboratory, or elsewhere, $459,725.

Forest products experiments.
Vol. 45, p. 701.

Forest economics: Investigations in forest economics under section 10, $48,493.

Forest economics.
Vol. 45, p. 702.

In all, salaries and expenses, $6,989,408; and in addition thereto there are hereby appropriated all moneys received as contributions toward cooperative work under the provisions of section 1 of the Act approved March 3, 1925 (U.S.C., title 16, sec. 572), which funds shall be covered into the Treasury and constitute a part of the special funds provided by the Act of June 30, 1914 (U.S.C., title 16, sec. 498): *Provided*, That not to exceed $397,240 may be expended for departmental personal services in the District of Columbia: *Provided further*, That not to exceed $1,000 may be expended for the contribution of the United States to the cost of the office of the secretariat of the International Union of Forest Research Stations.

Aggregate; additional, from cooperative forest fund contributions.
Vol. 43, p. 1132.
U.S.C., p. 428.

Vol. 38, p. 430.
U.S.C., p. 422.
Provisos.
Services in the District.
International Union of Forest Research Stations, contribution.

FOREST-FIRE COOPERATION

Forest fire prevention.

For cooperation with the various States or other appropriate agencies in forest-fire prevention and suppression and the protection of timbered and cut-over lands in accordance with the provisions of sections 1, 2, and 3 of the Act entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote continuous production of timber on lands chiefly valuable therefor", approved June 7, 1924 (U.S.C., title 16, secs. 564–570), as amended, including also the study of the effect of tax laws and the investigation of timber insurance as provided in section 3

Cooperation with States, etc.
Post, p. 1031.

Vol. 43, p. 653.
U.S.C., p. 427.

Tax laws and timber insurance.

Services in the District.
Supplies and equipment.

of said Act, $1,348,619, of which $23,859 shall be available for departmental personal services in the District of Columbia and not to exceed $1,500 for the purchase of supplies and equipment required for the purposes of said Act in the District of Columbia.

Forest planting stock.

COOPERATIVE DISTRIBUTION OF FOREST PLANTING STOCK

Cooperation with States, etc., in reforestation.

Vol. 43, p. 654.
U.S.C., p. 427.

For cooperation with the various States in the procurement, production, and distribution of forest-tree seeds and plants in establishing windbreaks, shelter belts, and farm wood lots upon denuded or nonforested lands within such cooperating States, under the provisions of section 4 of the Act entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor", approved June 7, 1924 (U.S.C., title 16, sec. 567), and Acts supplementary thereto, $56,296, of which amount not to exceed $1,661 may be expended for departmental personal services in the District of Columbia.

Services in the District.

Vehicles.

Motor vehicles for road construction service.
Vol. 42, p. 217.
U.S.C., pp. 667, 668.

Total, Forest Service, $8,394,323, of which amount not to exceed $32,005 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia, and in addition thereto there is authorized for expenditure from funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (U.S.C., title 23, secs. 21, 23), not to exceed $5,085 for the purchase of motor-propelled passenger-carrying vehicles for use by the Forest Service in the construction and maintenance of national forest roads.

Chemistry and Soils Bureau.

BUREAU OF CHEMISTRY AND SOILS

General expenses.

SALARIES AND GENERAL EXPENSES

Investigations, demonstrations, etc.

Employees, etc.

For all necessary expenses connected with the investigations, experiments, and demonstrations hereinafter authorized, independently or in cooperation with other branches of the Department of Agriculture, other departments or agencies of the Federal Government, States, State agricultural experiment stations, universities and other State agencies and institutions, counties, municipalities, business or other organizations and corporations, individuals, associations, and scientific societies, including the employment of necessary persons and means in the city of Washington and elsewhere; rent outside the District of Columbia, and other necessary supplies and expenses, and for erection, alteration, and repair of buildings outside of the District of Columbia at a total cost not to exceed $5,000, as follows:

Chief of bureau, and office personnel.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, $84,402.

Chemical investigations.
Vol. 12, p. 387.
U.S.C., p. 56.

Biological, etc., investigations.

Agricultural chemical investigations: For conducting the investigations contemplated by the Act of May 15, 1862 (U.S.C., title 5, secs. 511, 512), relating to the application of chemistry to agriculture; for the biological, chemical, physical, microscopical, and technological investigation of foods, feeds, drugs, and insecticides and substances used in the manufacture thereof, including investigations of the physiological effects of such products; for the investigation and development of methods for the manufacture of sugars and sugar sirups and the utilization of new agricultural materials for such

Methods of sugar manufacture, etc.

purposes; for investigation of the action and changes produced by microorganisms, including molds and fungi; for investigation and development of methods for the utilization of agricultural wastes and residues, in cooperation with the Bureau of Standards, Department of Commerce, without duplication of work; for investigation and development of methods for the prevention of heating of agricultural products and the prevention of farm fires and fires in cotton gins, cotton-oil mills, grain elevators, and other structures, and to cooperate with associations and scientific societies in the development of methods of analysis, $304,870.

Utilizing wastes.

Cooperation with scientific societies, etc.

Color investigations: For investigation and experiment in the utilization, for coloring, medicinal, and technical purposes, of raw materials grown or produced in the United States, $63,255.

Utilizing raw materials for colorants.

Insecticide and fungicide investigations: For the investigation and development of methods of manufacturing insecticides and fungicides, and for investigating chemical problems relating to the composition, action, and application of insecticides and fungicides, $87,920.

Insecticide and fungicide investigations.

Plant dust explosions: For the investigation and development of methods for the prevention of grain-dust, smut-dust, and other dust explosions not otherwise provided for and resulting fires, including fires in cotton gins, cotton-oil mills, and grain elevators, $31,612.

Plant dust explosions.

Methods for preventing.

Naval stores investigations: For the investigation and demonstration of improved methods or processes of preparing naval stores, the weighing, handling, transportation, and the uses of same, $57,165.

Naval stores investigations.

Fertilizer investigations: For investigations within the United States of fertilizers, fertilizer ingredients, including phosphoric acid and potash, and other soil amendments and their suitability for agricultural use, $246,071.

Fertilizers.

Soil chemical and physical investigations: For chemical, physical, and physical-chemical investigations of soil types, soil composition, and soil minerals, the soil solution, solubility of soil, and all chemical and physical properties of soils in their relation to soil formation, soil texture, erosibility, and soil productivity, $47,879.

Soil types, composition, etc., investigations.

Soil survey: For the investigation of soils and their origin, for survey of the extent of classes and types, and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations and surveys, $192,391.

Cooperative soil survey.

Soil microbiology investigations: For investigations of the microorganisms of the soil and their activities, including the testing of samples procured in the open market, of cultures for inoculating legumes, other crops, or soil, and the publication of results, and if any such samples are found to be impure, nonviable, or misbranded, the results of the tests may be published, together with the names of the manufacturers and of the persons by whom the cultures were offered for sale, $36,765.

Soil microbiology investigations.

Soil-fertility investigations: For soil investigations into causes of infertility; maintenance of productivity; effects of soil composition, cultural methods, fertilizers, and soil amendments on yield and quality of crops; and the properties, composition, formation, and transformation of soil organic matter, $159,368.

Soil fertility investigations.

Total, Bureau of Chemistry and Soils, $1,311,698, of which amount not to exceed $940,800 may be expended for personal services in the District of Columbia, and not to exceed $590 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

Services in the District.

Vehicles.

Entomology and Plant Quarantine Bureau.
General expenses.

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

SALARIES AND GENERAL EXPENSES

Investigations, etc., of insects.

For necessary expenses connected with investigations, experiments, and demonstrations for the promotion of economic entomology, for investigating and ascertaining the best means of destroying insects and related pests injurious to agriculture, for investigating and importing useful and beneficial insects and bacterial, fungal, and other diseases of insects and related pests, for investigating and ascertaining the best means of destroying insects affecting man and animals,

Plant Quarantine Act, enforcement.
Vol. 37, p. 315; Vol. 39, p. 1165; Vol. 44, p. 250.
U.S.C., p. 99; Supp. VII, p. 59.

to enable the Secretary of Agriculture to carry into effect the provisions of the Plant Quarantine Act of August 20, 1912, as amended, to conduct other activities hereinafter authorized, and for the eradication, control, and prevention of spread of injurious insects and plant pests; independently or in cooperation with other branches of the Federal Government, States, counties, municipalities, corporations, agencies, individuals, or with foreign governments; including the employment of necessary persons and means in the District of Columbia and elsewhere, rent, construction, or repair of necessary buildings outside of the District of Columbia: *Provided*, That the cost for the construction of any building shall not exceed $1,500, and that the total amount expended for such construction in any one year shall not exceed $7,000, as follows:

Proviso.
Cost of buildings.

Chief of bureau, and office personnel.

General administrative expenses: For general administrative purposes, including the salary of chief of bureau and other personal services, $149,109.

Fruit, etc., insects.

Fruit insects: For insects affecting fruits, grapes, and nuts, $320,759.

Japanese beetle.

Japanese beetle control: For the control and prevention of spread of the Japanese beetle, $230,000.

Mexican fruit fly.

Mexican fruit fly control: For the control and prevention of spread of the Mexican fruit fly, including necessary surveys and control operations in Mexico in cooperation with the Mexican Government or local Mexican authorities, $101,652.

Citrus-canker eradication.

Citrus-canker eradication: For determining and applying such methods of eradication or control of the disease of citrus trees known as citrus canker as in the judgment of the Secretary of Agriculture may be necessary, including cooperation with such authorities of the States concerned, organizations of growers, or individuals, as he may deem necessary to accomplish such purposes, $12,299, and, no expenditures shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities, or by individuals or organizations for the accomplishment of such purposes: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of trees or other property injured or destroyed.

Proviso.
No indemnity for destroyed trees.

Phony-peach disease.

Phony-peach eradication: For determining and applying such methods of eradication, control, and/or prevention of spread of the disease of peach trees known as phony peach as in the judgment of the Secretary of Agriculture may be necessary, including cooperation with such authorities of the States concerned, organizations of growers, or individuals, as he may deem necessary to accomplish such purposes, including the certification of products out of the infested areas to meet the requirements of State quarantines, $45,462: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of trees or other property injured or destroyed.

Proviso.
No indemnity for destroyed trees.

Date scale control: For the control and prevention of spread of Parlatoria date scale, $22,768. Date scale control.

Forest insects: For insects affecting forests and forest products, under section 4 of the Act approved May 22, 1928 (U.S.C., Supp. VI, title 16, sec. 581c), entitled "An Act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects", $145,655. Forest insects. Preventing infestations, etc. Vol. 45, p. 701. U.S.C., Supp. VII, p. 326.

Truck crop and garden insects: For insects affecting truck crops, ornamental and garden plants, including tobacco, sugar beets, and greenhouse and bulbous crops, $303,048. Truck and garden crops.

Cereal and forage insects: For insects affecting cereal and forage crops, including sugarcane and rice, and including research on the European corn borer, $312,701. Cereal and forage insects.

European corn borer control: For the control and prevention of spread of the European corn borer and for the certification of products out of the infested areas to meet the requirements of State quarantines on account of the European corn borer, $30,411. European corn borer.

Cotton insects: For insects affecting cotton, $136,000. Cotton insects.

Pink bollworm control: For the control and prevention of spread of the pink bollworm, including the establishment of such cotton-free areas as may be necessary to stamp out any infestation, and for necessary surveys and control operations in Mexico in cooperation with the Mexican Government or local Mexican authorities, $254,959. Pink bollworm control. Cooperation with Mexico.

Thurberia weevil control: For the control and prevention of spread of the Thurberia weevil, $2,584. Thurberia weevil.

Bee culture: For bee culture and apiary management, $45,670. Bee culture.

Insects affecting man and animals: For insects affecting man, household possessions, and animals, $109,600. Man and animals.

Insect pest survey and identification: For the identification and classification of insects, including taxonomic, morphological, and related phases of insect pest control, the importation and exchange of useful insects, and the maintenance of an insect pest survey for the collection and dissemination of information to Federal, State, and other agencies concerned with insect pest control, $121,616. Identification and classification of insects. Disseminating information.

Control investigations: For developing equipment or apparatus to aid in enforcing plant quarantines, eradication and/or control of plant pests, determining methods of disinfecting plants and plant products to eliminate injurious pests, determining the toxicity of insecticides, and related phases of insect pest control, $40,738. Control investigations.

Transit inspection: For the inspection in transit or otherwise of articles quarantined under the Act of August 20, 1912 (U.S.C., Supp. VI, title 7, secs. 161, 164a), as amended, and for the interception and disposition of materials found to have been transported interstate in violation of quarantines promulgated thereunder, $26,419. Transit inspection. Vol. 37, p. 315; Vol. 44, p. 250. U.S.C., p. 100; Supp. VII, p. 58.

Foreign plant quarantines: For enforcement of foreign plant quarantines, at the port of entry and/or port of export, and to prevent the movement of cotton and cottonseed from Mexico into the United States, including the regulation of the entry into the United States of railway cars and other vehicles, and freight, express, baggage, or other materials from Mexico, and the inspection, cleaning, and disinfection thereof, including construction and repair of necessary buildings, plants, and equipment, for the fumigation, disinfection, or cleaning of products, railway cars, or other vehicles Foreign Plant Quarantine enforcement. Mexican cotton, etc. Cleaning, etc.

entering the United States from Mexico, $552,966, and in addition thereto $16,000 of the unexpended balance for this purpose for the fiscal year 1933 is continued available for the same purpose for the fiscal year 1935: *Provided*, That any moneys received in payment of charges fixed by the Secretary of Agriculture on account of such cleaning and disinfection shall be covered into the Treasury as miscellaneous receipts.

Proviso. Receipts covered in.

Export inspection and certification.

Certification of exports: For the inspection, under such rules and regulations as the Secretary of Agriculture may prescribe, of domestic plants and plant products when offered for export and to certify to shippers and interested parties as to the freedom of such products from injurious plant diseases and insect pests according to the sanitary requirements of the foreign countries affected and to make such reasonable charges and to use such means as may be necessary to accomplish this object, $16,120: *Provided*, That moneys received on account of such inspection and certification shall be covered into the Treasury as miscellaneous receipts.

Proviso. Receipts covered in.

Dutch elm disease.

Dutch elm disease: For control and prevention of spread of the Dutch elm disease in the United States, $150,000: *Provided*, That this sum shall be reduced by an amount equal to any amount that may hereafter be allotted for the purposes named herein from any Federal relief or other Federal emergency appropriations.

Proviso. Use of fund.

Gypsy and brown-tail moths.

Gypsy and brown-tail moths: For the control and prevention of spread of the gypsy and brown-tail moths, $360,000 of the sum allotted for this purpose for the fiscal year 1934 by the Public Works Administration shall be available only for expenditure during the fiscal year 1935.

Services in the District.

Total, Bureau of Entomology and Plant Quarantine, $3,130,536, of which amount not to exceed $669,430 may be expended for personal services in the District of Columbia, and not to exceed $12,750 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

Vehicles.

Biological Survey Bureau.

BUREAU OF BIOLOGICAL SURVEY

General expenses.

SALARIES AND GENERAL EXPENSES

Salaries, supplies, etc.

For salaries and employment of labor in the city of Washington and elsewhere, furniture, supplies, including the purchase of bags, tags, and labels printed in the course of manufacture, traveling and all other expenses necessary in conducting investigations and carrying out the work of the bureau, including cooperation with Federal, State, county, or other agencies or with farm bureaus, organizations, or individuals, as follows:

Chief of bureau and office personnel.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, $72,978.

Game, etc., reservations.

Montana bison range.

Maintenance of mammal and bird reservations: For the maintenance of the Montana National Bison Range and other reservations and for the maintenance of game introduced into suitable localities on public lands, under supervision of the Biological Survey, including construction of fencing, wardens' quarters, shelters for animals, landings, roads, trails, bridges, ditches, telephone lines, rockwork, bulkheads, and other improvements necessary for the economical administration and protection of the reservations, and for the enforcement of section 84 of the Act approved March 4, 1909 (U.S.C., title 18, sec. 145), entitled "An Act to codify, revise, and amend the

Protection of reserves.

Vol. 35, p. 1104. U.S.C., p. 471.

penal laws of the United States", and Acts amendatory thereto, and section 10 of the Migratory Bird Conservation Act of February 18, 1929 (U.S.C., Supp. VI, title 16, sec. 715i), $52,368: *Provided*, That $2,500 may be used for the purchase, capture, and transportation of game for national reservations.

Vol. 45, p. 1224. U.S.C., Supp. VII, p. 334.

Proviso. Game for reserves.

Food habits of birds and animals: For investigating the food habits and economic value of North American birds and animals in relation to agriculture, horticulture, and forestry, including methods of conserving beneficial and controlling injurious birds and animals, $75,112.

Food habits of birds and animals.

Control of predatory animals and injurious rodents: For demonstrations and cooperation in destroying animals injurious to agriculture, horticulture, forestry, animal husbandry, and wild game; and in protecting stock and other domestic animals through the suppression of rabies and other diseases in predatory wild animals, $398,982.

Control of predatory animals, etc.

Production of fur-bearing animals: For investigations, experiments, demonstrations, and cooperation in connection with the production and utilization of fur-bearing animals raised for meat and fur, in the United States and Alaska, $51,717.

Fur bearing animals. Investigating production, etc.

Biological investigations: For biological investigations, including the relations, habits, geographic distribution, and migration of animals and plants, and the preparation of maps of the life zones, and including $14,800 for investigations of the relations of wild animal life to forests, under section 5 of the Act approved May 22, 1928 (U.S.C., Supp. VI, title 16, sec. 581d), and for investigations, experiments, and demonstrations in the establishment, improvement, and increase of the reindeer industry and of musk oxen and mountain sheep in Alaska, including the erection of necessary buildings and other structures, $69,711.

Biological investigations.

Vol. 45, p. 701. U.S.C., Supp. VII, p. 327.

Reindeer and musk oxen in Alaska.

Protection of migratory birds: For all necessary expenses for enforcing the provisions of the Migratory Bird Treaty Act of July 3, 1918 (U.S.C., title 16, secs. 703–711), and for cooperation with local authorities in the protection of migratory birds, and for necessary investigations connected therewith, $155,085: *Provided*, That of this sum not more than $20,500 may be used for the enforcement of sections 241, 242, 243, and 244 of the Act approved March 4, 1909 (U.S.C., title 18, secs. 391–394), entitled "An Act to codify, revise, and amend the penal laws of the United States", and for the enforcement of section 1 of the Act approved May 25, 1900 (U.S.C., title 16, sec. 701), entitled "An Act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes", including all necessary investigations in connection therewith.

Migratory bird protection. Vol. 40, p. 755. U.S.C., 436.

Proviso. Preventing shipment of prohibited birds, etc. Vol. 35, p. 1137. U.S.C., pp. 492–493.

Carrying illegally killed game. Vol. 31, p. 187. U.S.C., p. 436.

Enforcement of Alaska game law: For the enforcement of the provisions of the Alaska game law, approved January 13, 1925 (U.S.C., title 48, secs. 192–211), and as amended by the Act of February 14, 1931 (46 Stat., pp. 1111–1115), $66,598.

Enforcing Alaska game law. Vol. 43, p. 739; Vol. 46, p. 1111. U.S.C., p. 1573; Supp. VII, p. 981.

In all, salaries and expenses, $942,551.

UPPER MISSISSIPPI RIVER REFUGE

Upper Mississippi River Refuge.

For the acquisition of areas of land or land and water pursuant to the Act entitled "An Act to establish the Upper Mississippi River Wild Life and Fish Refuge", approved June 7, 1924 (U.S.C., title 16, secs. 721–731), as amended, and for all necessary expenses incident thereto, including the employment of persons and means in the city of Washington and elsewhere, $1,862, which shall be available until

Acquiring areas for. Vol. 43, pp. 650, 1354. U.S.C., p. 437.

Vol. 43, p. 652.

expended, being part of the sum of $1,500,000 authorized to be appropriated for such purpose by section 10 of said Act; and for all necessary expenses of the Secretary of Agriculture authorized by section 9 of said Act, $31,933; in all, $33,795.

Bear River migratory bird refuge.
Establishment, etc.
Vol. 45, p. 448.
U.S.C., Supp. VII, p. 331.
Vol. 45, p. 1186.
All expenses.

BEAR RIVER MIGRATORY BIRD REFUGE

For administration and maintenance of the Bear River Migratory Bird Refuge established under the Act approved April 23, 1928 (U.S.C., Supp. VI, title 16, secs. 690–690h), and the resolution approved February 15, 1929 (45 Stat., p. 1186), including the construction of necessary buildings and for personal services in the District of Columbia and elsewhere, $15,319.

Migratory Bird Conservation Act.
Expenses, executing, etc.
Vol. 45, p. 1702.
Acquiring areas.
Vol. 45, p. 1222.
U.S.C., Supp. VII, p. 333.

MIGRATORY BIRD CONSERVATION ACT

For carrying into effect the provisions of the Act entitled "An Act to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain (39 Stat., pt. 2, p. 1702) by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and of water to furnish in perpetuity reservation for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes", approved February 18, 1929 (U.S.C., Supp. VI, title 16, secs. 715–715r), $62,419, authorized by section 12 of the Act, which sum is a part of the remaining $792,475 of the $1,000,000 authorized to be appropriated for the fiscal year ending June 30, 1933.

Commissioner's expenses.
Vol. 45, p. 1225.

Services in the District.
Vehicles.

Total, Bureau of Biological Survey, $1,054,084, of which amount not to exceed $252,308 may be expended for departmental personal services in the District of Columbia, and not to exceed $14,450 shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

Public Roads Bureau.

BUREAU OF PUBLIC ROADS

Salaries and expenses.

For necessary expenses of the Bureau of Public Roads, including salaries and the employment of labor in the city of Washington and elsewhere, supplies, office and laboratory fixtures and apparatus, traveling and other necessary expenses; for conducting research and investigational studies, either independently or in cooperation with State highway departments, or other agencies, including studies of highway administration, legislation, finance, economics, transport, construction, operation, maintenance, utilization, and safety, and

Road making, etc.

of street and highway traffic control; investigations and experiments in the best methods of road making, especially by the use of local materials; studies of types of mechanical plants and appliances used for road building and maintenance and of methods of road repair and maintenance suited to the needs of different localities; and maintenance and repairs of experimental highways, including the purchase of materials and equipment; for furnishing expert advice on these subjects; for collating, reporting, and illustrating the results of same; and for preparing, publishing, and distributing bulletins and reports; to be paid from any moneys available from the administrative funds provided under the Act of July 11, 1916 (39 Stat., pp. 355–359), as amended, or as otherwise provided.

Vol. 39, p. 355; Vol. 42, p. 217.
U.S.C., p. 662.

FEDERAL-AID HIGHWAY SYSTEM

Federal-aid highways.

For carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916 (39 Stat., pp. 355–359), and all Acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said Act, as amended, including not to exceed $176,400 for departmental personal services in the District of Columbia, $8,000,000, to be immediately available and to remain available until expended, which sum is a part of the sum of $125,000,000 authorized to be appropriated for the fiscal year ending June 30, 1933, by section 1 of the Act approved April 4, 1930 (46 Stat., p. 141): *Provided*, That none of the money herein appropriated shall be paid to any State on account of any project on which convict labor shall be employed, except this provision shall not apply to convict labor performed by convicts on parole or probation: *Provided further*, That not to exceed $45,000 of the funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (U.S.C., title 23, secs. 21 and 23), shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary for carrying out the provisions of said Act, including the replacement of not to exceed one such vehicle for use in the administrative work of the Bureau of Public Roads in the District of Columbia: *Provided further*, That, during the fiscal year 1935, whenever performing authorized engineering or other services in connection with the survey, construction and maintenance, or improvement of roads for other Government agencies the charge for such services may include depreciation on engineering and road-building equipment used, and the amounts received on account of such charges shall be credited to the appropriation concerned.

Cooperating with States in constructing rural post roads.
Vol. 39, p. 355; Vol. 40, p. 1201; Vol. 42, pp. 660, 1157; Vol. 43, p. 889; Vol. 44, pp. 760, 1398.
U.S.C., p. 422; Supp. VII, p. 322.

Vol. 46, pp. 141, 1031.

Provisos.
Convict labor forbidden.

Vehicles.
Vol. 42, p. 217.
U.S.C., p. 667.

Charges allowed against engineering services.

The appropriation of $2,000,000 for roads on unappropriated or unreserved public lands, nontaxable Indian lands, and so forth, contained in the Act entitled "An Act to relieve destitution, to broaden the lending powers of the Reconstruction Finance Corporation, and to create employment by providing for and expediting a public-works program", approved July 21, 1932, is hereby continued available during the fiscal year 1935, and not to exceed $4,290 may be used for personal services in the District of Columbia.

Emergency appropriation for roads on Indian reservations, etc.
Vol. 47, p. 717.

Services in the District.

Total, Bureau of Public Roads, $8,000,000.

BUREAU OF AGRICULTURAL ENGINEERING

Agricultural Engineering Bureau.

SALARIES AND GENERAL EXPENSES

General expenses.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, $33,867.

Chief of bureau, and office personnel.

Agricultural engineering: For investigations, experiments, and demonstrations involving the application of engineering principles to agriculture, independently or in cooperation with Federal, State, county, or other public agencies or with farm bureaus, organizations, or individuals; for investigating and reporting upon the utilization of water in farm irrigation and the best methods to apply in practice; the different kinds of power and appliances; the flow of water in ditches, pipes, and other conduits; the duty, apportionment, and measurement of irrigation water; the customs, regulations, and laws affecting irrigation; and the drainage of farms and of swamps and other wet lands which may be made available for agricultural pur-

Investigations, etc.

poses; for preparing plans for the removal of surplus water by drainage; for developing equipment for farm irrigation and drainage; for investigating and reporting upon farm domestic water supply and drainage disposal, upon the design and construction of farm buildings and their appurtenances and of buildings for processing and storing farm products; upon farm power and mechanical farm equipment; upon the engineering problems relating to the processing, transportation, and storage of perishable and other agricultural products; and upon the engineering problems involved in adapting physical characteristics of farm land to the use of modern farm machinery; for investigations of cotton ginning under the Act approved April 19, 1930 (U.S.C., Supp. VI, title 7, secs. 424, 425); for giving expert advice and assistance in agricultural engineering; for collating, reporting, and illustrating the results of investigations and preparing, publishing, and distributing bulletins, plans, and reports; and for other necessary expenses, including travel, rent, repairs, and not to exceed $5,000 for construction of buildings, $316,451.

Cotton ginning. Vol. 46, p. 248. U.S.C., Supp. VII, p. 64.

Services in the District.

Total, Bureau of Agricultural Engineering, $350,318, of which amount not to exceed $120,080 may be expended for personal services in the District of Columbia.

Agricultural Economics Bureau.

BUREAU OF AGRICULTURAL ECONOMICS

General expenses.

SALARIES AND GENERAL EXPENSES

Salaries, supplies, etc.

For salaries and the employment of labor in the city of Washington and elsewhere, furniture, supplies, traveling expenses, rent outside of the District of Columbia, and all other expenses necessary in conducting investigations, experiments, and demonstrations, as follows:

Chief of bureau, and office personnel.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, $230,370.

Farm management and practice.

Farm management and practice: To investigate and encourage the adoption of improved methods of farm management and farm practice, and for ascertaining the cost of production of the principal staple agricultural products, $313,670.

Diffusing information of farm products, marketing, etc.

Promoting classified standards.

Marketing and distributing farm products: For acquiring and diffusing among the people of the United States useful information, on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, including the demonstration and promotion of the use of uniform standards of classification of American farm products throughout the world, including scientific and technical research into American-grown cotton and its byproducts and their present and potential uses, including new and additional commercial and scientific uses for cotton and its byproducts, and including investigations of cotton ginning under the Act approved April 19, 1930 (U.S.C., Supp. VI, title 7, secs. 424, 425), and for collecting and disseminating information on the adjustment of production to probable demand for the different farm and animal products, independently and in cooperation with other branches of the Department, State agencies, purchasing and consuming organizations, and persons engaged in the marketing, handling, utilization, grading, transportation, and distributing of farm and food products, and for investigation of the economic costs of retail marketing of meat and meat products,

Cotton and by-products research. Vol. 46, p. 248. U.S.C., Supp. VII, p. 64.

$609,094: *Provided*, That practical forms of the grades recommended or promulgated by the Secretary for wool and mohair may be sold under such rules and regulations as he may prescribe, and the receipts therefrom deposited in the Treasury to the credit of miscellaneous receipts.

Proviso.
Forms of wool and mohair grades to be sold.

Crop and livestock estimates: For collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing data relating to agriculture, including crop and livestock estimates, acreage, yield, grades, staples of cotton, stocks, and value of farm crops, and numbers, grades, and value of livestock and livestock products on farms, in cooperation with the Extension Service and other Federal, State, and local agencies, $603,701: *Provided*, That no part of the funds herein appropriated shall be available for any expense incident to ascertaining, collating, or publishing a report stating the intention of farmers as to the acreage to be planted in cotton.

Crop and livestock estimates.
Collecting, etc., data.

Proviso.
Issuing predictions forbidden.

Foreign competition and demand: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes", approved June 5, 1930 (U.S.C., Supp. VI, title 7, secs. 541–545), and for collecting and disseminating to American producers, importers, exporters, and other interested persons information relative to the world supply of and need for American agricultural products, marketing methods, conditions, prices, and other factors, a knowledge of which is necessary to the advantageous disposition of such products in foreign countries, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the transportation, marketing, and distribution of farm and food products, including the purchase of such books and periodicals and not to exceed $1,000 for newspapers as may be necessary in connection with this work, $226,590.

Securing information as to foreign competition and demand.
Vol. 46, p. 497.
U.S.C., Supp. VII, p. 68.

Disseminating information of world's supply and need of American agricultural products, etc.

Market inspection of farm products: For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of business men or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and/or condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, or canned, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained, $389,805.

Market inspection of farm products.

Certifying condition of shipment.

Proviso.
Legal effect of such certificates.

Market news service: For collecting, publishing, and distributing, by telegraph, mail, or otherwise, timely information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of livestock, meats, fish, and animal products, dairy and poultry products, fruits and vegetables,

Market news service.

Livestock, dairy, agriculture, etc.

peanuts and their products, grain, hay, feeds, tobacco, and seeds, and other agricultural products, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the production, transportation, marketing, and distribution of farm and food products, $1,002,868.

Cotton statistics. Vol. 44, p. 1372. U.S.C., Supp. VII, p. 66.

Cotton grade and staple statistics: To enable the Secretary of Agriculture to carry into effect the Act entitled "An Act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton", approved March 3, 1927 (U.S.C., Supp. VI, title 7, secs. 471–476), $207,174.

Tobacco stocks and standards. Vol. 45, p. 1079. U.S.C., Supp. VII, p. 68.

Tobacco stocks and standards: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture", approved January 14, 1929 (U.S.C., Supp. VI, title 7, secs. 501–508), including the employment of persons and means in the city of Washington and elsewhere, $15,805.

Perishable Agricultural Commodities Act. Vol. 46, p. 531. U.S.C., Supp. VII, p. 70.

Perishable agricultural commodities Act: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce" (U.S.C., Supp. VI, title 7, secs. 551–568), $120,727.

In all, salaries and expenses, $3,719,804.

Cotton Futures and Cotton Standards Acts.

ENFORCEMENT OF THE UNITED STATES COTTON FUTURES ACT AND UNITED STATES COTTON STANDARDS ACT

Enforcement expenses. Vol. 39, p. 476; Vol. 40, p. 1351. U.S.C., p. 788; Supp. VII, p. 600. Vol. 42, p. 1517. U.S.C., Supp. VII, p. 57.

To enable the Secretary of Agriculture to carry into effect the provisions of the United States Cotton Futures Act, as amended March 4, 1919 (U.S.C., title 26, secs. 731–752), and to carry into effect the provisions of the United States Cotton Standards Act, approved March 4, 1923 (U.S.C., title 7, secs. 51–65), including all expenses necessary for the purchase of equipment and supplies; for travel; for the employment of persons in the city of Washington and elsewhere; and for all other expenses, including rent outside of the District of Columbia, that may be necessary in executing the provisions of these Acts, including such means as may be necessary for effectuating agreements heretofore or hereafter made with cotton associations, cotton exchanges, and other cotton organizations in foreign countries, for the adoption, use, and observance of universal standards of cotton classification, for the arbitration or settlement of disputes with respect thereto, and for the preparation, distribution, inspection, and protection of the practical forms or copies thereof under such agreements, $226,189.

Effectuating agreements as to standards, etc., in foreign countries.

Grain Standards Act.

ENFORCEMENT OF THE UNITED STATES GRAIN STANDARDS ACT

Enforcement expenses. Vol. 39, p. 482. U.S.C., p. 92.

To enable the Secretary of Agriculture to carry into effect the provisions of the United States Grain Standards Act, including rent outside of the District of Columbia and the employment of such persons and means as the Secretary of Agriculture may deem necessary, in the city of Washington and elsewhere, $644,397.

Warehouse Act.

ADMINISTRATION OF THE UNITED STATES WAREHOUSE ACT

Administration expenses. Vol. 39, p. 486; Vol. 42, p. 1282; Vol. 46, p. 1463. U.S.C., p. 107; Supp. VII, p. 59.

To enable the Secretary of Agriculture to carry into effect the provisions of the United States Warehouse Act, including the payment of such rent outside of the District of Columbia and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere, $271,383.

ENFORCEMENT OF THE STANDARD CONTAINER, HAMPER, AND PRODUCE AGENCY ACTS

Standard Container, Hamper, and Produce Agency Acts.

Enforcement expenses.
Vol. 39, p. 673; Vol. 45, p. 685; Vol. 44, p. 1355.
U.S.C., p. 377; Supp. VII, p. 261.

To enable the Secretary of Agriculture to carry into effect the Act entitled "An Act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes", approved August 31, 1916 (U.S.C., title 15, secs. 251–256), the Act entitled "An Act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes", approved May 21, 1928 (U.S.C., Supp. VI, title 15, secs. 257–257i), and the Act entitled "An Act to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others and to require them truly and correctly to account for all farm produce received by them", approved March 3, 1927 (U.S.C., Supp. VI, title 7, secs. 491–497), including the purchase of such perishable farm products as may be necessary for detection of violations of the latter Act: *Provided*, That all receipts from the sale of such products shall be credited to this appropriation, and shall be reexpendable therefrom, and including the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere, $29,035.

Purchase of perishable products.

Proviso.
Receipts from sales credited to appropriate fund.

WOOL MARKETING STUDIES

Wool marketing studies.

Fund created for, from collections of wool clip of 1918.

Not to exceed $25,223 of the funds collected from persons, firms, or corporations which handled any part of the wool clip of 1918, which the Secretary of Agriculture finds it impracticable to distribute among woolgrowers, shall be deposited in the Treasury to the credit of a special fund which is hereby appropriated for the fiscal year 1935 for the purpose of carrying into effect the provisions of the Act entitled "An Act to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes", approved May 17, 1928 (U.S.C., Supp. VI, title 7, secs. 415b–415d), including personal services and other necessary expenses in the District of Columbia and elsewhere.

Use for standardizing wools.
Vol. 45, p. 593.
U.S.C., Supp. VII, p. 64.

Total, Bureau of Agricultural Economics, $4,916,031, of which amount not to exceed $1,861,856 may be expended for personal services in the District of Columbia, and not to exceed $22,200 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

Services in the District.

Vehicles.

BUREAU OF HOME ECONOMICS

Home Economics Bureau.

SALARIES AND GENERAL EXPENSES

General expenses.

Chief of bureau and office personnel.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, $25,747.

Home economics investigations.

Home-economics investigations: For conducting, either independently or in cooperation with other agencies, investigations of the relative utility and economy of agricultural products for food, clothing, and other uses in the home, with special suggestions of plans and methods for the more effective utilization of such products for these purposes, and for disseminating useful information on this subject, including travel and all other necessary expenses, $152,954.

Services in the District.

Total, Bureau of Home Economics, $178,701, of which amount not to exceed $165,575 may be expended for personal services in the District of Columbia.

Grain Futures Act.

ENFORCEMENT OF THE GRAIN FUTURES ACT

Enforcement expenses.
Vol. 42, p. 998.
U.S.C., p. 87.

To enable the Secretary of Agriculture to carry into effect the provisions of the Grain Futures Act, approved September 21, 1922 (U.S.C., title 7, secs. 1–17), $181,498, of which amount not to exceed $45,110 may be expended for personal services in the District of Columbia.

Food and Drug Administration.

FOOD AND DRUG ADMINISTRATION

General expenses.

SALARIES AND GENERAL EXPENSES

Items specified.

For all necessary expenses, for chemical apparatus, chemicals, and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, for the employment of such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named, in the city of Washington, and elsewhere, in conducting investigations; collecting, reporting, and illustrating the results of such investigations; and for rent outside of the District of Columbia for carrying out the investigations and work herein authorized as follows:

Outside rent.

General administration expenses.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of administration and other personal services in the District of Columbia, $95,178.

Pure Food and Drug Act, enforcement.
Vol. 34, p. 768.
U.S.C., p. 621.

Enforcement of the Food and Drugs Act: For enabling the Secretary of Agriculture to carry into effect the provisions of the Act of June 30, 1906 (U.S.C., title 21, secs. 1–15), entitled "An Act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes"; to cooperate with associations and scientific societies in the revision of the United States Pharmacopoeia and development of methods of analysis, and for investigating the character of the chemical and physical tests which are applied to American food products in foreign countries, and for inspecting the same before shipment when desired by the shippers or owners of these products intended for countries where chemical and physical tests are required before the said products are allowed to be sold therein, $1,161,477: *Provided*, That not more than $4,280 shall be used for travel outside of the United States.

Revision of Pharmacopoeia.

Examining foreign tests of American food products.

Proviso.
Travel.

Tea Importation Act, enforcement.
Vol. 29, p. 604; Vol. 41, p. 712.
U.S.C., p. 625.

Enforcement of the Tea Importation Act: For enabling the Secretary of Agriculture to carry into effect the provisions of the Act approved March 2, 1897 (U.S.C., title 21, secs. 41–50), entitled "An Act to prevent the importation of impure and unwholesome tea", as amended, including payment of compensation and expenses of the members of the board appointed under section 2 of the Act and all other necessary officers and employees, $36,786.

Naval Stores Act.
Vol. 42, p. 1435.
U.S.C., p. 93.

Naval Stores Act: For enabling the Secretary of Agriculture to carry into effect the provisions of the Naval Stores Act of March 3, 1923 (U.S.C., title 7, secs. 91–99), $32,052.

Insecticide Act, enforcement.
Vol. 36, p. 331.
U.S.C., p. 95.

Enforcement of the Insecticide Act: For enabling the Secretary of Agriculture to carry into effect the provisions of the Act of April 26, 1910 (U.S.C., title 7, secs. 121–134), entitled "An Act for preventing the manufacture, sale, or transportation of adulterated

or misbranded Paris greens, lead arsenates, other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes", $191,517.

Milk Importation Act, enforcement. Vol. 44, p. 1101. U.S.C., Supp. VII, p. 465.

Enforcement of the Milk Importation Act: For enabling the Secretary of Agriculture to carry into effect the provisions of an Act approved February 15, 1927 (U.S.C., Supp. VI, title 21, secs. 141–149), entitled "An Act to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health", $17,739.

Caustic Poison Act, enforcement. Vol. 44, p. 1406. U.S.C., Supp. VII, p. 263.

Enforcement of the Caustic Poison Act: For enabling the Secretary of Agriculture to carry into effect the provisions of an Act approved March 4, 1927 (U.S.C., Supp. VI, title 15, secs. 401–411), entitled "An Act to safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalies, and other substances in interstate and foreign commerce", $22,964.

Aggregate. Services in the District. Vehicles.

Total, Food and Drug Administration, $1,557,713, of which amount not to exceed $481,160 may be expended for personal services in the District of Columbia, and not to exceed $12,800 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

INTERCHANGE OF APPROPRIATIONS

Interchange of appropriations.

Allowance for miscellaneous expenses.

Not to exceed 10 per centum of the foregoing amounts for the miscellaneous expenses of the work of any bureau, division, or office herein provided for shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau, division, or office, but no more than 10 per centum shall be added to any one item of appropriation except in cases of extraordinary emergency, and then only upon the written order of the Secretary of Agriculture: *Provided*, That a statement of any transfers of appropriations made hereunder shall be included in the annual Budget.

Proviso. Statement to be included in Budget.

MISCELLANEOUS

Miscellaneous.

WORK FOR OTHER DEPARTMENTS

Work for other Departments.

Transfers for inspection, etc., by Agricultural Department, of necessary funds.

During the fiscal year 1935 the head of any department or independent establishment of the Government requiring inspections, analyses, and tests of food and other products, within the scope of the functions of the Department of Agriculture and which that Department is unable to perform within the limits of its appropriations, may, with the approval of the Secretary of Agriculture, transfer to the Department of Agriculture for direct expenditure such sums as may be necessary for the performance of such work.

EXPERIMENTS IN LIVESTOCK PRODUCTION IN SOUTHERN UNITED STATES

Livestock production in Southern States.

Cooperative experiments, etc., in developing.

To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of livestock production in the cane-sugar and cotton districts of the United States, $37,036.

PASSENGER-CARRYING VEHICLES

Passenger vehicles.

Allowance for, from lump-sum appropriations for field work.

Within the limitations specified under the several headings the lump-sum appropriations herein made for the Department of Agriculture shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of

the field work of the Department of Agriculture outside the District of Columbia: *Provided*, That such vehicles shall be used only for official service outside the District of Columbia, but this shall not prevent the continued use for official service of motor trucks in the District of Columbia: *Provided further*, That the limitation on expenditures for purchase of passenger-carrying vehicles in the field service shall be interchangeable between the various bureaus and offices of the department, to such extent as the exigencies of the service may require: *Provided further*, That appropriations contained in this Act shall be available for the maintenance, operation, and repair of motor-propelled and horse-drawn passenger-carrying vehicles: *Provided further*, That the Secretary of Agriculture may exchange motor-propelled and horse-drawn vehicles, tractors, road equipment, and boats, and parts, accessories, tires, or equipment thereof, in whole or in part payment for vehicles, tractors, road equipment, or boats, or parts, accessories, tires, or equipment of such vehicles, tractors, road equipment, or boats purchased by him.

Provisos.
Use restricted to official service.

Interchangeable funds.

Available for maintenance, etc.

Exchanges allowed.

Soil erosion.

SOIL-EROSION INVESTIGATIONS

Investigations, etc., for control.

To enable the Secretary of Agriculture to make investigation not otherwise provided for of the causes of soil erosion and the possibility of increasing the absorption of rainfall by the soil in the United States, and to devise means to be employed in the preservation of soil, the prevention or control of destructive erosion and the conservation of rainfall by terracing or other means, independently or in cooperation with other branches of the Government, State agencies, counties, farm organizations, associations of business men, or individuals, including necessary expenses, $168,326, of which amount not to exceed $11,280 may be expended for personal services in the District of Columbia.

International production control committees.

INTERNATIONAL PRODUCTION CONTROL COMMITTEES

During the fiscal year 1935 the Secretary of Agriculture may expend not to exceed $10,000, from the funds available for carrying into effect the Agricultural Adjustment Act approved May 12, 1933 (Public, Numbered 10, Seventy-third Congress), the share of the United States as a member of the International Wheat Advisory Committee or like events or bodies concerned with the reduction of agricultural surpluses or other objectives of the Agricultural Adjustment Act, together with traveling and all other necessary expenses relating thereto.

Ante, p. 31.

International Wheat Advisory Committee.

Grasshopper control.

GRASSHOPPER CONTROL, BUREAU OF ENTOMOLOGY

For the application of such methods of control of grasshoppers as, in the judgment of the Secretary of Agriculture, may be necessary, in cooperation with such authorities of the States concerned, organizations, or individuals as he may deem essential to accomplish such purposes, including the employment of persons and means in the District of Columbia and elsewhere, printing and binding, rent outside of the District of Columbia, and for other expenses, $2,354,893, to be available during the fiscal years 1934 and 1935, and to be immediately available, of which amount not to exceed $7,500 may be expended for personal services in the District of Columbia: *Provided*, That this appropriation shall be used for expenditures of general administration and supervision, purchase and transportation of poisoned bait, or materials for its manufacture, and such other expenses as in the discretion of the Secretary of Agriculture may be deemed necessary and that the cooperating State shall

Cooperation of States.

Printing and binding.

Proviso.
Poisoned bait.

be responsible for the local distribution and utilization of such bait on privately owned lands including full labor costs: *Provided further*, That, in the discretion of the Secretary of Agriculture, no part of this appropriation shall be expended for grasshopper control in any State until such State has provided the necessary organization for the cooperation herein indicated: *Provided further*, That no part of this appropriation shall be used to pay the cost or value of farm animals, farm crops, or other property injured or destroyed.

Cooperation of States.

Restriction.

FOREST ROADS AND TRAILS

Federal highways.

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (U.S.C., title 23, sec. 23), including not to exceed $10,521 for departmental personal services in the district of Columbia, $1,500,000, a part of the amount authorized to be appropriated for the fiscal year 1933 by the Act approved May 5, 1930: *Provided*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed $2,500: *Provided further*, That during the fiscal year ending June 30, 1935, the expenditures on forest highways in Alaska from the amount herein appropriated or from similar appropriations heretofore made shall not exceed $350,000.

Forest roads and trails.
Vol. 42, pp. 218, 661.
U.S.C., p. 668.
Vol. 46, p. 261.
U.S.C., Supp. VII, p. 482.

Provisos.
Storage facilities.

Alaska highways.

Total, Title I, Department of Agriculture, $60,232,007.

This title may be cited as the "Agricultural Department Appropriation Act of 1935."

Citation of title.

TITLE II—FARM CREDIT ADMINISTRATION

Farm Credit Administration.

SALARIES AND EXPENSES

Salaries and expenses.

For salaries and expenses of the Farm Credit Administration in the District of Columbia and the field; traveling expenses of officers and employees; contingent and miscellaneous expenses, including law books, books of reference, periodicals, newspapers, and maps; contract stenographic reporting services, and expert services for the preparation of amortization tables; membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; purchase of manuscripts, data, and special reports by personal service without regard to the provisions of any other Act; procurement of supplies and services without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) when the aggregate amount involved does not exceed $50; purchase, exchange, maintenance, repair, and operation of motor-propelled, passenger-carrying vehicles and motor trucks to be used only for official purposes; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; garage rental in the District of Columbia and elsewhere; payment of actual transportation expenses and not to exceed $10 per diem to cover subsistence and other expenses while in conference and en route from and to his home to any person other than an employee or a member of an advisory commodity committee who may from time to time be invited to the city of Washington and elsewhere for conference and advisory purposes in furthering the work of the Farm Credit Administration; employment of persons, firms, and others for the performance of special services, including legal services, and other miscellaneous expenses;

R.S., sec. 3709, p. 733.
U.S.C., p. 1309.

Traveling expenses.

Special services.

Vol. 41, p. 1347; Vol. 42, p. 467; Vol. 43, p. 110; Vol. 44, p. 1251; Vol. 45, p. 1306; Vol. 46, pp. 3, 78, 1032, 1160, 1276.

collection of moneys due the United States on account of loans made under the provisions of the Acts of March 3, 1921 (41 Stat., p. 1347), March 20, 1922 (42 Stat., p. 467), April 26, 1924 (43 Stat., p. 110), February 28, 1927 (44 Stat., p. 1251), February 25, 1929 (45 Stat., p. 1306), as amended May 17, 1929 (46 Stat., p. 3), March 3, 1930 (46 Stat., pp. 78, 79), December 20, 1930 (46 Stat., p. 1032), February 14, 1931 (46 Stat., p. 1160), and February 23, 1931 (46 Stat., p. 1276); examination of corporations, banks, associations, and institutions operated, supervised, or regulated by the Farm Credit Administration: *Provided*, That the expenses and salaries of employees engaged in such examinations shall be assessed against the said corporations, banks or institutions in accordance with the provisions of existing laws; in all, $2,389,666.

Proviso. Assessments.

Citation of title.

This title may be cited as the "Farm Credit Administration Appropriation Act of 1935."

Approved, March 26, 1934.

[CHAPTER 90.]

March 26, 1934. [H.J.Res. 207.] [Pub. Res., No. 17.]

JOINT RESOLUTION

Requiring agricultural or other products to be shipped in vessels of the United States where the Reconstruction Finance Corporation or any other instrumentality of the Government finances the exporting of such products.

Reconstruction Finance Corporation. Agricultural, etc., exports, financed by, to be carried in U.S. vessels.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of Congress that in any loans made by the Reconstruction Finance Corporation or any other instrumentality of the Government to foster the exporting of agricultural or other products, provision shall be made that such products shall be carried exclusively in vessels of the United States, unless, as to any or all of such products, the Shipping Board Bureau, after investigation, shall certify to the Reconstruction Finance Corporation or any other instrumentality of the Government that vessels of the United States are not available in sufficient numbers, or in sufficient tonnage capacity, or on necessary sailing schedule, or at reasonable rates.

Exception.

Approved, March 26, 1934.

[CHAPTER 92.]

March 27, 1934. [S. 2534.] [Public, No. 132.]

AN ACT

To further extend the operation of the Act entitled "An Act for the temporary relief of water users on irrigation projects constructed and operated under the reclamation law" approved April 1, 1932.

Irrigation projects. Further extension of payments for water charges, authorized. Vol. 47, pp. 75, 1427, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to extend such provisions of the Act entitled "An Act for the temporary relief of water users on reclamation projects constructed and operated under the reclamation law", approved April 1, 1932 (47 Stat. 75), as extended by the Act of March 3, 1933 (47 Stat. 1427), as relate to the deferment of payment of certain water-rights charges for the years 1931, 1932, and 1933, in like manner to all similar charges coming due for the year 1934. The Secretary of the Interior is further authorized, upon the acceptance by the Uncompahgre Valley Water Users Association of the moratorium Act of April 1, 1932, and its amendments, including this Act, to enter into a contract with the association deferring the initiation of its drainage construction program until January 1, 1936, and permitting the completion of said drainage program

Uncompahgre and Grand Valley projects; construction charges deferred.

during the years 1936 to 1941, both inclusive, under the conditions set out in the Act of January 31, 1931 (47 Stat. 1947 [1]), as herein modified, and to extend such provisions of such section 3 as relate to certain water-rights charges on the Grand Valley reclamation project in like manner to all similar charges coming due for the year 1934. Vol. 46, p. 1974, amended.

SEC. 2. Interest on the charges for which the time of payment is extended pursuant to this Act shall be payable at the same rate and under the same conditions as those prescribed in such Act of March 3, 1933, with respect to the charges for the years 1931, 1932, and 1933. Interest rate on deferred charges.

Approved, March 27, 1934.

[CHAPTER 93.]

AN ACT

March 27, 1934.
[H.R. 5631.]
[Public, No. 133.]

To authorize the Secretary of the Interior to place with the Oklahoma Historical Society, at Oklahoma City, Oklahoma, as custodian for the United States, certain records of the Five Civilized Tribes, and of other Indian tribes in the State of Oklahoma, under rules and regulations to be prescribed by him.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized, under rules and regulations to be prescribed by him, to place with the Oklahoma Historical Society of the State of Oklahoma any records of the Five Civilized Tribes, including the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles, which may be in the custody or control of the Secretary of the Interior and the Superintendent for the Five Civilized Tribes; also of the Wichita, Kiowa, Comanche, Caddo, and Apache Indians that may be within his custody or control or of the agent at Anadarko, Oklahoma; also of the Arapaho and Cheyenne Indians that may be within his custody or control or of the agent at Concho, Oklahoma; also of the Sac and Fox, Pottawatomie, Kickapoo, and Iowa Indians that may be within his custody or control or of the agent at Shawnee, Oklahoma; also of the Wyandotte, Seneca, Quapaw, Peoria, Modoc, and Miami Indians that may be within his custody or control or of the agent at Miami, Oklahoma; also of the Tonkawa, Ponca, Pawnee, Otoe, and Kaw Indians that may be within his custody or control or of the agent at Pawnee, Oklahoma; and of the Osage Indians that may be within his custody or control or of the agent at Pawhuska, Oklahoma. The Oklahoma Historical Society in receiving the custody of such papers, records, and matters of historical interest to receive same as custodian for the United States of America and the Secretary of the Interior, and to hold same under rules and regulations as may be prescribed by him: *Provided*, That copies of any documents, records, books, or papers in the office of and custody of the Oklahoma Historical Society when certified by the secretary or chief clerk of said society under its seal, or when such office or position is vacant by the officer or person acting as secretary or chief clerk for the time, shall be evidence equally with the original, and in making such certified copies such secretary or acting secretary and such chief clerk or acting chief clerk shall be acting as a Federal agent, and such certified copies shall have the same force and effect as if made by the Secretary of the Interior when such documents, records, books, or papers were in his office as Secretary of the Interior and certified by him under seal of his office: *Provided further*, That wherever such certified copies are desired by the Government to be used for the benefit of the Government they shall be furnished with-

Five Civilized Tribes, etc.
Certain records of, to be placed with the Oklahoma Historical Society.

Society to receive, as Federal custodian.

Provisos.
Certified copies may issue.

Government use.

[1] So in original.

Return of, on request.

out cost: *Provided, further*, That any of the records placed with the Historical Society shall be promptly returned to the Government official designated by the said Secretary upon his request therefor.

Approved, March 27, 1934.

[CHAPTER 94.]

AN ACT

March 27, 1934.
[H.R. 5745.]
[Public, No. 134.]

Granting abandoned public buildings and grounds at Sitka, Alaska, to the Territory of Alaska, and for other purposes.

Alaska.
Certain abandoned public buildings and grounds at Sitka, granted to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following described public buildings and grounds at Sitka, Alaska, are granted to the Territory of Alaska, to be used by the said Territory as a home for aged, sick, and infirm pioneers and residents thereof at the expense of the Territory, to wit: A tract of land described hereafter by metes and bounds:

Description.

Beginning at a point common to corners numbered 2, United States Forest Service reserve, and numbered 3, United States reserve for public common; thence north sixty-one degrees nineteen minutes east three hundred and sixty-seven and thirty-four one-hundredths feet along north side of Lincoln Street to corner numbered 3, United States reserve for public buildings; thence north twenty-eight degrees forty minutes west two hundred and twenty-two and sixty-three one-hundredths feet along west side of Barracks Street to corner numbered 6, United States marine and military reserve; thence north sixty-one degrees twelve minutes east fifty and seventy-two one-hundredths feet along north side of Barracks Street to corner numbered 5, United States marine and military reserve; thence north twenty-two degrees fifty minutes west eighty-seven and sixty-one one-hundredths feet along west side of Barracks Street to corner numbered 4, United States marine and military reserve, set on south side of Seward Street; thence south sixty-eight degrees thirty-three minutes west one hundred and sixty-four and four one-hundredths feet along south side of Seward Street to a point common to corners numbered 3, United States marine and military reserve, and numbered 1, survey numbered 407; thence south twenty-nine degrees ten minutes east sixty-four and eleven one-hundredths feet along east boundary of survey numbered 407 to a point common to corners numbered 2, United States marine and military reserve, and numbered 4, survey numbered 407; thence south fifty-eight degrees nineteen minutes west seventy and thirty-seven one-hundredths feet along south boundary of survey numbered 407 to a point common to corners numbered 1, United States marine and military reserve, and numbered 3, survey numbered 407; thence north forty-one degrees eight minutes west twenty-five and eighty-four one-hundredths feet along west boundary of survey numbered 407 to the south boundary of the tract of land reserved for school purposes by Executive Order Numbered 4448, dated May 27, 1926; thence south fifty-eight degrees nineteen minutes west one hundred and twenty-one feet along south boundary of tract of land reserved for school purposes to southwest corner of said tract; thence north forty-two degrees thirty minutes west one hundred and eight feet along west boundary of tract of land reserved for school purposes to northwest corner of said tract; thence south thirty-five degrees west fifty-seven and twenty-eight one-hundredths feet along north boundary of United States reserve for public common to corner numbered 6 and meander corner, United States reserve for public common, on shore of Sitka Bay; thence with meanders along shore of Sitka

Bay south thirty-seven degrees nineteen minutes east fifty-seven and nine one-hundredths feet, south twenty degrees twenty-three minutes west forty-three and forty-three one-hundredths feet, south eighty-two degrees fifty-six minutes west thirty-one and fifty-six one-hundredths feet, south seventy degrees seven minutes west twenty-nine feet, south fifteen degrees fifty-one minutes east nineteen and thirty-seven one-hundredths feet, south two degrees fifty-one minutes east thirty-six and seventeen one-hundredths feet, south seventy-six degrees fifty-one minutes east fourteen and fifty-nine one-hundredths feet to corner numbered 5 and meander corner on the line between United States Forest Service reserve and United States reserve for public common; thence north sixty degrees east one hundred and thirty-two and forty-four one-hundredths feet along north boundary of United States Forest Service reserve to a point common to corners numbered 1, United States Forest Service reserve, and numbered 4, United States reserve for public common; thence south twenty degrees forty-nine minutes east two hundred and thirty-seven and sixty-six one-hundredths feet along east boundary of United States Forest Service reserve to the point of beginning; containing two and seven hundred and sixty-nine one-thousandths acres, and the buildings thereon: *Provided*, That all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same, be reserved to the United States under such rules and regulations as the Secretary of the Interior may prescribe.

Proviso. Mineral rights, etc., reserved.

SEC. 2. That the Territory of Alaska shall never sell or otherwise dispose of any part of said property; and if the same shall ever be abandoned for the uses herein declared the said premises shall revert to the United States.

Reversionary provisions.

Approved, March 27, 1934.

[CHAPTER 95.]

AN ACT

March 27, 1934.
[H.R. 6604.]
[Public, No. 135.]

To establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, at the limits prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, is hereby established at the limit prescribed by those treaties.

Naval vessels. Establishment of composition of, with respect to treaty categories. Vol. 43, p. 1669; Vol. 46, p. 2861.

SEC. 2. That subject to the provisions of the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, the President of the United States is hereby authorized to undertake prior to December 31, 1936, or as soon thereafter as he may deem it advisable (in addition to the six cruisers not yet constructed under the Act approved February 13, 1929 (45 Stat. 1165), and in addition to the vessels being constructed pursuant to Executive Order Numbered 6174 of June 16, 1933), the construction of: (a) One aircraft carrier of approximately fifteen thousand tons standard displacement, to replace the experimental aircraft carrier Langley; (b) ninety-nine thousand two hundred tons aggregate of destroyers to replace over-age destroyers; (c) thirty-five thousand five hundred and thirty tons aggregate of submarines to replace over-age submarines: *Provided*, That the President of the United States is hereby authorized to replace, by vessels of modern design and construction, vessels in the Navy in the categories limited by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930,

Specified construction authorized.

Present authorizations not included.

Vol. 45, p. 1165: Executive Order 6174.

Replacement of over-age and experimental tonnages.

Provisos. Replacements in categories limited by treaties.

when their replacement is permitted by the said treaties: *Provided further*, That the President is hereby authorized to procure the necessary naval aircraft for vessels and other naval purposes in numbers commensurate with a treaty navy: *Provided further*, That the first and each succeeding alternate vessel of each category, except the fifteen-thousand-ton aircraft carrier, upon which work is undertaken, and the main engines, armor, and armament for such vessels, the construction and manufacture of which is authorized by this Act, shall be constructed or manufactured in the Government navy yards, naval stations, naval gun factories, naval ordnance plants, or arsenals of the United States, except such material or parts as were not customarily manufactured in such Government plants prior to February 13, 1929: *Provided further*, That, if inconsistent with the public interests in any year to have a vessel or vessels constructed as required above, the President may have such vessel or vessels built in a Government or private yard as he may direct.

Procuring necessary aircraft.

Ratio of vessel construction, etc., in Government yards, etc.

Changes allowed in public interests.

Proportion of aircraft construction in Government factories, etc.

That not less than 10 per centum of the aircraft, including the engines therefor, the procurement of which is authorized by this Act and hereafter undertaken, shall be constructed and/or manufactured in Government aircraft factories and/or other plants or factories owned and operated by the United States Government.

Conditions imposed.

The foregoing paragraph is subject to the following conditions:

If proportionate construction not permissible in Government plants, etc.

(1) That if it shall be determined by the President that present plants, factories, and equipment owned by the Government are not such as to permit the construction and/or manufacture of the said aircraft and/or engines in such Government plants and factories, in the proportions herein specified and required, then and in that event such requirement may be suspended in whole or in part by his order. However, in the event of such order of suspension being made by the President, then at his discretion the existing plants, factories, and facilities now owned and/or operated by the Government shall forthwith be expanded and equipped to enable the Government to construct, manufacture, and repair not less than 10 per centum of its naval aircraft therein, except that it shall be discretionary with the President as to the per centum constructed and/or manufactured in Government plants if he should find it impracticable for the Government to undertake the construction and/or manufacture of not less than 10 per centum of its naval aircraft therein.

Expansion of Government facilities, on order of President.

Discretionary construction allotments.

Employment of Government establishments, when—

(2) The President is also authorized to employ Government establishments in any case where—

Collusion to prevent fair competition, etc.

(a) It should reasonably appear that the persons, firms, or corporations, or the agents therefor, bidding for the construction of any of said aircraft, engines, spare parts, or equipment have entered into any combination, agreement, or understanding the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said aircraft, engines, spare parts, or equipment, or—

Profit excessive.

(b) Should it reasonably appear that any person, firm, or corporation, or agents thereof, being solely or peculiarly in position to manufacture or furnish the particular type or design of aircraft, engines, spare parts, or equipment required by the Navy, in bidding on such aircraft, engines, spare parts, or equipment, have named a price in excess of cost of production plus a reasonable profit, as provided in section 3 of this Act.

Sums for expansion authorized.

The funds necessary for the enlargement and expansion of such existing plants and facilities now owned by the Government for the construction and manufacture of naval aircraft, are hereby authorized to be appropriated.

Construction estimates to be submitted; appropriation authorized.

SEC. 3. The Secretary of the Navy is hereby directed to submit annually to the Bureau of the Budget estimates for the construction of the foregoing vessels and aircraft; and there is hereby authorized to be appropriated such sums as may be necessary to carry into effect the provisions of this Act: *Provided*, That no contract shall be made by the Secretary of the Navy for the construction and/or manufacture of any complete naval vessel or aircraft, or any portion thereof, herein, heretofore, or hereafter authorized unless the contractor agrees—

Proviso. Contract agreement.

Contractor to make sworn report.

(a) To make a report, as hereinafter described, under oath, to the Secretary of the Navy upon the completion of the contract.

To limit profit.

(b) To pay into the Treasury profit, as hereinafter provided shall be determined by the Treasury Department, in excess of 10 per centum of the total contract price, such amount to become the property of the United States: *Provided*, That if such amount is not voluntarily paid the Secretary of the Treasury may collect the same under the usual methods employed under the internal revenue laws to collect Federal income taxes.

Proviso. Collection if not voluntarily paid.

Evasion, by subcontract, etc., forbidden.

(c) To make no subdivisions of any contract or subcontract for the same article or articles for the purpose of evading the provisions of this Act, but any subdivision of any contract or subcontract involving an amount in excess of $10,000 shall be subject to the conditions herein prescribed.

Inspection of contractor's books, etc.

(d) That the manufacturing spaces and books of its own plant, affiliates, and subdivisions shall at all times be subject to inspection and audit by any person designated by the Secretary of the Navy, the Secretary of the Treasury, and/or by a duly authorized committee of Congress.

Subcontractor to assent to conditions.

(e) To make no subcontract unless the subcontractor agrees to the foregoing conditions.

Items to be covered in report.

The report shall be in form prescribed by the Secretary of the Navy and shall state the total contract price, the cost of performing the contract, the net income, and the per centum such net income bears to the contract price. A copy of such report shall be transmitted to the Secretary of the Treasury for consideration in connection with the Federal income tax returns of the contractor for the taxable year or years concerned.

Copy to Secretary of Treasury.

Determination of excess profit.

Method of ascertaining.

The method of ascertaining the amount of excess profit to be paid into the Treasury shall be determined by the Secretary of the Treasury in agreement with the Secretary of the Navy and made available to the public. The method initially fixed upon shall be so determined on or before June 30, 1934: *Provided*, That in any case where an excess profit may be found to be owing to the United States in consequence hereof, the Secretary of the Treasury shall allow credit for any Federal income taxes paid or remaining to be paid upon the amount of such excess profit.

Proviso. Credit for excess, to be made.

Applicability of foregoing provisions.

The contract or subcontracts referred to herein are limited to those where the award exceeds $10,000.

Suspension, etc., of construction by international agreement.

SEC. 4. That in the event of international agreement for the further limitations of naval armament to which the United States is signatory, the President is hereby authorized and empowered to suspend so much of its naval construction as has been authorized as may be necessary to bring the naval armament of the United States within the limitation so agreed upon, except that such suspension shall not apply to vessels actually under construction on the date of the passage of this Act.

Approved, March 27, 1934.

[CHAPTER 96.]

AN ACT

March 27, 1934.
[S. 2089.]
[Public, No. 136.]

To amend the Code of Laws for the District of Columbia, approved March 3, 1901, as amended (D.C. Code, title 5, ch. 3), relating to building and loan associations.

District of Columbia Code amendments. Vol. 31, p. 1300.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Code of the District of Columbia (31 Stat. 1300; D.C. Code, title 5, ch. 3) is amended by adding at the end of title 5, chapter 3, thereof, the following new sections:

Building and loan associations may purchase bonds of Home Owners' Loan Corporation.

"SEC. 55. PERSONAL PROPERTY.—The board of directors of any building association incorporated or unincorporated, organized and existing under the laws of the District of Columbia to do or now doing in the District of Columbia a building association business, in their discretion, may purchase the bonds of the Home Owners' Loan Corporation created pursuant to the authority of the Home Owners' Loan Act of 1933, approved June 13, 1933 (and said association is hereby permitted to carry said bonds as an asset at the par value of said bonds) or may subscribe and pay for shares of any Federal corporation created or authorized by law to lend money to building and loan associations.

Ante, p. 128.

Exchange of secured obligations for, authorized.

"SEC. 56. Any building association incorporated or unincorporated, organized and existing under the laws of the District of Columbia, to do or now doing, in the District of Columbia, a building association business, is authorized and empowered to exchange mortgages or deeds of trust or the notes or bonds secured thereby or other obligations and liens secured on real estate or any real estate which it may have or hold, for the bonds of the Home Owners' Loan Corporation created pursuant to the authority of the Home Owners' Loan Act of 1933, approved June 13, 1933, and said association is hereby authorized to carry said bonds as an asset at the par value of said bonds."

Approved, March 27, 1934.

[CHAPTER 97.]

AN ACT

March 27, 1934.
[S. 2950.]
[Public, No. 137.]

To authorize steam railroads to electrify their lines within the District of Columbia, and for other purposes.

District of Columbia. Electrification of existing steam-railroad lines.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That steam-railroad companies now operating within the District of Columbia are hereby authorized, after approval of their detailed plans and issuance of a permit by the Commissioners of the District of Columbia, to electrify their lines within the District of Columbia and across the Anacostia and Potomac Rivers with an alternating current overhead

Structures, equipment, etc.

catenary or other type of electrification system, with all necessary transmission, signal and communication conductors and equipment, poles, conduits, underground and overhead construction, substations, and any other structures necessary in such electrification, the provisions of any law or laws to the contrary notwithstanding.

Submarine cables at drawbridge openings.

SEC. 2. Submarine cables may be used at drawbridge openings, provided previous approval shall have been obtained from the War Department.

SEC. 3. Where necessary for such electrification, the Commissioners of the District of Columbia may issue permits to construct conduit systems through or under the surfaces of public streets or other District of Columbia or United States property: *Provided, however*, That three ducts therein shall be reserved for the use of the United States and the District of Columbia.

Construction of conduit systems.

Proviso. Government use of three ducts.

SEC. 4. Nothing herein contained shall be construed as limiting or abridging the authority of the War Department, the Commissioners of the District of Columbia, or of the Interstate Commerce Commission.

Jurisdiction not abridged.

SEC. 5. The said railroad companies shall be liable for any accident to, or injuries sustained by, any person by reason of any act or omission of the railroad companies or by their agents or servants during the construction, installation, maintenance, or operation of the electrical equipment and apparatus of the railroad trains.

Liability for injuries. Vol. 45, p. 600.

Approved, March 27, 1934.

[CHAPTER 98.]

AN ACT

March 27, 1934. [S. 3067.] [Public, No. 138.]

Granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Mississippi River at or near Baton Rouge, Louisiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Louisiana Highway Commission, an administrative body created and acting under the constitution and laws of the State of Louisiana, to construct, maintain, and operate a free highway bridge, or a railway bridge in combination with a free highway bridge, and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Baton Rouge, Louisiana, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Mississippi River. Louisiana may bridge, at Baton Rouge.

Construction. Vol. 34, p. 84.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, March 27, 1934.

[CHAPTER 99.]

AN ACT

March 27, 1934. [H.R. 5863.] [Public, No. 139.]

To prevent the loss of the title of the United States to lands in the territories or territorial possessions through adverse possession or prescription.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter no prescription or statute of limitations shall run, or continue to run, against the title of the United States to lands in any territory or possession or place or territory under the jurisdiction or control of the United States, including the Philippine Islands; and that no title to any such lands of the United States or any right therein shall be acquired by adverse possession or prescription, or otherwise than by conveyance from the United States.

Lands in the territories or possessions. Title of United States not to be lost through adverse possession or prescription.

Approved, March 27, 1934.

[CHAPTER 100.]

AN ACT

March 27, 1934.
[H.R. 7966.]
[Public, No. 140.]

To authorize the Postmaster General to accept and use equipment, landing fields, men, and material of the War Department, for carrying the mails by air, and for other purposes.

Air mail, postal service.
Temporary use of War Department equipment, etc., authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the period not to exceed one year after the date of passage of this Act the Secretary of War is authorized to place at the disposal of the Postmaster General such airplanes, landing fields, pilots, and other employees and equipment of the Army of the United States as may be needed or required for the transportation of mail during such period by air over routes and schedules prescribed by the Postmaster General: *Provided*, That this authority shall not be used unless and/or until such airplanes shall be fully equipped with the special equipment necessary by standard practice for safe night and day air-mail transport; and that pilots shall not be assigned to such airplanes unless and/or until fully and adequately trained in the use of such special equipment.

Proviso.
Airplane equipment.

Pilots.

Postmaster General to reimburse War Department for incurred expenses.
Appropriation available.
Vol. 47, p. 1510.

SEC. 2. The Postmaster General is authorized to transfer to the War Department such sums appropriated under the Act approved March 3, 1933, making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, for the inland transportation of mail by aircraft, and for the incidental expenses thereof incurred from and after February 10, 1934, as may be required to pay the expenses of carrying the mails of the United States as provided in section 1 hereof, including replacement for all airplanes and equipment and other material damaged, destroyed, or expended thereby: *Provided*, That officers, warrant officers, and enlisted men of the Army on duty hereunder, while away from their permanent posts of duty, shall be paid the same per diem as is payable to civilian employees of the United States under the Subsistence Expense Act of 1926, as amended.

Replacement for damaged, etc., airplane.

Proviso.
Per diem allowance.
Vol. 44, p. 688.
U S.C., Supp VII, p. 53.

Status of military personnel not affected by change of duty.

SEC. 3. The performance by military personnel of duty hereunder shall in no way disturb or change their military status under their respective commissions, warrants, or enlistments, in the Army, or any right, privilege, benefit, or responsibility, growing out of said military status.

Injuries in line of duty.

Payment of pension prescribed by Veterans' Regulation, No. 1 (a).

Provisos.
Determination of degree of disability.

SEC. 4. In case any officer (including warrant and Reserve officers) or enlisted man is injured or killed while performing duty hereunder, the Administrator of Veterans' Affairs is authorized and directed to pay to such officer or enlisted man, and/or his dependents, pension at the rate prescribed in part I, Veterans' Regulation Numbered 1 (a), and amendments thereto: *Provided*, That in the event of injury of any such officer or enlisted man the degree of disability resulting therefrom shall be determined pursuant to the rating schedule authorized by Veterans' Regulation Numbered 3 (a): *Provided further*, That choice shall be made of the benefits provided in sections 4 and 5 of this Act.

Optional benefits.

Reserve officers performing duty, deemed in active service.
Injuries, etc., benefits.

SEC. 5. Reserve officers performing duty hereunder shall be deemed to be in the active military service and if injured or killed such officer and/or his dependents and beneficiaries shall be entitled to the same benefits as in the case of officers of the Regular Army and/or their dependents and beneficiaries. Section 4 and this section shall be deemed to take effect on February 10, 1934.

Effective date.

SEC. 6. The Postmaster General shall make a report to the Congress of every payment made by him under this Act, including the cost of transporting the mail by the War Department, on the first day of the next session of the Congress. Report to Congress.

Approved, March 27, 1934.

[CHAPTER 102.]

AN ACT

March 28, 1934.
[H.R. 6663.]
[Public, No. 141.]

Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1935, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1935, namely: Independent Offices Appropriation Act, 1935. Appropriations for fiscal year 1935.

EXECUTIVE OFFICE

Executive Office.

COMPENSATION OF THE PRESIDENT AND VICE PRESIDENT

Compensation.

For compensation of the President of the United States, $75,000. President.

For compensation of the Vice President of the United States, $13,500. Vice President.

OFFICE OF THE PRESIDENT

Office of the President.

Salaries: For personal services in the office of the President, including the Secretary to the President, and two assistant secretaries to the President at $9,500 each; $113,188: *Provided*, That employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States for such temporary assistance as may be deemed necessary. Secretaries and office personnel. *Proviso.* Temporary details.

Contingent expenses: For contingent expenses of the Executive Office, including stationery, record books, telegrams, telephones, books for library, furniture and carpets for offices, automobiles, expenses of garage, including labor, special services, and miscellaneous items, to be expended in the discretion of the President, $38,452. Contingent expenses.

For printing and binding, $2,700. Printing and binding.

Traveling expenses: For traveling and official entertainment expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, $25,000. Traveling, etc., expenses.

EXECUTIVE MANSION AND GROUNDS

Executive Mansion, etc.

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures of the Executive Mansion, the Executive Mansion greenhouses, including reconstruction, and the Executive Mansion grounds, and traveling expenses, to be expended as the President may determine, notwithstanding the provisions of any other Act, $174,210, to be immediately available, of which $50,000 shall be available until expended. Care, repair, etc.

Total, Executive Office, $442,050.

Independent Establishments.

INDEPENDENT ESTABLISHMENTS

Alien Property Custodian.

ALIEN PROPERTY CUSTODIAN

Trading with the Enemy Act, amendment.
Vol. 42, p. 1516; Vol. 45, p. 276.
Recovery by enemy person, etc., of deductions made by custodian for administrative expenses.

Subsection (a) of Section 24 of the Trading with the Enemy Act, as amended, is amended by adding at the end thereof the following:

"No claim shall be filed with the Alien Property Custodian or allowed by him or by the President of the United States, nor shall any suit be instituted or maintained against the Alien Property Custodian or the Treasurer of the United States, or the United States, under any provisions of law, by any person who was an enemy or ally of enemy as defined in the Trading with the Enemy Act, as amended, and no allowance of any such claim now pending shall be made, nor judgment entered in any such suit heretofore or hereafter instituted, for the recovery of any deduction or deductions, heretofore or hereafter made by the Alien Property Custodian from money or properties, or income therefrom, held by him or by the Treasurer of the United States hereunder, for the general or administrative expenses of the office of the Alien Property Custodian, which deduction or deductions on the collection of any income do not exceed the sum of two per centum of such income or which on the return of any moneys or properties or income therefrom, do not exceed the sum of two per centum of the aggregate value thereof at the time or times as nearly as may be, of such deduction or deductions, or, for the recovery of any deduction or deductions heretofore or hereafter made by the Alien Property Custodian from money or properties or income therefrom held by him or by the Treasurer of the United States hereunder, for any and all necessary expenses incurred and actually disbursed by the Alien Property Custodian or by any depositary for him in securing the possession, collection or control of any such money or properties or income therefrom, or in protecting or administering the same, as said general or administrative and other expenses and said aggregate value of returned money or properties or income therefrom have been heretofore or shall be hereafter determined by said Alien Property Custodian."

Of deductions for expenses administering seized property.

AMERICAN BATTLE MONUMENTS COMMISSION

American Battle Monuments Commission.

The appropriations heretofore made for the American Battle Monuments Commission are hereby increased in an amount sufficient to cover all losses which have been or may hereafter be incurred by the Commission due to the fluctuation of the Franco-American exchange below the rate of 25.30 francs to $1.

Board of Mediation.

BOARD OF MEDIATION

Members of the Board.
All other expenses.

For five members of the Board, and for other authorized expenditures of the Board of Mediation in performing the duties imposed by law, including personal services; contract stenographic reporting services; supplies and equipment; law books and books of reference; not to exceed $200 for newspapers; periodicals; traveling expenses; and rent of quarters outside the District of Columbia; $124,764, of which amount not to exceed $110,000 may be expended for personal services in the District of Columbia, including the sum of $4,250,

Payments to designated persons.

which shall be immediately available and shall be paid in equal portions to the following-named persons, heirs at law of Frank P. Glass, late a member of the board, who served without compensation as such member from July 14, 1933, to January 10, 1934, the date of

his death: Frank P. Glass, Junior; J. Purnell Glass, Christine Glass, Louise Glass Marzoni, Evelyn Byrd Glass McCoy, and H. Boyson Glass.

Arbitration boards: To enable the Board of Mediation to pay necessary expenses of arbitration boards, including compensation of members and employees of such boards, together with their necessary traveling expenses and expenses actually incurred for subsistence while so employed, and printing of awards, together with proceedings and testimony relating thereto, as authorized by the Railway Labor Act, including also contract stenographic reporting service, and rent of quarters when suitable quarters cannot be supplied in any Federal building, the unexpended balances of the appropriations for this purpose available for the fiscal year 1934 are hereby continued available for the fiscal year 1935.

Arbitration boards. Vol. 44, p. 586. U.S.C., p. 2110. *Ante*, p. 286.

Emergency boards: For expenses of emergency boards appointed by the President to investigate and report respecting disputes between carriers and their employees, as authorized by section 10, Railway Labor Act, approved May 20, 1926 (U.S.C., Supp. VI, title 45, sec. 154), the unexpended balances of the appropriation for this purpose for the fiscal year 1934 are hereby continued available for the fiscal year 1935.

Emergency boards. Vol. 44, p. 586. U.S.C., Supp. VII, p. 948. Balance reappropriated. *Ante*, p. 286.

For all printing and binding for the Board of Mediation, $800.

Printing and binding.

Total, Board of Mediation, $125,564.

BOARD OF TAX APPEALS

Board of Tax Appeals.

For every expenditure requisite for and incident to the work of the Board of Tax Appeals as authorized under title IX, section 900, of the Revenue Act of 1924, approved June 2, 1924, as amended by title X of the Revenue Act of 1926, approved February 26, 1926, and title IV of the Revenue Act of 1928, approved May 29, 1928, and title IX of the Revenue Act of 1932, approved June 6, 1932, including personal services and contract stenographic reporting services, rent outside the District of Columbia, traveling expenses, car fare, stationery, furniture, office equipment, purchase and exchange of typewriters, law books and books of reference, periodicals, and all other necessary supplies, $482,116, of which amount not to exceed $436,350 may be expended for personal services in the District of Columbia.

All expenditures. Vol. 43, p. 336; Vol. 44, p. 105; Vol. 45, p. 871; Vol. 47, p. 286.

For all printing and binding for the Board of Tax Appeals, $20,000.

Printing and binding.

Total, Board of Tax Appeals, $502,116.

CIVIL SERVICE COMMISSION

Civil Service Commission.

For three Commissioners and other personal services in the District of Columbia, including personal services required for examination of Presidential postmasters, and including not to exceed $1,000 for employment of expert examiners not in the Federal service on special subjects for which examiners within the service are not available, and for personal services in the field; for necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, including not to exceed $1,000 for expenses of attendance at meetings of public officials when specifically directed by the Commission; for furniture and other equipment and repairs thereto; supplies; advertising; telegraph, telephone, and laundry service; freight and express charges; streetcar fares not to exceed $300; stationery; purchase and exchange of

Commissioners and office personnel. Examination of Presidential postmasters.

Traveling expenses, etc.

Miscellaneous expenses.

law books, books of reference, directories, subscriptions to newspapers and periodicals, not to exceed $1,000; charts; purchase, exchange, maintenance, and repair of motor trucks, motorcycles, and bicycles; garage rent; postage stamps to prepay postage on matter addressed to Postal Union countries; special-delivery stamps; and other like miscellaneous necessary expenses not hereinbefore provided for, $1,467,816, of which not to exceed $200,000 shall be immediately available: *Provided*, That no details from any executive department or independent establishment in the District of Columbia or elsewhere to the Commission's central office in Washington or to any of its district offices shall be made during the fiscal year ending June 30, 1935, but this shall not affect the making of details for service as members of the boards of examiners outside the immediate offices of the district managers: *Provided further*, That the Civil Service Commission shall have power in case of emergency to transfer or detail any of its employees to or from its office or field force: *Provided further*, That the provisions of section 506 of part II of the Legislative Appropriation Act, fiscal year 1933, shall not operate, after June 30, 1934, to prevent the adjustment of classification or compensation to conform to the duties to which the employees of the Commission may be assigned.

Provisos.
Details from Departments, etc., in the District forbidden.

Emergency transfers allowed.

Adjustment of classifications.
Vol. 47, p. 416.

Printing and binding.

For all printing and binding for the Civil Service Commission, including all of its bureaus, offices, institutions, and services located in Washington and elsewhere, $55,000, of which not to exceed $20,000 shall be immediately available.

Total, Civil Service Commission, $1,522,816.

Employees' Compensation Commission.

EMPLOYEES' COMPENSATION COMMISSION

Commissioners, and office personnel.

For three Commissioners and other personal services in the District of Columbia, including not to exceed $1,000 for temporary experts and assistants in the District of Columbia and elsewhere, to be paid at a rate not exceeding $8 per day, and for personal services in the field, for furniture and other equipment and repairs thereto; law books, books of reference, periodicals; stationery and supplies; traveling expenses; fees and mileage of witnesses; contract stenographic reporting services; rent at the seat of government and elsewhere; and miscellaneous items; $361,510.

Printing and binding.

For all printing and binding for the Employees' Compensation Commission, $4,000.

Employees' compensation fund.
Vol. 39, pp. 743, 747. U.S.C., p. 80.

Employees' compensation fund: For the payment of compensation provided by "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916 (U.S.C., title 5, sec. 785), including medical examinations, traveling and other expenses, and loss of wages payable to employees under sections 21 and 22; all services, appliances, and supplies provided by section 9 as amended, including payments to Army and Navy hospitals; the transportation and burial expenses provided by sections 9 and 11; and advancement of costs for the enforcement of recoveries provided in sections 26 and 27 where necessary, accruing during the fiscal year 1935 or in prior fiscal years, $3,987,900.

Burial, etc., expenses.

Recoveries.

Total, Employees' Compensation Commission, $4,353,410.

Federal Power Commission.

FEDERAL POWER COMMISSION

Expenses.
Vol. 41, p. 1063; Vol. 46, p. 797. U.S.C., Supp. VII, p. 326.

For every expenditure requisite for and incident to the work of the Federal Power Commission as authorized by law, including personal services; traveling expenses, including expenses of attendance at meetings which in the discretion of the Commission are

necessary for the efficient discharge of its responsibilities; contract stenographic reporting services; reimbursement to governmental agencies of the cost of furnishing motor-driven passenger-carrying vehicle service, and not exceeding $2,000 for law books, books of reference, newspapers, and periodicals; $274,803, of which amount not to exceed $234,000 shall be available for personal services in the District of Columbia: *Provided*, That not to exceed $20,000 shall be immediately available.

Proviso. Sum immediately available.

For all printing and binding for the Federal Power Commission, $2,500.

Printing and binding.

Total, Federal Power Commission, $277,303.

FEDERAL RADIO COMMISSION

Federal Radio Commission.

For five commissioners, and for all other authorized expenditures of the Federal Radio Commission in performing the duties imposed by the Radio Act of 1927, approved February 23, 1927, as amended (U.S.C., Supp. VI, title 47, secs. 81–119), the Ship Act of 1910, approved June 24, 1910, as amended (U.S.C., title 46, secs. 484–487), Executive Order Numbered 5892, dated July 20, 1932, and the International Radiotelegraphic Convention (45 Stat., pt. 2, p. 2760), including personal services, contract stenographic reporting services, rental of quarters, newspapers, periodicals, reference books, law books, special counsel fees, supplies and equipment, including purchase and exchange of instruments, which may be purchased without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) when the aggregate amount involved does not exceed $25, improvement and care of grounds and repairs to buildings, not to exceed $1,000, traveling expenses, including expenses of attendance at meetings which in the discretion of the Commission are necessary for the efficient discharge of its responsibilities, and other necessary expenses, $651,885, of which amount not to exceed $328,500 may be expended for personal services in the District of Columbia: *Provided*, That the provisions of section 512 of part II of the Legislative Appropriation Act, fiscal year 1933, shall not operate, after June 30, 1934, to prevent the adjustment of classification or compensation to conform to the duties to which the employees of the Commission may be assigned.

Commissioners and other expenses. Vol. 44, p. 1162; Vol. 46, p. 50. Vol. 36, p. 629; Vol. 37, p. 199. U.S.C., p. 1507; Supp. VII, p. 969. Executive Order 5892. Vol. 45, p. 2760.

R.S., sec. 3709, p. 733. U.S.C., p. 1309.

Services in the District. *Proviso.* Adjustment of classifications, etc. Vol. 47, p. 417.

For all printing and binding for the Federal Radio Commission, $15,000.

Printing and binding.

Total, Federal Radio Commission, $666,885.

FEDERAL TRADE COMMISSION

Federal Trade Commission.

For five commissioners, and for all other authorized expenditures of the Federal Trade Commission in performing the duties imposed by law or in pursuance of law, including secretary to the Commission and other personal services, contract stenographic reporting services; supplies and equipment, law books, books of reference, periodicals, garage rentals, traveling expenses, including not to exceed $900 for expenses of attendance, when specifically authorized by the Commission, at meetings concerned with the work of the Federal Trade Commission, for newspapers and press clippings not to exceed $400, foreign postage, and witness fees and mileage in accordance with section 9 of the Federal Trade Commission Act; $1,708,730, of which $150,000 shall be immediately available.

Commissioners, and other expenses. Vol. 38, p. 717. U.S.C., p. 356. *Post*, p. 1026.

Witness fees, mileage. Vol. 38, p. 722. U.S.C., p. 359.

For all printing and binding for the Federal Trade Commission, $34,000.

Printing and binding.

Total, Federal Trade Commission, $1,742,730.

General Accounting Office.

GENERAL ACCOUNTING OFFICE

Comptroller General, Assistant, and office personnel.

Salaries: For Comptroller General, Assistant Comptroller General, and other personal services in the District of Columbia and elsewhere, $3,292,920.

Contingent expenses.

Contingent expenses: For traveling expenses, including stenographic reporting service outside of the District of Columbia not exceeding $2,500, by contract or otherwise; materials, supplies, equipment, and services; rent of buildings and equipment; purchase and exchange of books, law books, books of reference, and periodicals, typewriters, calculating machines, and other office appliances, including their development, repairs, and maintenance, including one motor-propelled passenger-carrying vehicle; and miscellaneous items; $110,000: *Provided*, That section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) shall not be construed to apply to any purchase or service rendered for the General Accounting Office when the aggregate amount involved does not exceed the sum of $50.

Proviso. Minor purchases. R.S., sec. 3709, p. 733. U.S.C., p. 1309.

Printing and binding.

For all printing and binding for the General Accounting Office, including monthly and annual editions of selected decisions of the Comptroller General of the United States, $59,000.

Total, General Accounting Office, $3,461,920.

Interstate Commerce Commission.

INTERSTATE COMMERCE COMMISSION

Salaries and expenses.

SALARIES AND EXPENSES

Commissioners, etc.

General administrative expenses: For eleven commissioners, secretary, and for all other authorized expenditures necessary in the execution of laws to regulate commerce, including one chief counsel, one director of finance, and one director of traffic at $10,000 each per annum, field hearings, traveling expenses, and contract stenographic reporting services; $2,526,216, of which amount not to exceed $2,205,000 may be expended for personal services in the District of Columbia, exclusive of special counsel, for which the expenditure shall not exceed $50,000; not exceeding $3,000 for purchase and exchange of necessary books, reports, and periodicals; not exceeding $100 in the open market for the purchase of office furniture similar in class or kind to that listed in the general supply schedule.

Reporting service.

Services in the District.

Books, furniture, etc.

Enforcing accounting by railroads. Vol. 34, p. 593; Vol. 36, p. 556; Vol. 41, p. 493. U.S.C., pp. 1668–1670.

Regulating accounts: To enable the Interstate Commerce Commission to enforce compliance with section 20 and other sections of the Interstate Commerce Act as amended by the Act approved June 29, 1906 (U.S.C., title 49, sec. 20), and as amended by the Transportation Act, 1920 (U.S.C., title 49, sec. 20), including the employment of necessary special accounting agents or examiners, and traveling expenses, $778,888, of which amount not to exceed $135,000 may be expended for personal services in the District of Columbia.

Services in the District.

Safety of employees, etc. Appliances, etc. Vol. 27, p. 531; Vol. 29, p. 85; Vol. 32, p. 943; Vol. 36, p. 298. Accidents. Vol. 36, p. 350. Safety signals. Vol. 34, p. 838; Vol. 35, p. 324; Vol. 38, p. 212. U.S.C., p. 1441.

Safety of employees: To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with Acts to promote the safety of employees and travelers upon railroads; the Act requiring common carriers to make reports of accidents and authorizing investigations thereof; and to enable the Interstate Commerce Commission to investigate and test appliances intended to promote the safety of railway operation, as authorized by the joint resolution approved June 30, 1906 (U.S.C., title 45, sec. 35), and the provision of the Sundry Civil Act approved May 27, 1908 (U.S.C., title 45, secs. 36, 37), to investigate, test experimentally, and report on the use and need of any appliances or sys-

tems intended to promote the safety of railway operation, inspectors, and for traveling expenses, $461,970, of which amount not to exceed $81,000 may be expended for personal services in the District of Columbia.

Inspectors.
Services in the District.

Signal safety systems: For all authorized expenditures under section 26 of the Interstate Commerce Act as amended by the Transportation Act, 1920 (U.S.C., title 49, sec. 26), with respect to the provision thereof under which carriers by railroad subject to the Act may be required to install automatic train-stop or train-control devices which comply with specifications and requirements prescribed by the Commission, including investigations and tests pertaining to block-signal and train-control systems, as authorized by the joint resolution approved June 30, 1906 (U.S.C., title 45, sec. 35), and including the employment of the necessary engineers, and for traveling expenses, $36,590, of which amount not to exceed $31,500 may be expended for personal services in the District of Columbia.

Safety systems.
Vol. 41, p. 498.
U.S.C., p. 1673.

Automatic train control.
Vol. 34, p. 838.
U.S.C., p. 1441.

Services in the District.

Locomotive inspection: For all authorized expenditures under the provisions of the Act of February 17, 1911, entitled "An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto" (U.S.C., title 45, sec. 22), as amended by the Act of March 4, 1915, extending "the same powers and duties with respect to all parts and appurtenances of the locomotives and tender" (U.S.C., title 45, sec. 30), and amendment of June 7, 1924 (U.S.C., title 45, sec. 27), providing for the appointment from time to time by the Interstate Commerce Commission of not more than fifteen inspectors in addition to the number authorized in the first paragraph of section 4 of the Act of 1911 (U.S.C., title 45, sec. 26), and the amendment of June 27, 1930 (U.S.C., Supp. VI, title 45, secs. 24, 26), including such legal, technical, stenographic, and clerical help as the business of the offices of the chief inspector and his two assistants may require and for traveling expenses, $449,606, of which amount not to exceed $67,500 may be expended for personal services in the District of Columbia.

Locomotive inspection.
Vol. 36, p. 913; Vol. 38, p. 1192; Vol. 40, p. 616; Vol. 43, p. 659.
U.S.C., pp. 1439, 1441.

Additional inspectors.
Vol. 36, p. 914; Vol. 43, p. 659; Vol. 46, p. 823.
U.S.C., pp. 1439, 1441; Supp. VII, p. 947.

Valuation of property of carriers: To enable the Interstate Commerce Commission to carry out the objects of the Act entitled "An Act to amend an Act entitled 'An Act to regulate commerce', approved February 4, 1887, and all Acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities", approved March 1, 1913, as amended by the Act of June 7, 1922 (U.S.C., title 49, sec. 19a), and by the "Emergency Railroad Transportation Act, 1933" (48 Stat., p. 221), including one director of valuation at $10,000 per annum, and traveling expenses, $1,052,700.

Physical valuation of railroads, etc.
Vol. 37, p. 701; Vol. 40, p. 271; Vol. 42, p. 624.
U.S.C., p. 1667.

Issue of stock, etc.

Ante, p. 221.

In all, salaries and expenses, Interstate Commerce Commission, $5,305,970.

For all printing and binding for the Interstate Commerce Commission, including reports in all cases proposing general changes in transportation rates and not to exceed $10,000 to print and furnish to the States, at cost, report form blanks, and the receipts from such reports and blanks shall be credited to this appropriation, $125,000: *Provided*, That no part of this sum shall be expended for printing the Schedule of Sailings required by section 25 of the Interstate Commerce Act.

Printing and binding.

Proviso.
Schedule of sailings excluded.
Vol. 41, p. 497.

Attendance at meetings, etc.

Not to exceed $2,500 of the appropriations herein made for the Interstate Commerce Commission shall be available for expenses, except membership fees, for attendance at meetings concerned with the work of the Commission.

Total, Interstate Commerce Commission, $5,430,970.

National Advisory Committee for Aeronautics.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

All expenses, scientific research, etc.

For scientific research, technical investigations, and special reports in the field of aeronautics, including the necessary laboratory and technical assistants; contracts for personal services in the making of special investigations and in the preparation of special reports; traveling expenses of members and employees; including not to

Attendance at meetings.

exceed $500 for expenses, except membership fees, of attendance upon meetings of technical and professional societies; office supplies and other miscellaneous expenses, including technical periodicals and books of reference; equipment, maintenance, and operation of

Langley Laboratory.

the Langley Memorial Aeronautical Laboratory; purchase, maintenance, operation, and exchange of motor-propelled passenger-carrying vehicles, including not more than one for general administrative use in the District of Columbia; personal services in the field

Services in the District.

and the District of Columbia; in all, $707,792, of which amount not

Living quarters.

to exceed $2,000 may be expended for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved

Vol. 46, p. 818; U.S.C., Supp. VII, p. 20.

June 26, 1930 (46 Stat. 818), but not to exceed $720 may be so used for any one person and not to exceed $84,600 for personal services in the District of Columbia.

Printing and binding.

For all printing and binding for the National Advisory Committee for Aeronautics, including all of its offices, laboratories, and services located in Washington, District of Columbia, and elsewhere, $18,700.

Total, National Advisory Committee for Aeronautics, $726,492.

Puerto Rican Hurricane Relief Commission.

PUERTO RICAN HURRICANE RELIEF COMMISSION

Sum available for administrative expenses.

To enable the Puerto Rican Hurricane Relief Commission to continue collection and administration of moneys due the United States on account of loans made under the joint resolutions approved December 21, 1928 (45 Stat. 1067), and January 22, 1930 (46 Stat. 57), not to exceed $25,000 of any unobligated balances of appropriations made by authority of those joint resolutions, including repayment of principal and/or payments of interest on such loans, is hereby made available for administrative expenses during the fiscal

Provisos.
Payments when loan appropriations are not available.

year 1935: *Provided*, That otherwise proper payments made or to be made prior to July 1, 1934, for administrative or other necessary expenses shall not be questioned because of the nonavailability of

New loans.

the loan appropriations for such expenses: *Provided further*, That no part of any unexpended balances available for expenditure by the Commission may be used for making any new loans after January 15, 1934.

Smithsonian Institution.

SMITHSONIAN INSTITUTION

Administrative expenses.

For expenses of the general administrative office, Smithsonian Institution, compensation of necessary employees, traveling expenses, purchase of books and periodicals, supplies and equipment, and any other necessary expenses, $34,338.

International exchanges.

International exchanges: For the system of international exchanges between the United States and foreign countries, under the direction of the Smithsonian Institution, including necessary employees,

and purchase of necessary books and periodicals, and traveling expenses, $39,692.

American ethnology.

American ethnology: For continuing ethnological researches among the American Indians and the natives of Hawaii, the excavation and preservation of archæologic remains under the direction of the Smithsonian Institution, including necessary employees, the preparation of manuscripts, drawings, and illustrations, the purchase of books and periodicals, and traveling expenses, $52,910.

Astrophysical Observatory.

Astrophysical Observatory: For maintenance of the Astrophysical Observatory, under the direction of the Smithsonian Institution, including assistants, purchase of books, periodicals, and apparatus, making necessary observations in high altitudes, repairs and alterations of buildings, preparation of manuscripts, drawings, and illustrations, traveling expenses, and miscellaneous expenses, $27,988.

National Museum.

NATIONAL MUSEUM

Equipment, etc.

For cases, furniture, fixtures, and appliances required for the exhibition and safe-keeping of collections; heating, lighting, electrical, telegraphic, and telephonic service, repairs and alterations of buildings, shops, and sheds, including approaches and all necessary material; personal services, and traveling and other necessary incidental expenses, $132,622.

Preserving collections, etc.

Preservation of collections: For continuing preservation, exhibition, and increase of collections from the surveying and exploring expeditions of the Government, and from other sources, including personal services, traveling expenses, purchasing and supplying uniforms to guards and elevator conductors, postage stamps and foreign postal cards and all other necessary expenses, and not exceeding $5,500 for preparation of manuscripts, drawings, and illustrations for publications, and not exceeding $3,000 for purchase of books, pamphlets, and periodicals, $537,839.

Contingent expenses.

National Gallery of Art.

NATIONAL GALLERY OF ART

Administrative expenses.

For the administration of the National Gallery of Art by the Smithsonian Institution, including compensation of necessary employees, purchase of books of reference and periodicals, traveling expenses, uniforms for guards, and necessary incidental expenses, $31,135.

PRINTING AND BINDING

Printing and binding.

For all printing and binding for the Smithsonian Institution, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, $17,500.

Services in the District.

Total, Smithsonian Institution, $874,024, of which amount not to exceed $792,297 may be expended for personal services in the District of Columbia.

Tariff Commission.

TARIFF COMMISSION

Salaries and expenses.

Post, p. 1027.

For salaries and expenses of the United States Tariff Commission, including purchase and exchange of labor-saving devices, the purchase of professional and scientific books, law books, books of reference, gloves and other protective equipment for photostat and other machine operators, rent in the District of Columbia and elsewhere, subscriptions to newspapers and periodicals, and contract stenographic reporting services, as authorized by sections 330 to 341 of the Tariff Act of 1930, approved June 17, 1930 (U.S.C., Supp. VI, title 19, secs. 1330–1341), $826,398, of which amount not to exceed $725,000 may be expended for personal services in the District of Columbia; not to exceed $2,500 for expenses, except membership

Reporting.

Vol. 46, p. 696. U.S.C., Supp. VII, p. 429.

Living quarters.
Vol. 46, p. 818. U.S.C., Supp. VII, p. 20.

fees, of attendance at meetings concerned with subjects under investigation by the Commission; and not to exceed $7,500 for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U.S.C., Supp. VI, title 5, sec. 118a), but not to exceed $720 may be so used for any one person: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) when the aggregate amount involved does not exceed $50: *Provided further*, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative.

Provisos.
Supplies and services.
R.S., sec. 3709, p. 733. U.S.C., p. 1309.
Salary restriction.
Vol. 46, p. 701.

Printing and binding.

For all printing and binding for the Tariff Commission, $14,500.

Total, Tariff Commission, $840,898.

United States Geographic Board.

UNITED STATES GEOGRAPHIC BOARD

Salaries and expenses.

For salaries and expenses of the United States Geographic Board, including personal services in the District of Columbia, and for stationery and office supplies, $8,140.

Printing and binding.

For printing and binding, $1,300.

Total, United States Geographic Board, $9,440.

Veterans' Administration.

VETERANS' ADMINISTRATION

Military services.

MILITARY SERVICES

Administration, medical, hospital, and domiciliary services.
Salaries and expenses.

Administration, medical, hospital, and domiciliary services: For all salaries and expenses of the Veterans' Administration, including the expenses of maintenance and operation of medical, hospital, and domiciliary services of the Veterans' Administration, in carrying out the duties, powers, and functions devolving upon it pursuant to the authority contained in the Act entitled "An Act to authorize the President to consolidate and coordinate governmental activities affecting war veterans", approved July 3, 1930 (U.S.C., Supp. VI, title 38, secs. 11–11f), and any and all laws for which the Veterans' Administration is now or may hereafter be charged with administering, $86,740,099: *Provided*, That when found to be to the best interest of the United States, not to exceed $500,000 of this amount may be used for payments to State institutions caring for and maintaining veterans, suffering from neuropsychiatric ailments, who are in such institutions on the date of the enactment of this Act: *Provided further*, That not to exceed $3,500 of this amount shall be available for expenses, except membership fees, of employees detailed by the Administrator of Veterans' Affairs to attend meetings of associations for the promotion of medical science and annual national conventions of organized war veterans: *Provided further*, That this appropriation shall be available also for personal services and rentals in the District of Columbia and elsewhere, including traveling expenses; examination of estimates of appropriations in the field, including actual expenses of subsistence or per diem allowance in lieu thereof; for expenses incurred in packing, crating, drayage, and transportation of household effects and other property, not exceeding in any one case five thousand pounds, of employees when transferred from one official station to another for permanent duty and when specifically authorized by the Administrator; furnishing and laundering of such wearing apparel as may be prescribed for employees in the performance of their official duties; purchase and exchange of

Vol. 46, p. 1016. U.S.C., Supp. VII, p. 831.

Provisos.
Payments to State institutions.

Membership fees, attendance at meetings, etc.

Services, rentals, travel, etc., expenses.

Transfer of effects.

Wearing apparel.

law books, books of reference, periodicals, and newspapers; for passenger-carrying and other motor vehicles, including purchase, maintenance, repair, and operation of same, including not more than two passenger automobiles for general administrative use of the Central Office in the District of Columbia; and notwithstanding any provisions of law to the contrary, the Administrator is authorized to utilize Government-owned automotive equipment in transporting children of Veterans' Administration employees located at isolated stations to and from school under such limitations as he may by regulation prescribe; and notwithstanding any provisions of law to the contrary, the Administrator is authorized to expend during the fiscal year 1935 not to exceed $4,000 for actuarial services pertaining to the Government life insurance fund and the civil service retirement fund, to be obtained by contract, without obtaining competition, at such rates of compensation as he may determine to be reasonable; for allotment and transfer to the Public Health Service, the War, Navy, and Interior Departments, for disbursement by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans' Administration, including minor repairs and improvements of existing facilities under their jurisdiction necessary to such care and treatment; for expenses incidental to the maintenance and operation of farms; for recreational articles and facilities at institutions maintained by the Veterans' Administration; for administrative expenses incidental to securing employment for war veterans; for funeral, burial, and other expenses incidental thereto for beneficiaries of the Veterans' Administration accruing during the fiscal year 1935 or prior fiscal years: *Provided further*, That the appropriations herein made for the care and maintenance of veterans in hospitals or homes under the jurisdiction of the Veterans' Administration shall be available for the purchase of tobacco to be furnished, subject to such regulations as the Administrator of Veterans' Affairs shall prescribe, to veterans receiving hospital treatment or domiciliary care in Veterans' Administration hospitals or homes: *Provided further*, That the appropriations herein made for medical and hospital services under the jurisdiction of the Veterans' Administration shall be available, not to exceed $10,000, for experimental purposes to determine the value of certain types of treatment: *Provided further*, That this appropriation shall be available for continuing aid to State or Territorial homes for the support of disabled volunteer soldiers and sailors, in conformity with the Act approved August 27, 1888 (U.S.C., title 24, sec. 134), as amended, for those veterans eligible for admission to Veterans' Administration facilities for domiciliary care.

Motor vehicles.

Transporting employees' children to schools.

Actuarial services.

Transfer of applicable funds.

Operating farms, recreational facilities, etc.

Funeral, etc., expenses.

Purchase of tobacco.

Experiments to determine value of different treatments.

State, etc., homes; aid to.

Vol. 25, p. 450.
U.S.C., p. 677.

No part of this appropriation shall be expended for the purchase of any site for or toward the construction of any new hospital or home, or for the purchase of any hospital or home; and not more than $3,269,500 of this appropriation may be used to repair, alter, improve, or provide facilities in the several hospitals and homes under the jurisdiction of the Veterans' Administration either by contract or by the hire of temporary employees and the purchase of materials.

Use for new hospital site, hospital, etc., forbidden.

Amount for improvements, etc.

For printing and binding for the Veterans' Administration, including all its bureaus and functions located in Washington, District of Columbia, and elsewhere, $130,000: *Provided*, That the Administrator of Veterans' Affairs is authorized to utilize the printing and binding equipment which the various hospitals and homes of the Veterans' Administration use for occupational therapy purposes for the purpose of doing such printing and binding as

Printing and binding.

Proviso.
Use of branch equipment.

Restrictions waived.
Vol. 28, p. 622; Vol. 40, p. 1270.
U.S.C., p. 1421.

may, in his judgment, be found advisable for the use of the Veterans' Administration, notwithstanding the provisions of section 87 of the Act entitled "An Act providing for the public printing and binding and the distribution of public documents", approved January 12, 1895, and section 11 of the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes, approved March 1, 1919 (U.S.C., title 44, sec. 111).

Pensions.

Pensions: For the payment of pensions, gratuities, and allowances, now authorized under any Act of Congress, or regulation of the President based thereon, or which may hereafter be authorized, including emergency officers' retirement pay and annuities, the administration of which is now or may hereafter be placed in the Veterans' Administration, $296,291,997, to be immediately available: *Provided*, That Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose.

Proviso.
Navy from naval fund.

Military and naval insurance.

For military and naval insurance accruing during the fiscal year 1935 or in prior fiscal years, $112,300,000.

Adjusted service certificate fund.
Vol. 43, p. 128.
U.S.C., p. 1232; Supp. VII, p. 853.

Adjusted service certificate fund: For an amount necessary under the World War Adjusted Compensation Act (U.S.C., title 38, secs. 591–683; U.S.C., Supp. VI, title 38, secs. 612–682), to provide for the payment of the face value of each adjusted service certificate in twenty years from its date or on the prior death of the veteran, and to make loans to veterans and repayments to banks in accordance with section 507 of the Act, as amended (U.S.C., Supp. VI, title 38, secs. 642, 647, 650; Act July 21, 1932, 47 Stat., pp. 724–725), $50,000,000, to become available July 1, 1934, and remain available until expended.

Loans, etc.
Vol. 43, p. 128; Vol. 46, p. 1429; Vol. 47, p. 724.
U.S.C., p. 1233; Supp. VII, p. 855.

Adjusted service and dependent pay.
Vol. 43, pp. 125, 129, 130; Vol. 44, pp. 828, 829; Vol. 45, pp. 947, 948; Vol. 46, p. 496.
U.S.C., pp. 1231, 1233; Supp. VII, p. 857.

Adjusted service and dependent pay: For payment of adjusted service credits of not more than $50 each and the quarterly installments due to dependents of deceased veterans, as provided in the Act of May 19, 1924, as amended (U.S.C., title 38, secs. 631–632, 663, 666; U.S.C., Supp. VI, title 38, secs. 661–662, 664–665, 667), $1,286,000, to be immediately available and to remain available until expended.

Total, military services, $546,748,096.

Civil Service Retirement Fund.

CIVIL-SERVICE RETIREMENT FUND

Contribution to.
Vol. 41, p. 614; Vol. 44, p. 912; Vol. 46, p. 468. U.S.C., p. 71; Supp. VII, p. 51.

For financing of the liability of the United States, created by the Act entitled "An Act for the retirement of employees in the classified civil service, and for other purposes", approved May 22, 1920, and Acts amendatory thereof (U.S.C., Supp. VI, title 5, sec. 707a), $20,850,000, which amount shall be placed to the credit of the "civil-service retirement and disability fund."

Proviso.
Oleomargarine restriction.

Total, Veterans' Administration, $567,598,096: *Provided*, That no part of this appropriation shall be expended for the purchase of oleomargarine or butter substitutes except for cooking purposes.

Total appropriated by this Act, $588,001,548.

Salaries limited to average rates under Classification Act.
Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003.
U.S.C., p. 65; Supp. VII, p. 34.

SEC. 2. In expending appropriations or portions of appropriations contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended: *Provided further*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the

Proviso.
Restriction not applicable to clerical-mechanical service.

reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade, in the same or different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

No reduction in fixed salaries.
Vol. 42, p. 1490.
U.S.C., p. 66.
Transfer to another position without reduction.
Higher rates permitted.
If only one position in a grade.

TITLE II—ECONOMY PROVISIONS

Economy provisions.

SEC. 21. (a) Title II of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, is amended as follows:

Ante, p. 12.

(1) Section 2 is amended by inserting after "1934" the following: "and the fiscal year ending June 30, 1935"; and

Determination of salaries, part of fiscal year 1934 and all of 1935.

(2) Section 3 (b) is amended by striking out "15 per centum" and inserting in lieu thereof the following: "10 per centum during the portion of the fiscal year 1934 beginning February 1, 1934, and ending June 30, 1934, and shall not exceed 5 per centum during the fiscal year ending June 30, 1935."

Pay readjustments.

(b) Section 105 (relating to the salaries of the Vice President, Speaker of the House, Senators, Representatives, Delegates, Resident Commissioners, and persons on the rolls of the Senate or House of Representatives) of the Legislative Appropriation Act, fiscal year 1933 (except subsections (d) and (e) thereof), as continued and amended by section 4 of title II of such Act of March 20, 1933, is hereby continued in full force and effect for the fiscal year ending June 30, 1935, and for the purpose of continuing such section, in the application of such section with respect to the fiscal year ending June 30, 1935, the figures "1933" shall be read as "1935"; except that in the application of such section with respect to the fiscal year ending June 30, 1935, subsection (a) is amended by striking out "15 per centum" wherever it appears and inserting in lieu thereof "the percentage of reduction applicable to officers and employees of the Federal Government generally." In the application of such section with respect to the portion of the fiscal year 1934 beginning February 1, 1934, and ending June 30, 1934, the percentage of reduction shall be the percentage applicable to officers and employees of the Federal Government generally.

Vice President, Speaker, Senators, Representatives, etc.
Salary provisions.
Vol. 47, p. 401.
Ante, p. 13.

(c) Section 107 (except paragraph (5) of subsection (a) thereof and subsection (b) thereof) of part II of the Legislative Appropriation Act, fiscal year 1933 (relating to certain special salary reductions); section 12 (relating to compensation reductions of officers and employees of insular possessions), section 13 (relating to the retired pay of certain judges), section 14 (relating to reduction in compensation benefits to certain civilian employees), and section 15 (relating to reductions in certain private pensions) of the Independent Offices Appropriation Act, 1934; and section 18 (relating to pensions for military service prior to the Spanish-American War) of title I of such Act of March 20, 1933, are hereby continued in full force and effect for the fiscal year ending June 30, 1935, and for the purpose of continuing such sections with respect to the fiscal year ending June 30, 1935, the figures "1933" (except in such sections 13, 14, and 15) shall be read as "1935" and the figures "1934" shall be read as "1935"; except that in the application of

Special salary reductions.
Vol. 47, p. 402.
Ante, pp. 13, 307.
Insular possessions, employees.
Retired judges.
Civilian disability compensation.
Certain private pensions.
Pensions for service prior to 1898.
Continuance during fiscal year 1935.

Percentage reduction for 1935.

such sections 12, 13, and 18 with respect to the fiscal year ending June 30, 1935, the percentage of reduction shall be the percentage applicable to officers and employees of the Federal Government generally. In the application of such sections 12, 13, and 18 with respect to the portion of the fiscal year 1934 beginning February 1, 1934, and ending June 30, 1934, the percentage of reduction shall be the percentage applicable to officers and employees of the Federal Government generally.

For portion of 1934.

Deficiencies may be incurred to meet differences in payments. Vol. 34, p. 49, waived.

(d) Notwithstanding the provisions of the antideficiency Acts, deficiencies in their respective appropriations made during the second session of the Seventy-third Congress and available for obligation during the fiscal year ending June 30, 1935, may be incurred during such fiscal year by any executive department or independent establishment and the municipal government of the District of Columbia, upon written order of the President specifying the amount of the deficiency which may be incurred, and by the legislative branch of the Government and the agencies customarily considered a part of such branch; but such deficiencies may be incurred only to the extent necessary to enable the payment to officers and employees of such activities of sums for which the available appropriation is inadequate by reason of a diminution in the percentage of reduction of compensation in pursuance of action of the President under the provisions of section 3 of title II of such Act of March 20, 1933, as continued for the fiscal year 1935.

Ante, p. 13.

Appropriation of necessary funds.

(e) There is hereby appropriated so much as may be necessary for the payment of sums due, and payable out of the Treasury of the United States, by reason of the diminution under this title in the percentage of reduction of compensation, and other amendments to existing laws made hereby; and limitations on amounts for personal services are hereby respectively increased in proportion to the increase in appropriations for personal services made in this subsection. In the case of officers and employees of the municipal government of the District of Columbia, such sums shall be paid out of the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed by the District of Columbia Appropriation Acts for the respective fiscal years.

Salaries, etc., government of the District of Columbia.

Weekly compensation of mechanics, etc., to be reestablished.

SEC. 23. The weekly compensation, minus any general percentage reduction which may be prescribed by Act of Congress, for the several trades and occupations, which is set by wage boards or other wage-fixing authorities, shall be reestablished and maintained at rates not lower than necessary to restore the full weekly earnings of such employees in accordance with the full-time weekly earnings under the respective wage schedules in effect on June 1, 1932: *Provided*, That the regular hours of labor shall not be more than forty per week; and all overtime shall be compensated for at the rate of not less than time and one half.

Proviso. Hours of employment.

Ante, p. 16.

Automatic promotions suspended.

SEC. 24. Title II of the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, is amended by inserting at the end thereof the following:

Certain related sections of Legislative Act of 1933 continued. Vol. 47, p. 403.

"SEC. 10. (a) The following sections, as amended, of Part II of the Legislative Appropriation Act, fiscal year 1933, are hereby continued in full force and effect during the fiscal year ending June 30, 1935: Sections 201 (suspending automatic increases in compensation), 203 (prohibiting filling of vacancies), 206 (except subsection (a) thereof) (reducing travel allowances), 214 (authorizing temporary assignments in the Postal Service), 315 (restricting transfer of noncivilian personnel), 317 (authorizing transfers of appropriations), and 323 (reducing jurors' and witnesses' fees).

"(b) The following sections of the Treasury-Post Office Appropriation Act, fiscal year 1934, are hereby continued in full force and effect during the fiscal year ending June 30, 1935: Sections 7 (prohibiting administrative promotions): *Provided*, That adjustments of charges for quarters, subsistence or laundry, or other similar charges, shall not be interpreted as constituting administrative promotions, and 18 (suspending reenlistment allowances).

Administrative promotions.
Provision in Treasury-Post Office Act of 1934 continued in force.
Vol. 47, p. 1515.
Proviso.
Charges not so considered.

"(c) Section 9 (a) of the Independent Offices Appropriation Act, 1934 (relating to rotative furlough), is hereby continued in full force and effect during the fiscal year ending June 30, 1935.

Rotative furlough provisions continued.
Ante, p. 306.

"(d) For the purpose of continuing the sections enumerated in subsections (a), (b), and (c) of this section, in the application of such sections with respect to the fiscal year ending June 30, 1935: The figures '1933' shall be read as '1935'; the figures '1934' as '1935' (except in the case of the second proviso of such section 317); in the case of the first proviso of such section 317, the figures '1935' shall be read as '1937', the figures '1934' shall be read as '1936', and the figures '1933' shall be read as '1935'; and in the case of section 203, the figures '1932' shall be read as '1934'.

Filling vacancies during 1935 prohibited.

"(e) In the application of the sections enumerated in subsections (a), (b), and (c) of this section with respect to the fiscal year ending June 30, 1935 (but not with respect to the fiscal year ending June 30, 1934), the following amendments shall apply:

"(1) Section 201 (suspending automatic increases in compensation) of Part II of the Legislative Appropriation Act, fiscal year 1933, is amended by inserting at the end thereof the following: 'This section shall not apply during the fiscal year ending June 30, 1935, except to the extent that it suspends the longevity increases provided for in the tenth paragraph of section 1 of the Pay Adjustment Act of 1922. This amendment shall not authorize the payment of back compensation.'

Suspension of automatic increases in compensation.
Not applicable during 1935; except longevity increases.
Vol. 42, p. 625.
No back pay.

"(2) Section 7 (prohibiting administrative promotions) of the Treasury-Post Office Appropriation Act, fiscal year 1934, is amended by adding after the first proviso thereof a colon and the following: '*Provided further*, That administrative promotions may be made during the fiscal year 1935 to the extent that funds are available therefor, on an annual basis, from savings made in the amounts apportioned for personal services from the applicable appropriations for the fiscal year 1935'.

Administrative promotions.
Vol. 47, p. 1515.
Provisions for, during fiscal year 1935.

"(f) No part of the appropriations made during the second session of the Seventy-third Congress shall be used to pay any increase in the salary of any officer or employee of the United States Government or the municipal government of the District of Columbia by reason of the reallocation of the position of such officer or employee to a higher grade after June 30, 1932, by the Personnel Classification Board or the Civil Service Commission, and salaries paid accordingly shall be payment in full.

Restriction on use of appropriations.
Reallocation of position after June 30, 1932.

"(g) Each permanent specific annual appropriation available during the fiscal year ending June 30, 1935, is hereby reduced for that fiscal year by such estimated amount as the Director of the Bureau of the Budget may determine will be equivalent to the savings that will be effected in such appropriation by reason of the application of this title."

Proportionate reduction in permanent appropriations.

SEC. 25. Section 8 of title II of such Act of March 20, 1933, is hereby amended by inserting after the word "Act" the following: "during the fiscal year ending June 30, 1934,".

Impounding unexpended sums.
Ante, p. 15.

Veterans' provisions.

TITLE III—VETERANS PROVISIONS

Loss of use of both eyes.
Restoration of compensation.
Vol. 43, p. 618.
Ante, p. 8.

SEC. 26. Notwithstanding any provision of law to the contrary, in no event shall the compensation being paid on March 19, 1933, under subsections (3) and (5) of section 202 of the World War Veterans' Act, 1924, as amended, to veterans for the loss of the use of both eyes, where such veterans were, except by fraud, mistake, or misrepresentation, in receipt of compensation on March 19, 1933, be reduced or discontinued, except in accordance with the regulations issued under the Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, pertaining to hospitalized cases.

Service connected disability, etc.
Vol. 43, p. 615.
Ante, p. 8.

SEC. 27. Where service connection for a disease, injury, or disability not caused by his own willful misconduct was on March 19, 1933, established in accordance with section 200 of the World War Veterans' Act, 1924, as amended, and such connection has been severed through the application of, or regulations or instructions promulgated under Public Law Numbered 2, Seventy-third Congress, or Public Law Numbered 78, Seventy-third Congress, service connection is hereby reestablished and as to such cases the provisions of the first paragraph of section 200 of the World War Veterans' Act, 1924, as amended, are hereby reenacted: *Provided*, That the provisions of this section shall not apply (1) to persons entering the active military or naval service subsequent to the date of November 11, 1918, (2) to persons as to whom clear and unmistakable evidence discloses that the disease, injury, or disability had inception before or after the period of active military or naval service, unless such disease, injury, or disability is shown to have been aggravated during service, (3) to persons as to whose cases service connection was established by fraud, clear or unmistakable error as to conclusions of fact or law, or misrepresentation of material facts; and as to all such cases enumerated in this proviso, all reasonable doubts shall be resolved in favor of the veteran, the burden of proof being on the Government.

Proviso.
Service requirement.
Not contracted in service.
Service connection, established by fraud.

SEC. 28. The fourth paragraph of section 20, Public Law Numbered 78, Seventy-third Congress, is hereby amended to read as follows:

No reduction of payments for service-connected disabilities.
Ante, pp. 8, 310.

"Notwithstanding any of the provisions of Public Law Numbered 2, Seventy-third Congress, in no event shall the compensation being paid on March 19, 1933, for service-connected disabilities to those veterans who entered the active military or naval service on or before November 11, 1918, and whose disabilities are not the result of their own misconduct, where they were, except by fraud, misrepresentation of a material fact, or unmistakable error as to conclusions of fact or law, in receipt of compensation on March 19, 1933, be reduced or discontinued, except in accordance with the regulations issued under Public Law Numbered 2, Seventy-third Congress, pertaining to hospitalized cases: *Provided*, That the provisions of this section shall not apply to persons as to whom clear and unmistakable evidence discloses that the disease, injury, or disability had inception before or after the period of active military or naval service, unless such disease, injury, or disability is shown to have been aggravated during service; and in any review of the case of any veteran to whom compensation was being paid on March 19, 1933, for service-connected disability, reasonable doubts shall be resolved in favor of the veteran, the burden of proof being on the Government: *Provided further*, That, subject to the limitations above prescribed, except as to receipt of compensation on March 19, 1933, and notwithstanding the provisions of Public Law Numbered 2,

Provisos.
When benefits not applicable.
Exception.
Review of case.
Burden of proof.
Restoration of rate to veteran whose service-connected disability is established.

Seventy-third Congress, or any other law, veterans whose disease, injury, or disability is established on or after this paragraph as amended takes effect as service-connected in accordance with the provisions of section 200 of the World War Veterans' Act, 1924, as amended, shall be entitled to receive compensation in accordance with the provisions of such Act, as amended, and the rating schedule in effect on March 19, 1933; but veterans whose disease, injury, or disability is reestablished as service-connected under such section 200 by section 27 of Title III of the Independent Offices Appropriation Act, 1935, shall be paid 75 per centum of the compensation under the provisions of the World War Veterans' Act, 1924, as amended, and such rating schedule: *Provided further*, That whenever there is a change in the degree of disability of any such veteran the amount of compensation to be paid shall be determined pursuant to the provisions of the World War Veterans' Act, 1924, as amended, and the rating schedule in effect on March 19, 1933, and such amount shall not be reduced or discontinued. In no event shall death compensation being paid, except by fraud, misrepresentation of a material fact, or unmistakable error as to conclusions of fact or law, to widows, children, and dependent parents of deceased World War veterans under the World War Veterans' Act, 1924, as amended, on March 19, 1933, be reduced or discontinued, whether the death of the veteran on whose account compensation is being paid was directly or presumptively connected with service. In any case where a World War veteran dies or has died from disease or injury, and service connection for such disease or injury has been reestablished on or after the date this paragraph as amended takes effect as service-connected under section 200 of the World War Veterans' Act, 1924, as amended, or which would have been established under such section 200 had the veteran been living on March 19, 1933, and reestablished on or after the date this paragraph as amended takes effect, the surviving widow, child, or children and/or dependent parents shall be entitled to receive compensation at the rates prescribed in Veterans' Regulation Numbered 1 (a), part I, paragraph IV, and amendments thereto."

Compensation where disability, etc., reestablished as service-connected.
Ante, p. 524.

Change in degree of disability.

Determination of compensation.

Death compensation.

SEC. 29. Section 6 of Public Law Numbered 2, Seventy-third Congress, as amended by Public Law Numbered 78, Seventy-third Congress, is hereby amended by adding thereto the following proviso: "*Provided*, That any veteran of any war who was not dishonorably discharged, suffering from disability, disease, or defect, who is in need of hospitalization or domiciliary care, and is unable to defray the necessary expenses therefor (including transportation to and from the Veterans' Administration facility), shall be furnished necessary hospitalization or domiciliary care (including transportation) in any Veterans' Administration facility, within the limitations existing in such facilities, irrespective of whether the disability, disease, or defect was due to service. The statement under oath of the applicant on such form as may be prescribed by the Administrator of Veterans' Affairs shall be accepted as sufficient evidence of inability to defray necessary expenses."

Domiciliary care and hospitalization of needy veterans.
Ante, pp. 9, 301.

Transportation.

Prescribed oath to be accepted as sufficient.

SEC. 30. Notwithstanding any of the provisions of Public Law Numbered 2, Seventy-third Congress, no pension being paid on March 19, 1933, to any veteran of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, or to the widow as long as she remains unmarried and/or dependents of any such veteran, shall be reduced by more than 25 per centum, except in accordance with the regulations issued pursuant to Public Law Numbered 2, Seventy-third Congress, pertaining to hospitalized

Spanish War., etc., veterans, their widows and dependents.
Restriction on reducing pension.

Provisos. Excepted cases.

cases and except where his disability is the result of his own willful misconduct: *Provided*, That the provisions of this section shall not apply (1) to persons to whom payments were being made on March 19, 1933, through fraud, clear or unmistakable error as to conclusions of fact or law, or misrepresentation of a material fact, except that decisions as to degree of disability rendered prior to March 20, 1933, shall be conclusive, or (2) to any person during any year following a year for which such person was not entitled to exemption from the payment of a Federal income tax: *Provided, however*, That a veteran in Federal employ shall not receive more than $6 per month if his salary if single exceeds $1,000 and if married $2,500: *Provided further*, That this section shall not apply to any person who enlisted after August 12, 1898, and who did not serve in either the Boxer Rebellion or the Philippine Insurrection.

Federal employees.

Enlistment after August 12, 1898.

Reenactment of laws granting monetary benefits.

All laws in effect on March 19, 1933, granting monetary benefits to veterans of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, are hereby reenacted in their entirety, and such laws shall be effective from and after the effective date of this Act, subject to the limitations of this section and to such reduction in pensions as may be made hereunder.

Veteran suffering injury, etc., during training, hospitalization, etc.

SEC. 31. Where any veteran suffers or has suffered an injury, or an aggravation of any existing injury, as the result of training, hospitalization, or medical or surgical treatment, awarded him under any of the laws granting monetary or other benefits to World War veterans, or as the result of having submitted to examination under authority of the War Risk Insurance Act or the World War Veterans' Act, 1924, as amended, and not the result of his misconduct, and such injury or aggravation results in additional disability to or the death of such veteran, the benefits of Public Law Numbered 2, of Public Law Numbered 78, and of this title shall be awarded in the same manner as if such disability, aggravation, or death were service connected within the meaning of such laws; except that no benefits under this section shall be awarded unless application be made therefor within two years after such injury or aggravation was suffered, or such death occurred, or after the passage of this Act, whichever is the later date. The benefits of this section shall be in lieu of the benefits under the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended.

Award.

Application for benefits.

Benefits to be in lieu of those of Workmen's Compensation Act. Vol. 39, p. 7421, U.S.C., p. 77.

Ante, p. 10. Participation by beneficiary in decision.

SEC. 32. The last sentence of section 9 of Public Law Numbered 2, Seventy-third Congress, is hereby repealed.

Service connected benefits termed "compensation."

SEC. 33. Service-connected money benefits payable to World War veterans under this title and Public Law Numbered 2, Seventy-third Congress, shall be entitled "compensation" and not "pension".

Effective date.

SEC. 34. This title shall take effect on the date of enactment of this Act, and no payments of any benefits conferred under the provisions of this title shall be made for any period prior to such date.

Yearly renewable term insurance. Existing provisions modified. *Ante*, pp. 11, 309.

SEC. 35. That notwithstanding the provisions of section 17 of title I of an Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, and section 20 of an Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, and for other purposes", approved June 16, 1933, any claim for yearly renewable term insurance under the provisions of laws repealed by said section 17, wherein claim was duly filed prior to March 20, 1933, and on which maturity of the insurance contract

had been determined by the Veterans' Administration prior to March 20, 1933, and where payments could not be made because of the provisions of the Act of March 20, 1933, or under the provisions of the Act of June 16, 1933, may be adjudicated by the Veterans' Administration, and any person found entitled to yearly renewable term insurance benefits claimed shall be paid such benefits in accordance with and in the amounts provided by such prior laws.

Title of Act.

SEC. 40. This Act may be cited as the "Independent Offices Appropriation Act, 1935."

HENRY T. RAINEY
Speaker of the House of Representatives.

JNO. N. GARNER
Vice President of the United States and President of the Senate.

Certificate of House of Representatives.

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
March 27, 1934.

The House of Representatives having proceeded to reconsider the bill (H.R. 6663) entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1935, and for other purposes," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was—

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

SOUTH TRIMBLE,
Clerk.

Certificate of Senate.

IN THE SENATE OF THE UNITED STATES,
March 28, 1934.

The Senate having proceeded to reconsider the bill (H.R. 6663) entitled "An Act making appropriations for the Executive Offices and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1935, and for other purposes," returned by the President of the United States to the House of Representatives, in which it originated, with his objections, and passed by the House on a reconsideration of the same, it was

RESOLVED, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

EDWIN A. HALSEY,
Secretary

I certify that this Act originated in the House of Representatives.

SOUTH TRIMBLE,
Clerk.

[CHAPTER 103.]

AN ACT

April 7, 1934.
[H.R. 7478.]
[Public, No. 142.]

To amend the Agricultural Adjustment Act so as to include cattle and other products as basic agricultural commodities, and for other purposes.

Agricultural Adjustment Act, amendments.
Ante, p. 38; *Post*, p. 670.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the Agricultural Adjustment Act, as amended, is amended by adding after the word "hogs" a comma and the word "cattle".

Cattle as basic agricultural commodity.

SEC. 2. Subsection (a) of section 12 of the Agricultural Adjustment Act, as amended, is amended by adding at the end thereof a new paragraph as follows:

Appropriation authorized.
Financing surplus reductions of dairy and beef-cattle industries.
Post, p. 805.

"To enable the Secretary of Agriculture to finance, under such terms and conditions as he may prescribe, surplus reductions and production adjustments with respect to the dairy- and beef-cattle industries, and to carry out any of the purposes described in subsections (a) and (b) of this section (12) and to support and balance the markets for the dairy and beef cattle industries, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000,000: *Provided*, That not more than 60 per centum of such amount shall be used for either of such industries."

Proviso.
Restriction on expenditure.

Ante, p. 36.
Processing tax.
Post, pp. 675, 1242.

SEC. 3. (a) Subsection (d) of section 9 of the Agricultural Adjustment Act, as amended, is amended by renumbering paragraph (5) as paragraph (6) and by adding after paragraph (4) a new paragraph as follows:

Peanuts; processing of.

"(5) In case of peanuts, the term 'processing' means the cleaning, polishing, grading, shelling, crushing, or other processing thereof."

As basic agricultural commodity.

(b) Section 11 of such Act, as amended, is amended by adding after the word "tobacco" a comma and the word "peanuts".

Rye, flax, and barley, added.

SEC. 4. Section 11 of the Agricultural Adjustment Act, as amended, is amended by adding after the word "wheat" a comma and the words "rye, flax, barley".

Grain sorghums.

SEC. 5. Section 11 of the Agricultural Adjustment Act, as amended, is amended by adding after the words "field corn" a comma and the words "grain sorghums".

Appropriation authorized.
Advances to Federal Surplus Relief Corporation.
Post, p. 805.

SEC. 6. There is authorized to be appropriated the sum of $50,000,000 to enable the Secretary of Agriculture to make advances to the Federal Surplus Relief Corporation for the purchase of dairy and beef products for distribution for relief purposes, and to enable the Secretary of Agriculture, under rules and regulations to be promulgated by him and upon such terms as he may prescribe, to eliminate diseased dairy and beef cattle, including cattle suffering from tuberculosis or Bangs' disease, and to make payments to owners with respect thereto.

Elimination of diseased cattle.
Payments to owners.

Ante, p. 34.
Powers of Secretary of Agriculture.
Marketing agreements.

SEC. 7. The first sentence of subsection (2) of section 8 of the Agricultural Adjustment Act, as amended, is amended to read as follows: "After due notice and opportunity for hearing, to enter into marketing agreements with processors, producers, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof, in the current of or in competition with, or so as to burden, obstruct, or in any way affect, interstate or foreign commerce."

Approved, April 7, 1934.

[CHAPTER 104.]

AN ACT

April 7, 1934.
[H.R. 7513.]
[Public, No. 143.]

Making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1935, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1935, namely:

Appropriations for Departments of State and Justice, the Judiciary, and Departments of Commerce and Labor, fiscal year 1935.

TITLE I—DEPARTMENT OF STATE

Department of State.

OFFICE OF THE SECRETARY OF STATE

Salaries: For Secretary of State; Under Secretary of State, $10,000; and other personal services in the District of Columbia, including temporary employees, and not to exceed $6,500 for employees engaged on piecework at rates to be fixed by the Secretary of State; $1,528,200: *Provided*, That in expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the four Assistant Secretaries of State and the legal adviser of the Department of State, the Assistant to the Attorney General, the Assistant Solicitor General, and six Assistant Attorneys General, the Assistant Secretaries of Commerce, the Assistant Secretary and the Second Assistant Secretary of Labor, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Secretary, Under Secretary, and office personnel.
Temporary and piecework employees.

Provisos.
Salaries limited to average rates under Classification Acts.
Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003.
U.S.C., p. 65; Supp. VII, p. 34.

Restriction not applicable to clerical-mechanical service.
No reduction in fixed compensation.
Vol. 42, p. 1490.
U.S.C., p. 60.
Transfer to another position without reduction.

Higher salary rates permitted.

If only one position in grade.

CONTINGENT EXPENSES, DEPARTMENT OF STATE

For contingent and miscellaneous expenses, including stationery, furniture, fixtures; typewriters, adding machines, and other labor-saving devices, including their exchange, not exceeding $10,000; repairs and materials for repairs; purchase and exchange of books, maps, and periodicals, domestic and foreign, and when authorized by the Secretary of State for dues for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members, not exceeding $15,880; newspapers not exceeding $1,500; maintenance, repair, and storage of motor-propelled vehicles, to be used only for official purposes (one for the Secretary of State and two

Contingent expenses of Department.

Vehicles.

for dispatching mail, and one motorcycle for the general use of the department); automobile mail wagons, including storage, repair, and exchange of same; street-car fare not exceeding $150; traveling expenses; refund of fees erroneously charged and paid for the issue of passports to persons who are exempted from the payment of such fee by section 1 of the Act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, approved June 4, 1920 (U.S.C., Supp. VI, title 22, sec. 214a); the examination of estimates of appropriations in the field; and other miscellaneous items not included in the foregoing; $60,000.

Refund of passport fees erroneously charged.

Vol. 41, p. 750; Vol. 44, p. 887.

U.S.C., Supp. VII, p. 477.

Printing and binding.

PRINTING AND BINDING

For all printing and binding in the Department of State, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, $107,180.

Passport agencies.

PASSPORT AGENCIES

For salaries and expenses of maintenance, and traveling expenses not to exceed $500, for not to exceed five passport agencies, $46,665.

Official papers of Territories.

COLLECTING AND EDITING OFFICIAL PAPERS OF TERRITORIES OF THE UNITED STATES

Collecting, etc., for publication.

Printing and binding.

For the expenses of collecting, editing, copying, and arranging for publication the official papers of the Territories of the United States, including personal services in the District of Columbia and elsewhere, printing and binding, and contingent and traveling expenses, as provided by the Act approved February 28, 1929 (45 Stat. 1412), $12,000: *Provided*, That the total number of copies of any volume to be printed and bound under this or any existing appropriation for printing and binding of these papers shall not exceed one thousand two hundred and twenty-seven, which shall be distributed as provided in section 3 of such Act, except that each Senator shall receive not to exceed three copies and each Representative not to exceed one.

Proviso.
Limit on total number of copies, etc.

Distribution.
Vol. 45, p. 1412.
Copies to Senators and Representatives.

Foreign intercourse.

FOREIGN INTERCOURSE

AMBASSADORS AND MINISTERS

Salaries.
Ambassadors.

Ambassadors extraordinary and plenipotentiary to Argentina, Brazil, Chile, Cuba, France, Germany, Great Britain, Italy, Japan, Mexico, Peru, Poland, Russia, Spain, and Turkey, at $17,500 each;

Ambassador extraordinary and plenipotentiary to Belgium and envoy extraordinary and minister plenipotentiary to Luxemburg, $17,500;

Ministers.
China and Netherlands.

Envoys extraordinary and ministers plenipotentiary to China and the Netherlands, at $12,000 each;

Other countries.

Envoys extraordinary and ministers plenipotentiary to Albania, Austria, Bolivia, Bulgaria, Czechoslovakia, Colombia, Costa Rica, Denmark, Dominican Republic, Dominion of Canada, Ecuador, Egypt, Finland, Greece, Guatemala, Haiti, Honduras, Hungary, Irish Free State, Liberia, Nicaragua, Norway, Panama, Paraguay, Persia, Portugal, Rumania, Salvador, Siam, Union of South Africa, Sweden, Switzerland, Uruguay, Venezuela, and Yugoslavia, at $10,000 each; and to Estonia, Latvia, and Lithuania, $10,000;

In all, not to exceed $578,250;

Proviso.
Salary restriction.

Provided, That no salary herein appropriated shall be paid to any official receiving any other salary from the United States Government.

SALARIES OF FOREIGN SERVICE OFFICERS

Foreign Service officers.

For salaries of Foreign Service officers as provided in the Act approved February 23, 1931 (U.S.C., Supp. VI, title 22, secs. 3, 3a), $2,781,000.

Salaries.
Vol. 46, p. 1207.
U.S.C., Supp. VII, p. 471.
Ante, p. 466; *Post*, pp. 834, 1060.

SALARIES, FOREIGN SERVICE OFFICERS WHILE RECEIVING INSTRUCTIONS AND IN TRANSIT

Instruction and transit pay.
R.S., sec. 1740, p. 309.
U.S.C., p. 650.

To pay the salaries of ambassadors, ministers, consuls, vice consuls, and other officers of the United States for the period actually and necessarily occupied in receiving instructions and in making transits to and from their posts, and while awaiting recognition and authority to act in pursuance with the provisions of section 1740 of the Revised Statutes, $13,500.

SALARIES, FOREIGN SERVICE OFFICERS WHILE ACTING AS CHARGÉS D'AFFAIRES

Chargés d'affaires, etc.

For salaries of Foreign Service officers or vice consuls while acting as chargé d'affaires ad interim or while in charge of a consulate general or consulate during the absence of the principal officer, $18,000.

TRANSPORTATION OF FOREIGN SERVICE OFFICERS

Transportation, Foreign Service officers.

Payment of expenses.

To pay the traveling expenses of Diplomatic, Consular, and Foreign Service officers, and other employees of the Foreign Service, including Foreign Service inspectors and under such regulations as the Secretary of State may prescribe, of their families and expenses of transportation of effects, in going to and returning from their posts, including not to exceed $25,000 incurred in connection with leaves of absence, and of the preparation and transportation of the remains of those officers and said employees of the Foreign Service, who have died or may die abroad or in transit while in the discharge of their official duties, to their former homes in this country or to a place not more distant for interment and for the ordinary expenses of such interment, and also for payment under the provisions of section 1749 of the Revised Statutes (U.S.C. title 22, sec. 130) of allowances to the widows or heirs at law of Diplomatic, Consular, and Foreign Service officers of the United States dying in foreign countries in the discharge of their duties, $449,500: *Provided*, That this appropriation shall be available also for the authorized subsistence expenses of Consular and Foreign Service officers while on temporary detail under commission.

Leaves of absence.
Bringing home remains of officers, etc., dying abroad.

Payments to widows or heirs at law.
R.S., sec. 1749, p. 311.
U.S.C., p. 650.

Proviso.
Subsistence expenses of officers on temporary detail.

ALLOWANCES FOR RENT, HEAT, FUEL, AND LIGHT, FOREIGN SERVICE

Rent, heat, fuel, and light allowances.

For offices and grounds.
Living quarters.
Vol. 46, p. 818.
U.S.C., Supp. VII, p. 20.
Sum immediately available.
Provisos.
Rent payments in advance.
Leases.

For rent, heat, fuel, and light for the Foreign Service for offices and grounds, and, as authorized by the Act approved June 26, 1930 (U.S.C., Supp. VI, title 5, sec. 118a), for living quarters and not to exceed $1,454,000 for allowances for living quarters, including heat, fuel, and light $2,225,955, of which $238,000 shall be immediately available: *Provided*, That payment for rent may be made in advance: *Provided further*, That the Secretary of State may enter into leases for such offices, grounds, and living quarters for periods not exceeding ten years: *Provided further*, That no part of this appropriation shall be used for allowances for living quarters, including heat, fuel, and light in an amount exceeding $3,000 for an ambassador or a minister, and not exceeding $1,700 for any other

Allowance for quarters limited.

Custodial, etc., services.
Restriction on expenditures for.

Foreign Service officer: *Provided further*, That under this appropriation and the appropriation herein for "Contingent expenses, Foreign Service", not more than $3,000 shall be expended for custodial service, heat, fuel, and light in any Government-owned building used for residence or residence and office purposes for an ambassador or minister, and not more than $1,700 for such purposes in the case of any other Foreign Service officer, except that at any post at which the expenditures for such purposes for the fiscal year 1933 were in excess of the limitation of $3,000 in this last proviso in the case of an ambassador or minister there may be expended during the fiscal year 1935 an amount equal to the sum so authorized to be expended during the fiscal year 1933, but in no event to exceed $5,000; and during the incumbency of a chargé d'affaires the limitation on such expenditures shall be the same as for the occupancy of the principal officer.

Exception.

COST OF LIVING ALLOWANCE, FOREIGN SERVICE OFFICERS

Cost of living allowance.
Vol. 46, p. 1209.
U.S.C., Supp. VII, p. 472.
Sum available.

To carry out the provisions of the Act approved February 23, 1931 (U.S.C., Supp. VI, title 22, secs. 12, 23c) relating to allowances and/or additional compensation to diplomatic, consular, and Foreign Service officers and/or clerks when such allowances and/or additional compensation are necessary to enable such officers and/or clerks to carry on their work efficiently: *Provided*, That such allowances and/or additional compensation shall be granted only in the discretion of the President, and under such regulations as he may prescribe, $300,000, of which amount not to exceed $100,000 shall be immediately available.

Proviso.
Expenditure.

Sum immediately available.

Foreign Service Building Fund.

FOREIGN SERVICE BUILDING FUND

Vol. 44, p. 404.
U.S.C., Supp. VII, p. 480.
Sum available for.

For the purpose of carrying into effect the provisions of the "Foreign Service Buildings Act, 1926", as amended (U.S.C., Supp. VI, title 22, sec. 295), and for each and every object thereof, including the initial alterations, repair, and furnishing of buildings heretofore acquired under specific authorization of Congress for the use of the diplomatic and consular establishments in foreign countries, $1,165,000, fiscal year 1935, to remain available until expended: *Provided*, That in expending appropriations for the foregoing purposes obligations shall not be incurred which will require expenditures in excess of the total of $10,000,000 now authorized by law: *Provided further*, That no part of the appropriation made herein shall be expended for the purchase of old buildings.

Provisos.
Limit on obligations incurred.

Purchase of old buildings prohibited.

Foreign Service retirement, etc., fund.

FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

Federal contribution.
Vol. 46, p. 1211.
U.S.C., Supp. VII, p. 473.

For financing the liability of the United States, created by the Act approved February 23, 1931 (U.S.C., Supp. VI, title 22, sec. 21), $159,100, which amount shall be placed to the credit of the "Foreign Service retirement and disability fund."

Clerks in Foreign Service.

SALARIES OF CLERKS IN THE FOREIGN SERVICE

Salaries.
Vol. 46, p. 1207.
U.S.C., Supp. VII, p. 474.

For salaries of clerks in the Foreign Service, as provided in the Act approved February 23, 1931 (U.S.C., Supp. VI, title 22, sec. 23a), including salaries during transit to and from homes in the United States upon the beginning and after termination of service, $2,101,500.

CONTINGENT EXPENSES, FOREIGN SERVICE

Contingent expenses, Foreign Service.

For stationery; blanks; record and other books; seals; presses; flags; signs; repairs, including minor alterations; repairs, supervision, preservation, and maintenance of Government-owned diplomatic and consular properties in foreign countries, and properties acquired under the Act approved May 7, 1926, as amended (U.S.C., Supp. VI, title 22, secs. 291, 296), and including also custodial service, water, materials, supplies, tools, seeds, plants, shrubs, and similar objects; newspapers (foreign and domestic); freight; postage; telegrams; advertising; ice and drinking water for office purposes; purchase (at not to exceed $750 for any one automobile), maintenance, operation and hire of motor-propelled or horse-drawn passenger-carrying vehicles, and purchase, maintenance, operation, and hire of other passenger-carrying vehicles; funds for establishment and maintenance of commissary service; uniforms; furniture, household furniture and furnishings, except as provided by the Act of May 7, 1926, as amended for Government-owned or rented buildings when in the judgment of the Secretary of State it would be in the public interest to do so, not to exceed $75,000; typewriters and exchange of same; messenger service; operation, maintenance, and rental of launch for embassy in Turkey, not exceeding $3,500; compensation of kavasses, guards, dragomans, porters, interpreters, translators, Chinese writers, and supervisors of construction and compensation of agents and employees of and rent and other expenses for dispatch agencies at London, New York, San Francisco, Seattle, and New Orleans, including salaries during transit to and from their homes in the United States upon the beginning and after termination of service in foreign countries; traveling expenses, including attendance at trade and other conferences or congresses under orders of the Secretary of State as authorized by the Act approved February 23, 1931 (U.S.C., Supp. VI, title 22, sec. 16); loss by exchange; payment in advance of telephone and other similar services and rent of dispatch agencies, expenses of vice consulates and consular agencies for any of the foregoing objects; cost, not exceeding $350 per annum each, of the tuition of Foreign Service officers assigned for the study of the languages of Asia and eastern Europe; and such other miscellaneous expenses as the President may deem necessary, $1,314,870: *Provided*, That no part of this appropriation shall be expended for salaries or wages of persons not American citizens performing clerical services (except interpreters, translators, and messengers), whether officially designated as clerks or not, in any foreign mission.

Government buildings abroad. Vol. 44, p. 403; Vol. 45, p. 971. U.S.C., Supp. VII, p. 479.

Dispatch agencies. Salaries during transit.

Traveling expenses; attendance at trade conferences, etc. Vol. 46, p. 1209. U.S.C., Supp. VII, p. 472.

Proviso. No payment to aliens for clerical services.

RESCUE, RELIEF, AND PROTECTION OF AMERICAN SEAMEN

For relief, protection, and burial of American seamen in foreign countries, in the Panama Canal Zone, and in the Philippine Islands, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, in Puerto Rico, and in the Virgin Islands; and for expenses which may be incurred in the acknowledgment of the services of masters and crews of foreign vessels in rescuing American seamen or citizens from shipwreck or other catastrophe at sea; $6,000: *Provided*, That no part of this or any other appropriation shall be available for making payment to steamship owners or operators for transporting a destitute or shipwrecked seaman if the last previous service of the destitute or shipwrecked seaman was on a vessel of such steamship owner or operator and was not terminated by desertion.

Relief of American seamen. *Ante*, p. 395.

Proviso. Restriction on expenditure.

EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE

Emergencies.

Neutrality Act, expenses.
R.S., sec. 291, p. 49. U.S.C., p. 982.

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States, and to meet the necessary expenses attendant upon the execution of the Neutrality Act, to be expended pursuant to the requirement of section 291 of the Revised Statutes (U.S.C., title 31, sec. 107), $175,000.

CONTRIBUTIONS, QUOTAS, AND SO FORTH

Contributions, quotas, etc.

For payment of the annual contributions, quotas, and/or expenses, including loss by exchange, in discharge of the obligations of the United States in connection with international commissions, congresses, bureaus, and other objects, as follows: Cape Spartel and Tangier Light, Coast of Morocco, $825; International Bureau of Weights and Measures, $4,342.50; International Bureau for Publication of Customs Tariffs, $1,400; Pan American Union, quota, $168,762, printing and binding, $20,000, in all, $188,762; International Bureau of Permanent Court of Arbitration, $2,000; Bureau of Interparliamentary Union for Promotion of International Arbitration, $7,500; International Institute of Agriculture at Rome, Italy, $5,400; Pan American Sanitary Bureau, $30,236.51; International Office of Public Health, $3,015.79; International Radiotelegraphic Convention, $7,527; Government of Panama, $250,000; International Hydrographic Bureau, $5,404; International Trade-Mark Registration Bureau, $14,330.20; International Bureau for Protection of Industrial Property, $1,350; Gorgas Memorial Laboratory, $50,000; American International Institute for the Protection of Childhood, $2,000; International Statistical Bureau at The Hague, $2,000; International Map of the World on the Millionth Scale, $50; International Technical Committee of Aerial Legal Experts, $250; Convention Relating to Liquor Traffic in Africa, $55; and International Prison Commission, $3,500; in all, $579,948, together with such additional sums, due to increases in rates of exchange as may be necessary to pay in foreign currencies the quotas and contributions required by the several treaties, conventions, or laws establishing the amount of the obligation for the fiscal years 1934 and 1935.

INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND MEXICO

International Boundary Commission, United States and Mexico.
Vol. 24, p. 1011; Vol. 26, p. 1512; Vol. 34, p. 2953.
Vol. 44, p. 1403; Vol. 46, p. 1162.
Vol. 47, p. 480.

For expenses of meeting the obligations of the United States under the treaties of 1884, 1889, 1905, 1906, and 1933 between the United States and Mexico, and of compliance with public resolutions approved March 3, 1927, and February 14, 1931, and the Act making appropriations for the Department of State for the fiscal year 1933, including operation of gaging stations where necessary and their equipment; personal services and rent in the District of Columbia and elsewhere; fees for professional services at rates and in amounts to be determined by the Secretary of State; travel expenses, including transportation of effects; printing and binding; subscriptions to foreign and domestic newspapers and periodicals; purchase, exchange, maintenance, repair, and operation of motor-propelled passenger and freight carrying vehicles; drilling and testing of dam sites, by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5); equipment and such other miscellaneous expenses as the Secretary of State may deem proper, $109,000.

R.S., sec. 3709, p. 732. U.S.C., p. 1309.

INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA AND ALASKA AND CANADA

International Boundary Commission.

Obligations under treaty between United States and Great Britain.

Vol. 44, p. 2102.

To enable the President to perform the obligations of the United States under the treaty between the United States and Great Britain in respect of Canada, signed February 24, 1925; for salaries and expenses, including the salary of the commissioner and salaries of the necessary engineers, clerks, and other employees for duty at the seat of government and in the field; cost of office equipment and supplies; necessary traveling expenses; commutation of subsistence to employees while on field duty, not to exceed $4 per day each, but not to exceed $1.75 per day each when a member of a field party and subsisting in camp; for payment for timber necessarily cut in keeping the boundary line clear, not to exceed $500; and for all other necessary and reasonable expenses incurred by the United States in maintaining an effective demarcation of the international boundary line between the United States and Canada and Alaska and Canada under the terms of the treaty aforesaid, including the completion of such remaining work as may be required under the award of the Alaskan Boundary Tribunal and existing treaties between the United States and Great Britain, to be disbursed under the direction of the Secretary of State, $38,000.

Maintenance of boundary line.

WATERWAYS TREATY, UNITED STATES AND GREAT BRITAIN: INTERNATIONAL JOINT COMMISSION, UNITED STATES AND GREAT BRITAIN

International Joint Commission, United States and Great Britain.

Salaries, expenses, etc.

For salaries and expenses, including salaries of commissioners and salaries of clerks and other employees appointed by the commissioners on the part of the United States, with the approval solely of the Secretary of State; for necessary traveling expenses, and for expenses incident to holding hearings and conferences at such places in Canada and the United States as shall be determined by the Commission or by the American commissioners to be necessary, including travel expense and compensation of necessary witnesses, making necessary transcript of testimony and proceedings; for cost of law books, books of reference and periodicals, office equipment and supplies; and for one half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada, and for other purposes, signed January 11, 1909, $28,000, to be disbursed under the direction of the Secretary of State: *Provided*, That traveling expenses of the commissioners, secretary, and necessary employees shall be allowed in accordance with the provisions of the Subsistence Expense Act of 1926, as amended (U.S.C., title 5, ch. 16).

Vol. 36, p. 2448.

Proviso.
Travel expenses.
Vol. 44, p. 688.
U.S.C., Supp. VII, p. 53.

Special and technical investigations.

Personal services.

For an additional amount for necessary special or technical investigations in connection with matters which fall within the scope of the jurisdiction of the International Joint Commission, including personal services in the District of Columbia or elsewhere, traveling expenses, procurement of technical and scientific equipment, and the purchase, exchange, hire, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles, $54,200, to be disbursed under the direction of the Secretary of State, who is authorized to transfer to any department or independent establishment of the Government, with the consent of the head thereof, any part of this amount for direct expenditure by such department or establishment for the purposes of this appropriation.

International Fisheries Commission.

INTERNATIONAL FISHERIES COMMISSION

Share of expenses.

For the share of the United States of the expenses of the International Fisheries Commission, under the convention between the United States and Great Britain, concluded May 9, 1930, including salaries of two members and other employees of the Commission, traveling expenses, charter of vessels, purchase of books, periodicals, furniture, and scientific instruments, contingent expenses, rent in the District of Columbia, and such other expenses in the United States and elsewhere as the Secretary of State may deem proper, to be disbursed under the direction of the Secretary of State, $31,500: *Provided*, That not to exceed $700 shall be expended by the Commissioner and/or his staff in attending meetings of the Commission.

Prisons for American convicts.

PRISONS FOR AMERICAN CONVICTS

Maintenance expenses.

Insane persons.

For expenses of maintaining in China, the former Ottoman Empire, Egypt, Ethiopia, Morocco, and Muscat institutions for incarcerating American convicts and persons declared insane by any consular court; wages of prison keepers; rent of quarters for prisons; ice and drinking water for prison purposes; and for the expenses of keeping, feeding, and transportation of prisoners and persons declared insane by any consular court in China, the former Ottoman Empire, Egypt, Ethiopia, Morocco, and Muscat, so much as may be necessary; $1,250.

Bringing home persons charged with crime.

BRINGING HOME PERSONS CHARGED WITH CRIME

Expenses.
R.S., sec. 5275, p. 1022.
U.S.C., p. 511.
Ante, p. 454.

For every expenditure requisite for or incident to the bringing home from foreign countries of persons charged with crime as authorized by section 5275 of the Revised Statutes (U.S.C., title 18, sec. 659), $2,000.

Minor purchases without advertising.
R.S., sec. 3709, p. 733.
U.S.C., p. 1309.

Section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) shall not apply to any purchase or service rendered payable from the foregoing appropriations when the aggregate amount involved does not exceed $100 or when the purchase or service relates to the packing of personal and household effects of Diplomatic, Consular, and Foreign Service officers and clerks for foreign shipment.

Restriction on expenditures for rent.

No portion of the sums appropriated in title I of this Act shall, unless expressly authorized, be expended for rent or rental allowances in the District of Columbia or elsewhere in the United States.

Expenses, procuring information for corporations, etc.

Wherever the Secretary of State, in his discretion, procures information on behalf of corporations, firms, and individuals, the expense of cablegrams and telephone service involved may be charged against the respective appropriations for the service utilized; and reimbursement therefor shall be required from those for whom the information was procured and, when made, be credited to the appropriation under which the expenditure was charged.

Short title.

This title may be cited as the "Department of State Appropriation Act, 1935."

Department of Justice.

TITLE II—DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

Attorney General, Solicitor General.
Personal services.

Salaries: For the Attorney General, Solicitor General, Assistant to the Attorney General, and other personal services in the District of Columbia; $1,216,500.

Books, purchase, etc.

Books: For the purchase of law books, books of reference, and periodicals, including the exchange thereof, for the Department of

Justice, $10,130: *Provided*, That not to exceed $2 per volume shall be paid for the current and future volumes of the United States Code, Annotated.

Proviso. Price limit, United States Code, annotated.

Contingent expenses: For stationery, furniture and repairs, floor coverings not exceeding $1,500, file holders and cases; miscellaneous expenditures, including telegraphing and telephones, postage, labor, typewriters and adding machines and the exchange thereof and repairs thereto, street-car fares not exceeding $300, newspapers, press clippings, and other necessaries ordered by the Attorney General; official transportation, including the repair, maintenance, and operation of five motor-driven passenger cars, one for the Attorney General, two for general use of the Department, two for the Division of Investigation for investigative work, delivery truck, and motorcycle, to be used only for official purposes, and purchase and repair of bicycles, $86,000: *Provided*, That this appropriation may be reimbursed for expenditures in connection with cars herein authorized for the Division of Investigation from the appropriation for the expenses of said Division when approved in writing by the Attorney General.

Contingent expenses.

Vehicles.

Proviso. Reimbursement for car expenses.

Printing and binding: For printing and binding for the Department of Justice and the courts of the United States, $282,000.

Printing and binding.

Traveling and miscellaneous expenses: For traveling and other miscellaneous and emergency expenses, authorized and approved by the Attorney General, to be expended at his discretion, $37,000.

Travel and miscellaneous expenses.

MISCELLANEOUS OBJECTS, DEPARTMENT OF JUSTICE

Miscellaneous.

Conduct of customs cases: Assistant Attorney General, special attorneys and counselors at law in the conduct of customs cases, to be employed and their compensation fixed by the Attorney General; necessary clerical assistance and other employees at the seat of government and elsewhere, to be employed and their compensation fixed by the Attorney General, including experts at such rates of compensation as may be authorized or approved by the Attorney General; supplies, Supreme Court Reports and Digests, and Federal Reporter and Digests, traveling, and other miscellaneous and incidental expenses, to be expended under the direction of the Attorney General; in all $99,800.

Conduct of customs cases.

Defending suits in claims against the United States: For necessary expenses incurred in the examination of witnesses, procuring evidence, employment of experts at such rates of compensation as may be authorized or approved by the Attorney General, and such other expenses as may be necessary in defending suits in the Court of Claims, including Indian depredation claims, to be expended under the direction of the Attorney General, $50,000.

Defending suits in claims against United States.

DIVISION OF INVESTIGATION

Division of Investigation.

SALARIES AND EXPENSES

Salaries and expenses.

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; for the protection of the person of the President of the United States; the acquisition, collection, classification, and preservation of identification and other records and their exchange with the duly authorized officials of the Federal Government, of States, cities, and other institutions; for investigation of the official acts, records, and accounts of marshals, attorneys, clerks of the United States courts and Territorial courts, probation officers, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, with-

Detection and prosecution of crimes.

Protection of the President.

Identification records.

Investigations.

out exception, shall be examined by the agents of the Division of Investigation at any time; and also, when requested by the presiding judge, the official acts, records, and accounts of referees and trustees of such courts; for such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General; hire, maintenance, upkeep, and operation of motor-propelled passenger-carrying vehicles when necessary; for copying in the District of Columbia or elsewhere, reports of examiners at folio rates; firearms and ammunition, such stationery, supplies, and equipment for use at the seat of government or elsewhere as the Attorney General may direct, including not to exceed $13,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph and to be expended under the direction of the Attorney General; traveling expenses, including expenses of attendance at meetings concerned with the work of such division when authorized by the Attorney General; payment of rewards when specifically authorized by the Attorney General for information leading to the apprehension of fugitives from justice, and including not to exceed $520,000 for personal services in the District of Columbia; $2,880,000.

Official matters under control of Department of State.

Vehicles.

Supplies.

Alcoholic Beverage Unit.

Alcoholic Beverage Unit: For salaries and expenses to enforce and administer the twenty-first amendment to the Constitution and such laws as Congress may enact for the enforcement of such amendment, the Act of March 1, 1913 (U.S.C., Supp. VI, title 27, sec. 122); the Act of March 3, 1917 (U.S.C., title 18, secs. 341, 342; Supp. VI, title 27, sec. 123), as amended by section 12 of the "Liquor Taxing Act of 1934", approved January 11, 1934; the Act of August 8, 1890 (U.S.C., Supp. VI, title 27, sec. 121); section 238 of the Criminal Code (U.S.C., title 18, sec. 388); section 239 of the Criminal Code (U.S.C., title 18, sec. 389); section 240 of the Criminal Code (U.S.C., title 18, sec. 390); applicable provisions of the "Liquor Taxing Act of 1934", approved January 11, 1934; existing applicable provisions of the National Prohibition Act, as amended and supplemented (U.S.C., title 27), and internal revenue laws, pursuant to the Act of March 3, 1927 (U.S.C., Supp. VI, title 5, secs. 281–281e), and the Act of May 27, 1930 (U.S.C., Supp. VI, title 27, secs. 144–192); the review of all pending cases growing out of violations prior to December 5, 1934, of the National Prohibition Act, as amended and supplemented, and/or the internal revenue laws relating to alcoholic beverages for the determination of the civil liability due the Government and proper expense of litigation in cases now pending and which may hereafter be constituted, for the purpose of recovering such civil liabilities; for the employment of executive officers, attorneys, investigators, and other personnel, in the District of Columbia and elsewhere, to be appointed as authorized by law; the securing of evidence of violations of the Acts; the cost of chemical analysis made by other than employees of the United States and expenses incident to the giving of testimony in relation thereto; costs incurred in the seizure, storage, and disposition of liquor and property seized by virtue of the laws applicable to said seizure; costs incurred in the seizure, storage, and disposition of any vehicle and team or automobile, boat, air or water craft, or any other conveyance, seized pursuant to existing laws applicable to such seizures, where the proceeds of sale are insufficient therefor or where there is no sale; for rental of quarters; the purchase of stationery, supplies, equipment, mechanical devices, newspapers, periodicals, books, including law books and books of reference, and such other expenditures as may be necessary in the District of Columbia and the several field offices; in all, $225,000.

Enforcement of twenty-first amendment to Constitution. Vol. 47, p. 1625.

Other designated acts.

Ante, p. 313.

Review of certain pending cases.

Employment of personnel.

Securing evidence, etc.

DIVISION OF ACCOUNTS

Division of Accounts.

Salaries: For personal services and expenses of the Division of Accounts in the District of Columbia, $112,000, to be expended under the direction of the Attorney General.

Salaries.

ENFORCEMENT OF ANTITRUST AND KINDRED LAWS

Antitrust laws, enforcement.

Enforcement of antitrust and kindred laws: For the enforcement of antitrust and kindred laws, including experts at such rates of compensation as may be authorized or approved by the Attorney General, including not to exceed $55,080 for personal services in the District of Columbia, $289,700.

Expenses.

BUREAU OF PRISONS

Bureau of Prisons.

Salaries and expenses: For salaries and expenses in connection with the supervision of the maintenance and care of United States prisoners, including not to exceed $168,300 for personal services in the District of Columbia and elsewhere, traveling expenses, and expenses of attendance at meetings concerned with the work of such bureau when authorized by the Attorney General; $197,300.

Salaries and expenses.

VETERANS' INSURANCE LITIGATION

Veterans' insurance litigation.

Salaries and Expenses: For salaries and expenses incident to the defense of suits against the United States under section 19, of the World War Veterans' Act, 1924, approved June 7, 1924, as amended, or the compromise of the same under the Independent Offices Appropriation Act, 1934, approved June 16, 1933, including traveling and office expenses, supplies, equipment, stenographic reporting services by contract or otherwise, printing and binding, the employment of experts at such rates of compensation as may be authorized or approved by the Attorney General, and personal services in the District of Columbia and elsewhere, $800,000.

Salaries and expenses.
Vol. 43, pp. 612, 1302; U.S.C., p. 1218.
Ante, p. 302.

JUDICIAL

Judicial.

UNITED STATES SUPREME COURT

United States Supreme Court.

Salaries: For the Chief Justice and eight Associate Justices; reporter of the court; and all other officers and employees, whose compensation shall be fixed by the court, except as otherwise provided by law, and who may be employed and assigned by the Chief Justice to any office or work of the court, including an additional assistant to the reporter of the court, if the court deems one necessary, to enable the reporter to expedite the publication of its reports; $282,000.

Salaries, Chief Justice and Associate Justices.
Reporter and other officers and employees.

Printing and binding: For printing and binding for the Supreme Court of the United States, $21,000, to be expended as required without allotment by quarters, and to be executed by such printer as the court may designate.

Printing and binding.

Miscellaneous expenses: For miscellaneous expenses of the Supreme Court of the United States, including rent of office for the reporter in Washington, to be expended as the Chief Justice may direct, $15,000.

Miscellaneous expenses.

SALARIES OF JUDGES

Judges.

Salaries of judges: For forty-one circuit judges; one hundred and fifty-two district judges (including two in the Territory of Hawaii, one in the Territory of Puerto Rico, four in the Territory of Alaska,

Salaries of.

Retired.
Vol. 40, p. 1157; U.S.C., p. 908.
Customs courts.
Vol. 42, p. 972; Vol. 46, p. 737.
Proviso.
Availability.

and one in the Virgin Islands); and judges retired under section 260 of the Judicial Code, as amended, and section 518 of the Tariff Act of 1930; in all, $2,220,000: *Provided*, That this appropriation shall be available for the salaries of all United States justices and circuit and district judges lawfully entitled thereto, whether active or retired.

EXPENSES OF JUDGES

Expenses of judges.

Expenses of judges: For expenses of circuit and district judges of the United States and the judges of the district courts of the United States in Alaska, Puerto Rico, and Hawaii, as provided by law, $95,000.

Court of Customs and Patent Appeals.

COURT OF CUSTOMS AND PATENT APPEALS

Salaries.

Salaries: Presiding judge and four associate judges and all other officers and employees of the court, $90,040.

Contingent expenses.

Contingent expenses: For books and periodicals, including their exchange; stationery, supplies, traveling expenses; drugs, chemicals, cleansers, furniture; and for such other miscellaneous expenses as may be approved by the presiding judge, $4,000.

Printing and binding.

Printing and binding: For printing and binding, $5,000.

Customs Court.

UNITED STATES CUSTOMS COURT

Salaries.

Salaries: Presiding judge and eight judges; and all other officers and employees of the court, $205,560.

Contingent expenses.

Contingent expenses: For books and periodicals, including their exchange; stationery, supplies, traveling expenses; and for such other miscellaneous expenses as may be approved by the presiding judge, $15,700.

Printing and binding.

Printing and binding: For printing and binding, $2,000.

Court of Claims.

COURT OF CLAIMS

Salaries.

Salaries: Chief justice and four judges; chief clerk at not exceeding $6,500; auditor at not exceeding $5,000; and all other officers and employees of the court, $109,940.

Printing and binding.

Printing and binding: For printing and binding, $25,000.

Contingent expenses.

Contingent expenses: For stationery, court library, repairs, fuel, electric light, electric elevator, and other miscellaneous expenses, $6,000.

Commissioners, salaries and expenses.

Salaries and expenses of commissioners: For salaries of five commissioners at $7,500 each, and for travel expenses, compensation of stenographers authorized by the court, and for stenographic and other fees and charges necessary in the taking of testimony and in the performance of the duties as authorized by the Act entitled "An Act amending section 2 and repealing section 3 of the Act approved February 24, 1925 (U.S.C., title 28, secs. 269, 270), entitled 'An Act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation', and for other purposes", approved June 23, 1930 (U.S.C., Supp. VI, title 28, sec. 270), $51,130.

Vol. 43, p. 964; U.S.C., p. 899.

Vol. 46, p. 799; U.S.C., Supp. VII, p. 731.

Repair, etc., of buildings.

Repairs, furnishings, and so forth: For necessary repairs, furnishings, and improvements to the Court of Claims buildings, to be expended under the supervision of the Architect of the Capitol, $14,000.

Territorial Courts, Hawaii.

TERRITORIAL COURTS

Salaries.

HAWAII: For salaries of the chief justice and two associate justices, and for judges of the circuit courts, $79,650.

DISTRICT COURT, PANAMA CANAL ZONE

District Court, Panama Canal Zone.

Salaries, District Court, Panama Canal Zone: For salaries of the officials and employees of the District Court of the United States for the Panama Canal Zone, $41,205.

Salaries.

UNITED STATES COURT FOR CHINA

United States Court for China.

United States Court for China: For salaries of the judge, district attorney, and other officers and employees of the United States Court for China; court expenses, including reference and law books, ice and drinking water for office purposes, not exceeding $1,080 for allowances for living quarters, including fuel, heat, and light, and not to exceed $1,700 for any one person, as provided by the Act approved June 26, 1930 (U.S.C. Supp. VI, title 5, sec. 118a); traveling expenses of officers and employees of the court, and under such regulations as the Attorney General may prescribe of their families and effects, in going to and returning from their posts; preparation and transportation of remains of officers and employees who may die abroad or in transit while in the discharge of their official duties, to their former homes in the United States, or to a place not more distant for interment and for the ordinary expenses of such interment; the expense of maintaining in China, American convicts and persons declared insane by the court, rent of quarters for prisoners, ice and drinking water for prison purposes, including wages of prison keepers, and the expense of keeping, feeding, and transporting prisoners and persons declared insane by the court, $42,440.

Salaries.

Allowances. Vol. 46, p. 818. U.S.C., Supp. VII, p. 20.

Bringing home remains of officers dying abroad.

Maintenance of convicts; persons declared insane.

MARSHALS, DISTRICT ATTORNEYS, CLERKS, AND OTHER EXPENSES OF UNITED STATES COURTS

United States Courts.

Marshals.

Salaries and expenses.

Services in Alaska.

Salaries and expenses of marshals, and so forth: For salaries, fees, and expenses of United States marshals and their deputies, including services rendered in behalf of the United States or otherwise, services in Alaska in collecting evidence for the United States when so specially directed by the Attorney General, traveling expenses, and maintenance, alteration, repair, and operation of motor-propelled passenger-carrying vehicles used in connection with the transaction of the official business of the United States marshals, $2,971,730.

District attorneys.

Salaries and expenses.

Salaries and expenses of district attorneys, and so forth: For salaries, traveling, and other expenses of United States district attorneys and their regular assistants, clerks, and other employees, including the office expenses of United States district attorneys in Alaska, and for salaries of regularly appointed clerks to United States district attorneys for services rendered during vacancy in the office of the United States district attorney, $2,344,580.

Special attorneys.

Salaries and expenses.

Assistants.

Foreign counsel.

Salaries and expenses of special attorneys, and so forth: For compensation and traveling expenses of special attorneys and assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases, and for payment of foreign counsel employed by the Attorney General in special cases, $600,000, of which $50,000 shall be immediately available: *Provided*, That the amount paid as compensation out of the funds herein appropriated to any person employed hereunder shall not exceed $10,000: *Provided further*, That reports be submitted to the Congress on the 1st day of July and January showing the names of the persons employed hereunder, the annual rate of compensation or amount of any fee paid to each together with a description of their duties.

Provisos.

Compensation limitation.

Reports to Congress.

Clerks of courts.
Salaries and expenses.

Salaries and expenses, clerks of courts: For salaries of clerks of United States circuit courts of appeals and United States district courts, their deputies, and other assistants, travel expenses pursuant to the Subsistence Expense Act of 1926, as amended (U.S.C., Supp. VI, title 5, secs. 821–833), and other expenses of conducting their respective offices, $1,797,000.

Vol. 44, p. 688.
U.S.C., Supp. VII, p. 53.

Fees for commissioners.
R.S., sec. 1014, p. 189.
U.S.C., p. 506.

Fees of commissioners: For fees of the United States commissioners and other committing magistrates, acting under section 1014, Revised Statutes (U.S.C., title 18, sec. 591), $400,000.

Conciliation Commissioners.
Fees; per diem allowance, etc.

Conciliation Commissioners, United States Courts: For fees of conciliation commissioners, and per diem allowance and traveling expenses of supervising conciliation commissioners, as authorized by the Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of bankruptcy throughout the United States', approved July 1, 1898, and Acts amendatory thereof and supplementary thereto", approved March 3, 1933, the unexpended balance of the amount made available for this purpose in the Third Deficiency Act, fiscal year 1933, is continued available until June 30, 1935.

Vol. 30, p. 544; Vol. 47, p. 1467.
U.S.C., p. 243; Supp. VII, p. 135.

Ante, p. 98.

Jurors and witnesses.
Fees, mileage, and per diem.
R.S., sec. 850, p. 160.
U.S.C., p. 927.

Fees of jurors and witnesses: For mileage and per diems of jurors; for mileage and per diems of witnesses and for per diems in lieu of subsistence; and for payment of the expenses of witnesses, as provided by section 850, Revised Statutes (U.S.C., title 28, sec. 604), including the expenses, mileage, and per diems of witnesses on behalf of the Government before the United States Customs Court, such payments to be made on the certification of the attorney for the United States and to be conclusive as provided by section 846, Revised Statutes (U.S.C., title 28, sec. 577), $2,230,000: *Provided*, That not to exceed $10,000 of this amount shall be available for such compensation and expenses of witnesses or informants as may be authorized or approved by the Attorney General, which approval shall be conclusive: *Provided further*, That no part of the sum herein appropriated shall be used to pay any witness more than one attendance fee for any one calendar day.

R.S., sec. 846, p. 159.
U.S.C., p. 924.
Provisos.
Pay, etc., on approval of Attorney General.

Attendance fee.

Rent.

Rent: For rent of rooms for the United States courts and judicial officers, $55,000.

Bailiffs.
Salaries and expenses.
Jury expenses.

Salaries and expenses of bailiffs, and so forth: For bailiffs, not exceeding three bailiffs in each court, except in the southern district of New York and the northern district of Illinois; meals and lodging for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court, and meals and lodging for jurors in Alaska, as provided by section 193, title II, of the Act of June 6, 1900 (U.S.C., title 28, secs. 9, 557–570, 595, 596), and compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court, $235,000: *Provided*, That no per diem shall be paid to any bailiff unless the court is actually in session and the judge present and presiding or present in chambers: *Provided further*, That none of this appropriation shall be used for the pay of bailiffs when deputy marshals or marshals are available for the duties ordinarily executed by bailiffs, the fact of unavailability to be determined by the certificate of the marshal.

Alaska.
Vol. 31, p. 639.
U.S.C., pp. 864, 921, 926.

Jury commissioners.
Provisos.
Service restriction.

Limitation of expenditure.

Miscellaneous expenses.

Miscellaneous expenses: For such miscellaneous expenses as may be authorized or approved by the Attorney General, for the United States courts and their officers, including experts at such rates of compensation as may be authorized or approved by the Attorney General, including also so much as may be necessary in the discretion of the Attorney General for such expenses in the District of Alaska

Alaska.

and in courts other than Federal courts, and including traveling expenses pursuant to the Subsistence Expense Act of 1926, as amended (U.S.C., Supp. VI, title 5, ch. 16), $827,460: *Provided*, That the maximum salary paid to any stenographer or law clerk to any circuit judge shall not exceed $2,400 per annum.

Travel expenses.
Vol. 44, p. 688.
U.S.C., Supp. VII, p. 53.
Stenographer or law clerk, maximum salary.

Supplies: For supplies, including the exchange of typewriting and adding machines, for the United States courts and judicial officers, including firearms and ammunition therefor, to be expended under direction of the Attorney General, $80,000.

Supplies.

Law books: For the purchase of law books, including the exchange thereof, for United States judges, district attorneys, and other judicial officers, including the libraries of the ten United States circuit courts of appeals, for the purchase of the Federal Reporter and continuations thereto as issued, to be expended under the direction of the Attorney General, $75,000: *Provided*, That such books shall in all cases be transmitted to their successors in office; all books purchased thereunder to be marked plainly, "The property of the United States": *Provided further*, That not to exceed $2 per volume shall be paid for the current and future volumes of the United States Code, Annotated.

Law books for judicial officers.
Federal Reporter.
Provisos.
Transmittal to successors.
Price limit, United States Code, annotated.

PENAL AND CORRECTIONAL INSTITUTIONS

Penal and correctional institutions.

For all services, including personal services compensated upon fee basis, supplies, materials, and equipment in connection with or incident to the subsistence and care of inmates and maintenance and upkeep of Federal penal and correctional institutions, including farm and other operations not otherwise specifically provided for in the discretion of the Attorney General; gratuities for inmates at release, provided such gratuities shall be furnished to inmates sentenced for terms of imprisonment of not less than six months, and transportation to the place of conviction or bona fide residence at the time of conviction or to such other place within the United States as may be authorized by the Attorney General; expenses of interment or transporting remains of deceased inmates to their homes in the United States; maintenance and repair of passenger-carrying vehicles; traveling expenses of institution officials and employees when traveling on official duty, including expenses of attendance at meetings concerned with the work of the several institutions when authorized by the Attorney General, and including expenses incurred in pursuing and identifying escaped inmates; traveling expenses of members of advisory boards authorized by law incurred in the discharge of their official duties; rewards for the capture of escaped inmates; newspapers, books, and periodicals; firearms and ammunition; tobacco for inmates; and the purchase and exchange of farm products and livestock, when authorized by the Attorney General: *Provided*, That any part of the appropriations under this heading used for payment of salaries of personnel employed in the operation of prison commissaries shall be reimbursed from commissary earnings, and such reimbursement shall be in addition to the amounts appropriated herein.

Services, supplies, etc.
Proviso.
Prison commissaries.

Prison industries working capital fund: Prison industries working capital fund, 1934 and prior years, is reappropriated and made available for the fiscal year 1935, including payment of obligations incurred in prior years; and the said working capital fund and all receipts credited thereto may be used as a revolving fund for the fiscal year 1935, for the purposes authorized by the Act entitled "An Act to provide for the diversification of employment of Federal prisoners for their training and schooling in trades and occupations, and for other purposes", approved May 27, 1930 (U.S.C., Supp. VI,

Prison industries working capital fund.
Reappropriation.
Vol. 47, p. 1385.
Receipts credited to revolving fund.
Vol. 46, p. 391.
U.S.C., Supp. VII, p. 357.

Proviso. Use for manufacture of metal furniture, etc., forbidden.

title 18, secs. 744d, 744e, 744f): *Provided*, That no part of this appropriation shall be used for the procurement and/or installation in any Federal correctional or penal institution of machinery for the manufacture of metal furniture and/or metal office equipment.

MEDICAL AND HOSPITAL SERVICE

Medical and hospital service.

Medical and hospital service: For medical relief for, and incident to the care and maintenance of, inmates of penal and correctional institutions, including personal services in the District of Columbia and elsewhere, medical, surgical, and hospital supplies, materials, equipment, and appliances, together with appliances necessary for patients, $418,478, which amount, in the discretion of the Attorney General, may be transferred to the Public Health Service for direct expenditure under the laws, appropriations, and regulations governing the Public Health Service: *Provided*, That of this appropriation not to exceed $105,000 may be expended for the hospital for defective delinquents.

Proviso. Hospital for defective delinquents.

Federal penitentiaries. Leavenworth, Kans.

United States penitentiary, Leavenworth, Kansas: For the United States penitentiary at Leavenworth, Kansas, including not to exceed $547,740 for salaries and wages of all officers and employees, and not to exceed $940 for purchase of motor-propelled passenger-carrying vehicles, $1,146,000.

Atlanta, Ga.

United States penitentiary, Atlanta, Georgia: For the United States penitentiary at Atlanta, Georgia, including not to exceed $310,980 for salaries and wages of all officers and employees, and not to exceed $940 for purchase of motor-propelled passenger-carrying vehicles, $626,000.

McNeil Island, Wash.

United States penitentiary, McNeil Island, Washington: For the United States penitentiary at McNeil Island, Washington, including not to exceed $173,190 for salaries and wages of all officers and employees, $338,000.

Construction and repair.

Construction and repair: For construction and repair of buildings, including the purchase and installation of machinery and equipment, and all expenses incident thereto, and for completion of water system, to be expended so as to give the maximum amount of employment to inmates of the institution, $60,800.

Northeastern penitentiary.

United States Northeastern Penitentiary: For the United States penitentiary in the Northeast, including not to exceed $271,830 for salaries and wages of all officers and employees, and not to exceed $940 for purchase of motor-propelled passenger-carrying vehicles, $491,000.

Alcatraz Island, Calif.

United States Penitentiary, Alcatraz Island, California: For the United States penitentiary at Alcatraz Island, California, including not to exceed $103,450 for salaries and wages of all officers and employees and not to exceed $750 for the purchase of a motor-propelled passenger-carrying vehicle, $231,475, together with not to exceed $15,000 of the unexpended balance of the appropriation "United States Northeastern Penitentiary", fiscal year 1934.

Unexpended balance available. Vol. 47, p. 1386.

Federal Industrial Institution for Women, Alderson, W.Va.

Federal Industrial Institution for Women, Alderson, West Virginia: For the Federal Industrial Institution for Women at Alderson, West Virginia, including not to exceed $111,420 for salaries and wages of all officers and employees, $226,000.

Industrial Reformatory, Chillicothe, Ohio.

United States Industrial Reformatory, Chillicothe, Ohio: For the United States Industrial Reformatory at Chillicothe, Ohio, including not to exceed $247,850 for salaries and wages of all officers and employees and not to exceed $1,690 for the purchase of motor-propelled passenger-carrying vehicles, $453,000.

United States Southwestern Reformatory: For the United States Southwestern Reformatory, including not to exceed $131,260 for salaries and wages of all officers and employees, and not to exceed $940 for purchase of motor-propelled passenger-carrying vehicles, $191,500.

Southwestern Reformatory.

United States Hospital for Defective Delinquents: For the United States Hospital for Defective Delinquents, including not to exceed $108,110 for salaries and wages of all officers and employees, and not to exceed $940 for purchase of motor-propelled passenger-carrying vehicles, $254,000.

Hospital for defective delinquents.

Federal jails: For maintenance and operation of Federal jails, including not to exceed $260,620 for salaries and wages of all officers and employees, $435,000.

Federal jails.

Prison camps: For the construction and repair of buildings at prison camps, the purchase and installation of machinery and equipment, and all necessary expenses incident thereto, and for the maintenance of United States prisoners at prison camps, including the maintenance, alteration, repair, and operation of a motor-propelled passenger-carrying bus, to be expended so as to give the maximum amount of employment to prisoners, $231,500: *Provided*, That reimbursements from this appropriation made to the War or other departments for supplies or subsistence shall be at the net contract or invoice price notwithstanding the provisions of any other Act.

Prison camps. Construction, etc.

Proviso. Reimbursements authorized.

Federal Correctional Camp, Eustis, Virginia: For the Federal Correctional Camp at Eustis, Virginia, including not to exceed $103,705 for salaries and wages of all officers and employees, $175,000.

Federal Correctional Camp, Eustis, Va.

Federal Reformatory Camp, Petersburg, Virginia: For the Federal Reformatory Camp at Petersburg, Virginia, including not to exceed $92,530 for salaries and wages of all officers and employees, $158,000.

Federal Reformatory Camp, Petersburg, Va.

National Training School for Boys, Washington, District of Columbia: For the National Training School for Boys, Washington, District of Columbia, including expenses of a suitable attendant to accompany the remains of deceased inmates to their homes for burial; and including not to exceed $90,000 for salaries and wages of all officers and employees, $185,000.

National Training School for Boys, D.C.

Probation system, United States courts: For salaries and expenses of probation officers, as authorized by the Act entitled "An Act to amend the Act of March 4, 1925, chapter 521, and for other purposes", approved June 6, 1930 (U.S.C., Supp. VI, title 18, sec. 726), $454,160: *Provided*, That not to exceed $98,000 of this appropriation may be expended for traveling expenses: *Provided further*, That no part of the appropriation herein made shall be used to pay any probation officer a salary in excess of $2,600 per annum: *Provided further*, That no part of any appropriation in this Act shall be used to defray the salary or expenses of any probation officer who does not comply with the official orders, regulations, and probation standards promulgated by the Attorney General.

Probation system, United States courts. Vol. 43, p. 1259; Vol. 46, p. 503. U.S.C., p. 516; Supp. VII, p. 356.

Provisos. Travel expenses. Salary restriction.

Conditions imposed.

Support of prisoners: For support of United States prisoners, in non-Federal institutions and in the Territory of Alaska, including necessary clothing and medical aid, discharge gratuities provided by law and transportation to place of conviction or place of bona fide residence in the United States, or such other place within the United States as may be authorized by the Attorney General; and including rent, repair, alteration, and maintenance of buildings and the maintenance of prisoners therein, occupied under authority of sections 4 and 5 of the Act of May 14, 1930 (U.S.C., Supp. VI, title 18, sec. 696); support of prisoners becoming insane during imprisonment, and who continue insane after expiration of sentence, who have no friends to whom they can be sent; shipping remains of deceased

Support of prisoners.

Vol. 46, p. 326. U.S.C., Supp. VII, p. 354.

prisoners to their friends or relatives in the United States, and interment of deceased prisoners whose remains are unclaimed; expenses incurred in identifying, pursuing, and returning escaped prisoners and for rewards for their recapture; and for repairs, betterments, and improvements of United States jails, including sidewalks, $1,400,000: *Provided*, That a report be submitted to Congress on the 1st day of the next regular session showing the names of the persons employed hereunder, the annual rate of compensation paid to each together with a description of their duties.

Proviso. Report to Congress.

Short title.

This title may be cited as the "Department of Justice Appropriation Act, 1935."

Department of Commerce.

TITLE III—DEPARTMENT OF COMMERCE

Office of the Secretary.

OFFICE OF THE SECRETARY

Salaries.

Salaries: Secretary of Commerce, two Assistant Secretaries, and other personal services in the District of Columbia, including the chief clerk and superintendent, who shall be chief executive officer of the Department and who may be designated by the Secretary of Commerce to sign official papers and documents during the temporary absence of the Secretary and the Assistant Secretaries, of the Department, $326,000.

Contingent and miscellaneous expenses.

Contingent expenses: For contingent and miscellaneous expenses of the Offices and bureaus of the Department, except the Patent Office, including those for which appropriations for contingent and miscellaneous expenses are specifically made, including professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, maps, newspapers (not exceeding $2,800); purchase of atlases or maps; stationery; furniture and repairs to same; carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges; fuel, lighting, and heating; purchase and exchange of motor trucks and bicycles; maintenance, repair, and operation of three motor-propelled passenger-carrying vehicles (one for the Secretary of Commerce and two for the general use of the Department), and motor trucks and bicycles, to be used only for official purposes; freight and express charges; postage to foreign countries; telegraph and telephone service; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; first-aid outfits for use in the buildings occupied by employees of this Department; street-car fares, not exceeding $600; and all other miscellaneous items and necessary expenses not included in the foregoing, $121,000, which sum shall constitute the appropriation for contingent expenses of the Department, except the Patent Office, and shall also be available for the purchase of necessary supplies and equipment for field services of bureaus and offices of the Department for which contingent and miscellaneous appropriations are specifically made in order to facilitate the purchase through the central purchasing office (Division of Purchases and Sales), as provided by law.

Printing and binding.

Printing and binding: For all printing and binding for the Department of Commerce, including all of its bureaus, offices, institutions, and services in the District of Columbia and elsewhere, except the Patent Office, $350,410: *Provided*, That an amount not to exceed $2,000 of this appropriation may be expended for salaries of persons detailed from the Government Printing Office for service as copy editors.

FEDERAL EMPLOYMENT STABILIZATION BOARD

Federal Employment Stabilization Board.

Salaries and expenses.

Salaries and expenses: To enable the Secretary of Commerce to carry out the provisions of the Employment Stabilization Act of 1931, approved February 10, 1931 (U.S.C., Supp. VI, title 29, secs. 48–48g), including personal services in the District of Columbia and elsewhere, traveling expenses, purchases of equipment, furniture, stationery and office supplies, printing and binding, repairs to equipment, law books, books of reference, and other necessary publications, and to procure by contract or otherwise any information or data concerning construction which may be considered pertinent, and all other incidental expenses not included in the foregoing, $40,000, of which amount not to exceed $35,000 may be expended for personal services in the District of Columbia.

Vol. 46, p. 1084. U.S.C., Supp. VII, p. 747.

AIRCRAFT IN COMMERCE

Aircraft in commerce.

Services and expenses.

Vol. 44, p. 568; Vol. 45, p. 1404. U.S.C., p. 2119; Supp. VII, p. 1021.

Aircraft in commerce: To carry out the provisions of the Act approved May 20, 1926, entitled "An Act to encourage and regulate the use of aircraft in commerce, and for other purposes" (U.S.C., title 49, secs. 171–184), as amended by the Act approved February 28, 1929 (U.S.C., Supp. VI, title 49, sec. 173d), including personal services in the District of Columbia (not to exceed $192,000), and elsewhere; rent in the District of Columbia and elsewhere; traveling expenses; contract stenographic reporting services; fees and mileage of witnesses; purchase of furniture and equipment; stationery and supplies, including medical supplies, typewriting, adding, and computing machines, accessories and repairs; purchase, including exchange (not to exceed $2,000), maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for official use in field work; purchase and replacement, including exchange, of airplanes (not to exceed $16,500); purchase of airplane motors, airplane and motor accessories and spare parts; maintenance, operation, and repair of airplanes and airplane motors; purchase of special clothing, wearing apparel, and similar equipment for aviation purposes; purchase of books of reference and periodicals; newspapers, reports, documents, plans, specifications, maps, manuscripts, and all other publications; and all other necessary expenses not included in the foregoing; in all $644,000: *Provided*, That none of the money appropriated in this Act shall be used for the purchase of any airplane ordered after the approval of this Act which is equipped or propelled by a Liberty motor or by any motor or airplane engine purchased or constructed prior to July 1, 1920.

Purchase of airplanes, accessories, etc.

Proviso. Liberty, etc., motors.

Air-navigation facilities.

Establishment, etc., of aids, mail routes, etc.

Services in the District.

Air-navigation facilities: For the establishment and maintenance of aids to air navigation, including the equipment of additional air mail routes for day and night flying; the construction of necessary lighting, radio, and other signaling and communicating structures and apparatus; repairs, alterations, and all expenses of maintenance and operation; investigation, research, and experimentation to develop and improve aids to air navigation; for personal services in the District of Columbia (not to exceed $111,700) and elsewhere; purchase, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for official use in field work, including their exchange; replacement, including exchange, of not to exceed two airplanes, maintenance, operation, and repair of airplanes, including accessories and spare parts and special clothing, wearing apparel, and suitable equipment for aviation purposes; and for the acquisition of the necessary sites by lease or grant, $4,561,250: *Provided*, That no part of this appropriation shall be used for any purpose not authorized by the Air Commerce Act of 1926.

Proviso. Use restricted. Vol. 44, p. 568.

Attendance at meetings.

Appropriations herein made for aircraft in commerce and air navigation facilities shall be available for expenses of attendance at meetings concerned with the promotion of civil aeronautics, and also expenses of illustrating the work of the Aeronautics Branch by showing of maps, charts, and graphs at such meetings, when incurred on the written authority of the Secretary of Commerce.

Bureau of Foreign and Domestic Commerce.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Salaries.

Salaries: For the director and other personal services in the District of Columbia, $286,600.

Foreign Commerce Service.
Vol. 44, p. 1394.
U.S.C., Supp. VII, p. 258.

For carrying out the provisions of the Act approved March 3, 1927 (U.S.C., Supp. VI, title 15, secs. 197–197f), to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a Foreign Commerce Service of the United States, including personal services in the District of Columbia and elsewhere, the compensation of a clerk or clerks for each commercial attaché at the rate of not to exceed $3,000 per annum for each person so employed, rent outside the District of Columbia, telephone service, purchase of furniture and equipment, stationery and supplies, typewriting, adding, duplicating, and computing machines, accessories and repairs, law books, books of reference and periodicals, uniforms, maps, reports, documents, plans, specifications, manuscripts, newspapers (foreign and domestic, not exceeding $4,000), and all other publications, traveling expenses of officers and employees, ice and drinking water for office purposes, and all other incidental expenses not included in the foregoing, to be expended under the direction of the Secretary of Commerce, and under the following heads:

Personal services.

Rent.

Promoting commerce in Europe.

Promoting commerce in Europe and other areas: Investigations in Europe and other areas for the promotion and development of the foreign commerce of the United States, $309,800;

In Latin America.

Promoting commerce in Latin America: Investigations in Latin America for the promotion and development of the foreign commerce of the United States, $128,500;

In the Far East.

Promoting commerce in the Far East: Investigations in the Far East for the promotion and development of the foreign commerce of the United States, $81,740;

In Africa.

Promoting commerce in Africa: Investigations in Africa for the promotion and development of the foreign commerce of the United States, $26,970;

District and cooperative office service.

District and cooperative office service: For all expenses necessary to operate and maintain district and cooperative offices, including personal services, rent outside of the District of Columbia, traveling expenses of officers and employees, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, purchase of maps, books of reference and periodicals, reports, documents, plans, specifications, manuscripts, not exceeding $1,200 for newspapers, both foreign and domestic, and all other publications necessary for the promotion of the commercial interests of the United States, and all other incidental expenses not included in the foregoing, $280,217: *Provided*, That the Secretary of Commerce shall require as a condition for the opening of a new office or the continuation of an existing office, except in cases where space is available in Federal buildings or in Federal buildings for the construction of which contracts have been let, that commercial organizations in the district affected provide suitable quarters without cost to the Government on and after September 1, 1932;

Proviso.
New offices.

China Trade Act.
Enforcement expenses.
Vol. 42, p. 849; Vol. 43, p. 995.
U.S.C., p. 367.

Enforcement of China Trade Act: To carry out the provisions of the Act entitled "China Trade Act, 1922" (U.S.C., title 15, secs. 141–162), including personal services, traveling expenses of officers and employees, purchase of furniture and equipment, stationery and supplies, typewriting, adding and computing machines, accessories and repairs, purchase of books of reference and periodicals, reports, documents, plans, specifications, maps, manuscripts, and all other publications, rent outside the District of Columbia, ice and drinking water for office purposes; and all necessary expenses not included in the foregoing, $8,130, of which amount not to exceed $2,880 may be expended for personal services in the District of Columbia: *Provided*, That payment in advance for telephone and other similar services under this appropriation is hereby authorized;

Proviso.
Advance payments.

Export industries.
Investigations and reports.

Export industries: To enable the Bureau of Foreign and Domestic Commerce to investigate and report on domestic as well as foreign problems relating to the production, distribution, and marketing, insofar as they relate to the important export industries of the United States, including personal services, traveling expenses of officers and employees, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, books of reference and periodicals, reports, documents, plans, specifications, manuscripts, and all other publications, rent outside of the District of Columbia, ice and drinking water for office purposes, and all other incidental expenses connected therewith, $475,000, of which amount not to exceed $468,470 may be expended for personal services in the District of Columbia;

Domestic commerce and raw materials.

Domestic commerce and raw materials investigations: For all expenses, including personal services, purchase of books of reference and periodicals, furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, medical supplies and first-aid outfits, reports, documents, plans, specifications, manuscripts, maps, and all other publications, rent outside of the District of Columbia, traveling expenses of officers and employees, and all other incidental expenses not included in the foregoing, to enable the Bureau of Foreign and Domestic Commerce to collect and compile information regarding the disposition and handling of raw materials and manufactures within the United States; and to investigate the conditions of production and marketing of foreign raw materials essential for American industries, $185,000, of which amount not to exceed $170,000 may be expended for personal services in the District of Columbia;

Compilation of data, etc.

Foreign raw materials.

Customs statistics.
Expenses of collecting, etc.
Vol. 42, p. 1109.
U.S.C., p. 373.

Customs statistics: For all expenses necessary for the operation of the section of customs statistics transferred to the Department of Commerce from the Treasury Department by the Act approved January 5, 1923 (U.S.C., title 15, sec. 194), including personal services; rent of or purchase of tabulating, punching, sorting, and other mechanical labor-saving machinery or devices, including adding, typewriting, billing, computing, mimeographing, multigraphing, photostat, and other duplicating machines and devices, including their exchange and repair; telegraph and telephone service; traveling expenses of officers and employees while traveling on official business; freight, express, drayage; tabulating cards, stationery, and miscellaneous office supplies; books of reference and periodicals; furniture and equipment; ice, water, heat, light, and power; street-car fare; and all other necessary and incidental expenses not included in the foregoing, $246,457, of which amount not to exceed $52,345 may be expended for personal services in the District of Columbia;

Lists of foreign buyers.
Expenses of compiling.

List of foreign buyers: For all necessary expenses, including personal services, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, lists of foreign buyers, books of reference, periodicals, reports, documents, plans, specifications, rent outside of the District of Columbia, traveling expenses of officers and employees, and all other incidental expenses not included in the foregoing, to enable the Bureau of Foreign and Domestic Commerce to collect and compile lists of foreign buyers, $31,572, of which amount not to exceed $30,850 may be expended for personal services in the District of Columbia: *Provided*, That the Secretary of Commerce may make such charges as he deems reasonable for lists of foreign buyers, special statistical services, special commodity news bulletins, and World Trade Directory Reports, and the amounts collected therefrom shall be deposited in the Treasury as "Miscellaneous receipts";

Proviso.
Charge for service authorized.

Foreign trade restrictions.
Investigation expenses.

Investigation of foreign trade restrictions: For all necessary expenses, including personal services, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, books of reference and periodicals, reports, documents, plans, specifications, manuscripts, and all other publications, rent outside of the District of Columbia, traveling expenses of officers and employees, and all other incidental expenses not included in the foregoing, to enable the Bureau of Foreign and Domestic Commerce to collect and compile information regarding the restrictions and regulations of trade imposed by foreign countries, $33,171, of which amount not to exceed $32,660 may be expended for personal services in the District of Columbia.

Transportation of families and effects of officers, employees.

Transportation of families and effects of officers and employees: To pay the traveling expenses and expenses of transportation, under such regulations as the Secretary of Commerce may prescribe, of families and effects of officers and employees of the Bureau of Foreign and Domestic Commerce in going to and returning from their posts, or when traveling under the order of the Secretary of Commerce, and also for defraying the expenses of preparing and transporting the remains of officers and employees of the Bureau of Foreign and Domestic Commerce who may die abroad or in transit, while in the discharge of their official duties, to their former homes in this country, or to a place not more distant, for interment, and for the ordinary expenses of such interment, $35,000;

Bringing home remains of officer, etc., dying abroad.

Allowance for living quarters, heat, and light.
Vol. 44, p. 1395; Vol. 46, p. 163.
U.S.C., Supp. VII, p. 269.

To enable the Secretary of Commerce, under such regulations as he may prescribe, in accordance with the provisions of the Act entitled "An Act to amend the Act entitled 'An Act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce, a Foreign Commerce Service of the United States, and for other purposes', approved March 3, 1927", approved April 12, 1930 (U.S.C., Supp. VI, title 15, sec. 197f), to furnish the officers in the Foreign Commerce Service of the Bureau of Foreign and Domestic Commerce stationed in a foreign country, without cost to them and within the limits of this appropriation, allowances for living quarters, heat and light, notwithstanding the provisions of section 1765 of the Revised Statutes (U.S.C., title 5, sec. 70), $36,000: *Provided*, That the maximum allowance to any officer shall not exceed $1,700;

R.S., sec. 1765, p. 314.
U.S.C., p. 32.

Proviso.
Maximum allowance.

Attendance at meetings.

Appropriations herein made for the Bureau of Foreign and Domestic Commerce shall be available for expenses of attendance at meetings concerned with the promotion of foreign and domestic commerce, or either, and also expenses of illustrating the work of the Bureau by showing of maps, charts, and graphs at such meet-

ings, when incurred on the written authority of the Secretary of Commerce;

The purchase of supplies and equipment or the procurement of services for the Bureau of Foreign and Domestic Commerce, in foreign countries, may be made in open market without compliance with section 3709 of the Revised Statutes of the United States (U.S.C., title 41, sec. 5), in the manner common among business men, when the aggregate amount of the purchase or the service does not exceed $100 in any instance;

Minor purchases in foreign countries.

R.S., sec. 3709, p. 733. U.S.C., p. 1309.

Total, Bureau of Foreign and Domestic Commerce, $2,164,157.

BUREAU OF THE CENSUS

Census Bureau.

For expenses for securing information for and compiling the census reports provided for by law, including personal services in the District of Columbia and elsewhere; compensation and expenses of enumerators, special agents, supervisors, supervisors' clerks, and interpreters in the District of Columbia and elsewhere; traveling expenses; the cost of transcribing State, municipal, and other records; temporary rental of quarters outside the District of Columbia; not to exceed $5,000 for the employment by contract of personal services for the preparation of monographs on census subjects; not to exceed $52,000 for constructing tabulating machines and repairs to such machinery and other mechanical appliances, including technical, mechanical, and other personal services in connection therewith in the District of Columbia and elsewhere, and the purchase of necessary machinery and supplies; and not to exceed $2,000 for expenses of attendance at meetings concerned with the collection of statistics when incurred on the written authority of the Secretary of Commerce; $1,593,500, of which amount not to exceed $1,223,870 may be expended for personal services in the District of Columbia, including not to exceed $51,000 for temporary employees who may be appointed by the Director of the Census under civil-service rules, at per diem rates to be fixed by him without regard to the provisions of the Classification Act of 1923, as amended, for the purpose of assisting in periodical inquiries.

Services and expenses.

Temporary employees.

U.S.C., p. 65; Supp. VII, p. 34.

Census of agriculture. Salaries and expenses. Vol. 46, p. 25. U.S.C., Supp. VII, p. 238.

Census of agriculture: For salaries and necessary expenses for preparing for taking, compiling, and publishing the census of agriculture of the United States for 1935 as provided by law (U.S.C., Supp. VI, title 13, p. 216), including rent for quarters in and outside the District of Columbia; salaries of employees in the District of Columbia and elsewhere, including temporary employees in the District of Columbia who may be appointed by the Director of the Census under civil-service rules for any period not extending beyond December 31, 1936, at rates of pay to be fixed by the Director of the Census without regard to the provisions of the Classification Act as amended: *Provided*, That such temporary employees in the District of Columbia may be allowed leave of absence with pay at the rate of one and one fourth days per month; for the employment by contract of personal services for the preparation of monographs in connection with the census of agriculture; for the compensation of supervisors, supervisors' clerks, special agents, enumerators, and interpreters, and for the necessary traveling expenses of such field employees and of detailed employees of the Bureau; the purchase of supplies and equipment, including books of reference, periodicals, maps, manuscripts, street-car fares, punch cards, and materials; the purchase, rental, repair, and exchange of typewriters, calculating machines, punching, tabulating, and sorting machines, and other

U.S.C., p. 65; Supp. VII, p. 34.

Proviso. Temporary employees, leaves of absence. Personal services.

office appliances; the construction of punching, tabulating, and sorting machines, including technical, mechanical, and other services in connection therewith, whether in the District of Columbia or elsewhere; purchase and exchange of motor trucks, first-aid outfits, and all other miscellaneous items and necessary expenses not included in the foregoing; printing and binding at the Government Printing Office, $2,270,000, to continue available until December 31, 1936.

Bureau of Navigation and Steamboat Inspection.

BUREAU OF NAVIGATION AND STEAMBOAT INSPECTION

Departmental salaries.

Departmental salaries: For the director and other personal services in the District of Columbia, $96,057.

Salaries and expenses.

Salaries and general expenses: For salaries of shipping commissioners and employees in their offices; salaries for steamboat inspection as authorized by law, including clerks to boards of steamboat inspectors; to enable the Secretary of Commerce to provide and operate such motor boats and employ such persons (including temporary employees) as may be necessary for the enforcement, under his direction, of laws relating to navigation and inspection of vessels, boarding of vessels, counting of passengers on excursion boats, and to prevent overcrowding of passenger and excursion boats; to enable the Secretary of Commerce to carry out the provisions of the Act entitled "An Act to establish load lines for American vessels, and for other purposes", approved March 2, 1929 (U.S.C., Supp. VI, title 46, secs. 85–85g), and to secure uniformity in the admeasurement of vessels, including personal services; fees to witnesses; traveling expenses of the personnel of the bureau and field offices; materials, supplies, equipment, and services, including rent and janitor service; purchase, exchange, and repair of instruments; plans and specifications; insignia, braid, and chin straps; coats, caps, and aprons for stewards' departments on vessels; and other incidental expenses of field offices, including contract stenographic reporting services without reference to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5); $1,241,695.

Enforcement of inspection, etc., laws.

Load lines for American vessels.
Vol. 45, p. 1492.
U.S.C., Supp. VII, p. 953.

R.S., sec. 3709, p. 733.
U.S.C., p. 1309.

Bureau of Standards.

BUREAU OF STANDARDS

Salaries.

Salaries: For the director and other personal services in the District of Columbia, $589,090.

Equipment.

Equipment: For apparatus, machinery, tools, and appliances used in connection with buildings or work of the bureau, typewriters, adding machines, and other labor-saving devices, laboratory supplies, materials, and supplies used in the construction of apparatus, machinery, or other appliances, including their exchange; piping, wiring, and construction incident to the installation of apparatus, machinery, or appliances; furniture for laboratories and offices, cases for apparatus, $50,000, including $17,000 for repairs and necessary alterations to buildings.

General expenses.

General expenses: For fuel for heat, light, and power; office expenses, stationery, cleaning and toilet supplies, books and periodicals, which may be exchanged when not needed for permanent use; traveling expenses; street-car fares not exceeding $100; expenses of the visiting committee; expenses of attendance of American member at the meeting of the International Committee of Weights and Measures; purchase of gloves, goggles, rubber boots, and aprons; supplies for operation, maintenance, and repair of motor trucks and a passenger automobile for official use, including their exchange; and contingencies of all kinds, $44,000.

Attendance at meeting of International Committee of Weights and Measures.

Improvement and care of grounds: For grading, construction of roads and walks, piping grounds for water supply, lamps, wiring for lighting purposes, and other expenses incident to the improvement and care of grounds, including foreman and laborers in the District of Columbia, $6,827.

Improvement, etc., of grounds.

Testing structural materials: For continuation of the investigation of structural materials, such as stone, clays, cement, and so forth, including personal services in the District of Columbia and in the field, $126,414: *Provided*, That as much of this sum as necessary shall be used to collect and disseminate such scientific, practical, and statistical information as may be procured, showing or tending to show approved methods in building, planning and construction, standardization, and adaptability of structural units, including building materials and codes, economy in the manufacture and utilization of building materials and supplies, and such other matters as may tend to encourage, improve, and cheapen construction and housing.

Structural materials testing.

Proviso.
Information showing approved building methods, etc.

Testing machines: For maintenance and operation of testing machines, including personal service in connection therewith in the District of Columbia and in the field, for the determination by the Bureau of Standards of the physical constants and the properties of materials as authorized by law, $26,623.

Testing machines.

Investigation of fire-resisting properties: For investigation of fire-resisting properties of building materials and conditions under which they may be most efficiently used, and for the standardization of types of appliances for fire prevention, including personal services in the District of Columbia and in the field, $15,318.

Investigation of fire-resisting properties of building materials.

Investigation of public-utility standards: For investigation of the standards of practice and methods of measurements of public utilities, such as gas, electric light, electric power, water, telephone, central station heating, and electric-railway service, and the solution of the problems which arise in connection with standards in such service, including personal services in the District of Columbia and in the field, $46,192.

Public-utility standards.

Testing miscellaneous materials: For testing miscellaneous materials, such as varnish materials, soap materials, inks, and chemicals, including supplies for the Government departments and independent establishments, including personal services in the District of Columbia and in the field, as authorized by law, $24,180.

Testing miscellaneous materials.

Radio research: For investigation and standardization of methods and instruments employed in radio communication, including personal services in the District of Columbia and in the field, $43,836.

Radio research.

Color standardization: To develop color standards and methods of manufacture and of color measurements, with special reference to their industrial use in standardization and specification of colorants, such as dyestuffs, inks, and pigments, and other products, paint, paper, and textiles, in which color is a pertinent property, including personal services in the District of Columbia and in the field, $7,286.

Color standardization.

Investigation of clay products: To study methods of measurement and technical processes used in the manufacture of pottery, brick, tile, terra cotta, and other clay products, and the study of the properties of the materials used in that industry, including personal services in the District of Columbia and in the field, $24,112.

Clay products processes.

Standardizing mechanical appliances: To develop methods of testing and standardizing machines, motors, tools, measuring instruments, and other apparatus and devices used in mechanical, hydraulic, and aeronautic engineering; for the comparative study of types of apparatus and methods of operation, and for the establishment of standards of performance; for the accurate determination of

Mechanical appliances.

Testing mechanical, hydraulic, and aeronautic devices.

fundamental physical constants involved in the proper execution of this work; and for the scientific experiments and investigations needed in solving the problems which may arise in connection therewith, especially in response to the requirements of aeronautics and aviation for information of a purely scientific nature, including personal services in the District of Columbia and in the field, $24,179.

Optical, etc., glass production problems.

Investigation of optical and other types of glass: For the investigation of the problems involved in the production of optical and other types of glass, including personal services in the District of Columbia and in the field, $14,004.

Textiles, paper, etc., standardization.

Investigation of textiles: To investigate textiles, paper, leather, and rubber in order to develop standards of more durable quality and methods of measurement, including personal services in the District of Columbia and in the field, $29,921.

Sugar standardization.

Sugar standardization: For the standardization and design of sugar-testing apparatus; the development of technical specifications for the various grades of sugars, especially involving the standardization and manufacture of sugars; for the study of the technical problems incidental to the collection of the revenue on sugar and to determine the fundamental scientific constants of sugars and other substances; for the standardization and production of rare and unusual types of sugars required for the medical service of the Government departments; and for other technical and scientific purposes, including personal services in the District of Columbia and in the field, $44,118.

Production of rare, etc., types.

Gage standardization.

Gage standardization: To provide by cooperation of the Bureau of Standards, the War Department, and the Navy Department for the standardization and testing of the standard gages, screw threads, and standards required in manufacturing throughout the United States, and to calibrate and test such standard gages, screw threads, and standards, including necessary equipment and personal services in the District of Columbia and in the field, $24,218.

Testing scales used in weighing commodities for interstate shipment.

Testing railroad-track, mine, and other scales: For investigation and testing of railroad-track scales, elevator scales, and other scales used in weighing commodities for interstate shipments and to secure equipment and assistance for testing the scales used by the Government in its transactions with the public, such as post-office, navy-yard, and customhouse scales, and for the purpose of cooperating with the States in securing uniformity in the weights and measures laws and in the methods of inspection; for investigating the conditions and methods of use of scales and mine cars used for weighing and measuring coal dug by miners, for the purpose of determining wages due, and of conditions affecting the accuracy of the weighing or measuring of coal at the mines, including personal services in the District of Columbia and in the field, $31,209.

Mine cars and scales.

High temperature investigations.

High temperature investigations: For laboratory and field investigations of suitable methods of high temperature measurements and control in various industrial processes and to assist in making available directly to the industries the results of the Bureau's investigations in this field, including personal services in the District of Columbia and in the field, $4,563.

Metallurgical research.

Metallurgical research: For metallurgical research, including alloy steels, foundry practice, and standards for metals and sands; casting, rolling, forging, and the properties of aluminum alloys; prevention of corrosion of metals and alloys; development of metal substitutes, as for platinum; behavior of bearing metals; preparation of metal specifications; investigation of new metallurgical processes and study of methods of conservation in metallurgical manufacture and products; investigation of materials used in the con-

struction of rails, wheels, axles, and other railway equipment, and the cause of their failure, including personal services in the District of Columbia and in the field, $29,610.

Sound investigation.

Sound investigation: For the investigation of the principles of sound and their application to military and industrial purposes, including personal services in the District of Columbia and in the field, $5,171.

Industrial research.

Industrial research: For technical investigations in cooperation with the industries upon fundamental problems involved in industrial development, with a view to assisting in the permanent establishment of new American industries, including personal services in the District of Columbia and elsewhere, $46,104.

Standardization of equipment.

Standardization of equipment: To enable the Bureau of Standards to cooperate with Government departments, engineers, and manufacturers in the establishment of standards, methods of testing, and inspection of instruments, equipment, tools, and electrical and mechanical devices used in the industries and by the Government, including the practical specifications for quality and performance of such devices, and the formulation of methods of inspection, laboratory, and service tests, including personal services in the District of Columbia and in the field, $82,545.

Standards for checking chemical analyses.

Standard materials: For purchase, preparation, analysis, and distribution of standard materials to be used in checking chemical analyses in the testing of physical measuring apparatus, including personal services in the District of Columbia and in the field, $5,791.

Radioactive substances and X-ray investigations.

Investigation of radioactive substances and X-rays: For an investigation of radioactive substances and the methods of their measurements and testing; for investigations relative to the development of standard specifications for X-ray equipment and operation; for the investigation of the hazards of X-ray practice; for the testing and standardization of X-ray protective materials; for the standardization and design of X-ray testing equipment; for the determination of fundamental physical constants essential to X-ray diagnosis and therapy, to X-ray analysis of materials, and to other technical and scientific applications, including personal services in the District of Columbia and in the field, $14,043.

Utilization of waste products from the land.

Utilization of waste products from the land: For the survey of the possibilities of the industrial utilization of waste products from the land, including cooperation with colleges, other institutions, and manufacturers, including personal services in the District of Columbia and in the field, $24,873: *Provided*, That the Bureau of Standards cooperates with the Bureau of Chemistry and Soils, Department of Agriculture, without duplication of work.

Proviso.
Cooperation with Bureau of Chemistry and Soils.

Automotive engines investigations.

Investigation of automotive engines: For the promotion of economy and efficiency in automotive transportation by land and by air through investigations of the basic principles underlying the design, performance, operation, and testing of automotive engines, their fuels, lubricants, accessories, and the power-transmitting system used in connection with them, also such elements as brakes and brake linings; to promote economy in the use of liquid fuels and safety in vehicular traffic, including personal services in the District of Columbia and in the field, $22,306.

Dental materials investigations.

Investigation of dental materials: To investigate the physical and chemical properties of dental materials, including the method of their application and the causes of deterioration of such materials in service, for the purpose of developing standards of quality and standard methods of test, including personal services in the District of Columbia and in the field, $4,204.

Hydraulic laboratory research.

Hydraulic laboratory research: For the determination of fundamental data useful in hydraulic research and engineering, including laboratory research relating to the behavior and control of river and harbor waters, the study of hydraulic structures and water flow, and the development and testing of hydraulic instruments and accessories, including personal services in the District of Columbia and in the field, $26,171.

Cooperative work with departments, etc., on scientific investigations.

During the fiscal year 1935 the head of any department or independent establishment of the Government having funds available for scientific investigations and requiring cooperative work by the Bureau of Standards on scientific investigations within the scope of the functions of that bureau, and which the Bureau of Standards is unable to perform within the limits of its appropriations, may, with the approval of the Secretary of Commerce, transfer to the Bureau of Standards such sums as may be necessary to carry on such investigations. The Secretary of the Treasury shall transfer on the books of the Treasury Department any sums which may be authorized hereunder, and such amounts shall be placed to the credit of the Bureau of Standards for performance of work for the department or establishment from which the transfer is made, including, where necessary, compensation for personal services in the District of Columbia and in the field.

Transfer of funds authorized.

Attendance at meetings.

Appropriations herein made for the Bureau of Standards shall be available for expenses of attendance at meetings concerned with standardization and research, or either, when incurred on the written authority of the Secretary of Commerce, and for the compensation and expenses of medical officers of the Public Health Service detailed to the Bureau of Standards for the purpose of maintaining a first-aid station and making clinical observations.

Services in the District.

Total, Bureau of Standards, $1,436,908, of which amount not to exceed $1,256,395 may be expended for personal services in the District of Columbia.

Bureau of Lighthouses.

BUREAU OF LIGHTHOUSES

Salaries.

Salaries: For the Commissioner and other personal services in the District of Columbia, $98,523.

General expenses.

General expenses: For supplies, including replacement of and necessary additions to existing equipment, repairs, maintenance, and incidental expenses of lighthouses and other lights, beacons, buoyage, fog signals, lighting of rivers heretofore authorized to be lighted, light vessels, other aids to navigation, and lighthouse tenders, including the establishment, repair, and improvement of beacons and day marks, and purchase of land for same; establishment of post lights, buoys, submarine signals, and fog signals; establishment of oil or carbide houses, not to exceed $10,000: *Provided*, That any oil or carbide house erected hereunder shall not exceed $1,000 in cost; construction of necessary outbuildings at a cost not exceeding $1,000 at any one light station in any fiscal year; improvement of grounds and buildings connected with light stations and depots; restoring light stations and depots and buildings connected therewith: *Provided further*, That such restoration shall be limited to the original purpose of the structures; wages of persons attending post lights; temporary employees and field force while engaged on works of general repair and maintenance, and laborers and mechanics at lighthouse depots; rations and provisions or commutation thereof for working parties in the field, officers and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service on duty on board of such tenders or vessels, and money accruing from commutation for

Oil or carbide houses.

Provisos.
Limit on construction cost.

Restoring light stations.
Limitation on use.

Rations.

rations and provisions for the above-named persons on board of tenders and light vessels or in working parties in the field may be paid on proper vouchers to the person having charge of the mess of such vessel or party; not exceeding $2,000 for packing, crating, and transporting personal household effects of employees when transferred from one official station to another for permanent duty; purchase of rubber boots, oilskins, rubber gloves, and coats, caps, and aprons for stewards' departments on vessels; reimbursement under rules prescribed by the Secretary of Commerce of keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all $5,000 in any fiscal year; fuel, light, and rent of quarters where necessary for keepers of lighthouses; purchase of land sites for fog signals; rent of necessary ground for all such lights and beacons as are for temporary use or to mark changeable channels and which in consequence cannot be made permanent; rent of offices, depots, and wharves; traveling expenses, including travel for the examinations authorized by the Act entitled "An Act to provide for retirement for disability in the Lighthouse Service", approved March 4, 1925 (U.S.C., title 33, sec. 765); mileage; library books for light stations and vessels, and technical books and periodicals not exceeding $1,000; traveling expenses of teachers while actually employed by States or private persons to instruct the children of keepers of lighthouses; all other contingent expenses of district offices and depots, including the purchase of provisions for sale to lighthouse keepers at isolated stations, and the appropriation reimbursed; purchase at not to exceed $3,600, exchange, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for official use in field work; payment of rewards for the apprehension and conviction, or for information helpful to the apprehension and conviction of persons found interfering with aids to navigation maintained by the Lighthouse Service, in violation of section 6 of the Act of May 14, 1908 (U.S.C., title 33, sec. 761); $3,752,980.

Transporting household effects on change of station.

Relief of shipwrecked persons.

Land sites purchase.

Travel expenses.

Vol. 43, p. 1261. U.S.C., p. 1095.

Contingent expenses.

Paying awards.

Vol. 35, p. 162. U.S.C., p. 1094.

Keepers of lighthouses: For salaries of not exceeding one thousand eight hundred lighthouse and fog-signal keepers and persons attending lights, exclusive of post lights, $1,621,510.

Keepers.

Lighthouse vessels: For salaries and wages of officers and crews of light vessels and lighthouse tenders, including temporary employment when necessary, $1,958,850.

Lighthouse vessels.

Superintendents, clerks, and so forth: For salaries of eighteen superintendents of lighthouses, and of assistant superintendents, clerks, draftsmen, and other authorized permanent employees in the district offices and depots of the Lighthouse Service, exclusive of those regularly employed in the office of the Bureau of Lighthouses, District of Columbia, $605,000.

Superintendents, clerks, etc.

Retired pay: For retired pay of officers and employees engaged in the field service or on vessels of the Lighthouse Service, except persons continuously employed in district offices and shops, $480,510.

Retired pay.

COAST AND GEODETIC SURVEY

Coast and Geodetic Survey.

Expenses.

For every expenditure requisite for and incident to the work of the Coast and Geodetic Survey, including maintenance, repair, exchange, and operation of motor-propelled or horse-drawn vehicles for official use in field work, purchase of motor cycles with side cars, including their exchange, not to exceed $1,000, surveying instruments, including their exchange, rubber boots, canvas and rubber gloves, goggles, and caps, coats, and aprons for stewards' departments on

vessels, extra compensation at not to exceed $1 per day for each station to employees of the Lighthouse Service and the Weather Bureau while observing tides or currents, services of one tide observer in the District of Columbia at not to exceed $1 per day, and compensation, not otherwise appropriated for, of persons employed in the field work, and for expenses of attendance at meetings concerned with the work of the Coast and Geodetic Survey when incurred on the written authority of the Secretary of Commerce, to be expended in accordance with the regulations relating to the Coast and Geodetic Survey subscribed by the Secretary of Commerce, and under the following heads:

Attendance at meetings.

Field expenses, Atlantic coast: For surveys and necessary resurveys of the Atlantic and Gulf coasts of the United States, including the coasts of outlying islands under the jurisdiction of the United States, and including the employment in the field and office of one physicist to develop survey methods based on transmission of sound through sea water, $105,000: *Provided*, That not more than $35,000 of this amount shall be expended on the coasts of said outlying islands and the Atlantic entrance to the Panama Canal;

Field expenses. Atlantic coast.

Proviso. Islands.

Pacific coast: For surveys and necessary resurveys of coasts on the Pacific Ocean under the jurisdiction of the United States, and including the employment in the field and office of one physicist to develop survey methods based on transmission of sound through sea water, $144,520;

Pacific coast.

Tides, currents, and so forth: For continuing researches in physical hydrography, relating to harbors and bars, and for tidal and current observations on the coasts of the United States, or other coasts under the jurisdiction of the United States, $13,440;

Physical hydrography.

Coast Pilot: For compilation of the Coast Pilot, including the employment of such pilots and nautical experts, and stenographic help in the field and office as may be necessary for the same, $5,370;

Coast Pilot.

Magnetic work: For continuing magnetic and seismological observations and to establish meridian lines in connection therewith in all parts of the United States; making magnetic and seismological observations in other regions under the jurisdiction of the United States; purchase of additional magnetic and seismological instruments; lease of sites where necessary and the erection of temporary magnetic and seismological buildings; and including the employment in the field and office of such magnetic and seismological observers and stenographic services as may be necessary, $35,079;

Magnetic and seismological observations.

Federal, boundary, and State surveys: For continuing lines of exact levels between the Atlantic, Pacific, and Gulf coasts; determining geographic positions by triangulation and traverse for the control of Federal, State, boundary, county, city, and other surveys and engineering works in all parts of the United States; including special geodetic surveys of first-order triangulation and leveling in regions subject to earthquakes, not exceeding $10,000; determining field astronomic positions and the variation of latitude, including the maintenance and operation of the latitude observatories at Ukiah, California, and Gaithersburg, Maryland, not exceeding $2,500 each; establishing lines of exact levels, determining geographic positions by triangulation and traverse, and making astronomic observations in Alaska; and continuing gravity observations in the United States and for making such observations in regions under the jurisdiction of the United States and also on islands and coasts adjacent thereto, $131,970, of which amount not to exceed $29,300 may be expended for personal services in the District of Columbia;

Federal, boundary, and State surveys.

Ukiah and Gaithersburg observatories.

Alaska.

Miscellaneous.

For objects not hereinbefore named that may be deemed urgent, including the preparation or purchase of plans and specifications of

vessels and the employment of such hull draftsmen in the field and office as may be necessary for the same; the reimbursement, under rules prescribed by the Secretary of Commerce, of officers of the Coast and Geodetic Survey for food, clothing, medicines, and other supplies furnished for the temporary relief of distressed persons in remote localities and to shipwrecked persons temporarily provided for by them, not to exceed a total of $550; actual necessary expenses of officers of the field force temporarily ordered to the office in the District of Columbia for consultation with the director, and not exceeding $1,000 for the expenses of the attendance of representatives of the Coast and Geodetic Survey who may be designated as delegates from the United States at the meetings of the International Hydrographic Bureau, and not exceeding $3,000 for special surveys that may be required by the Bureau of Lighthouses or other proper authority, $3,680;

Relief of shipwrecked persons, etc.

Attendance at meetings of International Hydrographic Bureau.

In all, field expenses, $439,059.

Vessels: For repairs of vessels, including traveling expenses of persons inspecting the repairs, and exclusive of engineer's supplies and other ship chandlery, $58,200.

Vessels' repair, etc.

For all necessary employees to man and equip the vessels, including professional seamen serving as mates on vessels of the Survey, to execute the work of the Survey herein provided for and authorized by law, $475,011.

Employees.

Pay, commissioned officers: For pay and allowances prescribed by law for commissioned officers on sea duty and other duty, holding relative rank with officers of the Navy, including one director with relative rank of captain, six hydrographic and geodetic engineers with relative rank of captain, ten hydrographic and geodetic engineers with relative rank of commander, seventeen hydrographic and geodetic engineers with relative rank of lieutenant commander, forty-seven hydrographic and geodetic engineers with relative rank of lieutenant, sixty-one junior hydrographic and geodetic engineers with relative rank of lieutenant (junior grade), twenty-nine aides with relative rank of ensign, and including officers retired in accordance with existing law, $624,991: *Provided*, That the Secretary of Commerce may designate one of the hydrographic and geodetic engineers to act as assistant director.

Pay and allowances, commissioned officers.

Proviso. Assistant director.

Office force: For personal services, $478,800.

Office force.

Office expenses: For purchase of new instruments (except surveying instruments), including their exchange, materials, equipment, and supplies required in the instrument shop, carpenter shop, and chart division; books, scientific and technical books, journals, books of reference, maps, charts, and subscriptions; copper plates, chart paper, printer's ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, rubber gloves, and electrotyping supplies; photolithographing and printing charts for immediate use; stationery for office and field parties; transportation of instruments and supplies when not charged to party expenses; telegrams; washing; office furniture, repairs; traveling expenses of officers and others employed in the office sent on special duty in the service of the office; miscellaneous expenses, contingencies of all kinds, not exceeding $90 for street-car fares, $50,000.

Office expenses.

Appropriations herein made for the Coast and Geodetic Survey shall not be available for allowance to civilian or other officers for subsistence while on duty at Washington (except as hereinbefore provided for officers of the field force ordered to Washington for short periods for consultation with the director), except as now provided by law.

Subsistence restrictions.

Application of airplane to field work.

Photographic apparatus.

Appropriations herein made for the field expenses of the Coast and Geodetic Survey shall be available for expenditures in the application of the airplane to the field work of the Coast and Geodetic Survey, and not to exceed a total of $25,000 of said appropriations shall be available for the purchase or construction of cameras and other photographic apparatus, for equipment, except airplanes, and for employment of personnel in the field and office in connection with such work.

Bureau of Fisheries.

BUREAU OF FISHERIES

Commissioner and office personnel.

Commissioner's office: For the commissioner and other personal services in the District of Columbia, $136,600.

Propagation of food fishes.

Propagation of food fishes: For maintenance, repair, alteration, improvement, equipment, and operation of fish-cultural stations, general propagation of food fishes and their distribution, including movement, maintenance, and repairs of cars, purchase of equipment (including rubber boots and oilskins) and apparatus, contingent expenses, pay of permanent employees not to exceed $353,110, temporary labor, and not to exceed $10,000 for propagation and distribution of fresh-water mussels and the necessary expenses connected therewith, and not to exceed $10,000 for the purchase, collection, and transportation of specimens and other expenses incidental to the maintenance and operation of aquarium, of which not to exceed $4,500 may be expended for personal services in the District of Columbia, $560,950.

Vessels' maintenance.

Maintenance of vessels: For maintenance and operation of vessels and launches, including purchase and repair of boats, apparatus, machinery, and other facilities required for use with the same, hire of vessels, temporary employees, and all other necessary expenses in connection therewith, including not to exceed $1,000 for the purchase of plans and specifications for vessels or for contract personal services for the preparation thereof, and money accruing from commutation of rations and provisions on board vessels may be paid on proper vouchers to the persons having charge of the mess of such vessels, $135,380, of which not to exceed $4,420 may be expended for pay of officers and employees of vessels of the Atlantic coast and not to exceed $67,500 for pay of officers and crews of vessels for the Alaska Fisheries Service, and $10,000 shall be immediately available for the procurement of supplies and equipment required for shipment to the Pribilof Islands for the service of the fiscal year 1935.

Alaska service. Supplies, etc., to Pribilof Islands.

Commutation of rations.

Commutation of rations (not to exceed $1 per day) may be paid to officers and crews of vessels of the Bureau of Fisheries during the fiscal year 1935 under regulations prescribed by the Secretary of Commerce.

Food fishes inquiry.

Inquiry respecting food fishes: For inquiry into the cause of the decrease of food fishes in the waters of the United States, and for investigation and experiments in respect to the aquatic animals, plants, and waters, and screening of irrigation ditches in fishways, in the interests of fish culture and the fishery industries, including pay of permanent employees not to exceed $93,570, temporary employees, maintenance, repair, improvement, equipment, and operations of biological stations, expenses of travel and preparation of reports, $127,074.

Fishery industries. Statistical studies.

Fishery industries: For collection and compilation of statistics of the fisheries and the study of their methods and relations, and the methods of preservation and utilization of fishery products, including pay of permanent employees not to exceed $24,270, compensation of temporary employees, travel and preparation of reports, including

temporary employees in the District of Columbia not to exceed $1,800, and all other necessary expenses in connection therewith, including the purchase (not to exceed $500), exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in the field work of the Bureau of Fisheries, $57,125.

Alaska, general service: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska; not exceeding $20,000 for construction, improvement, repair, and alteration of buildings and roads, transportation of supplies to and from the islands, expenses of travel of agents and other employees and subsistence while on said islands, hire and maintenance of vessels, purchase of sea otters, and for all expenses necessary to carry out the provisions of the Act entitled "An Act to protect the seal fisheries of Alaska, and for other purposes", approved April 21, 1910 (U.S.C., title 16, secs. 631–658), and for the protection of the fisheries of Alaska, including pay of permanent employees not to exceed $62,920, contract stenographic reporting service, travel of employees while on duty in Alaska, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, $245,693, of which $100,000 shall be immediately available.

Alaska.
Seal fisheries protection.

Vol. 36, p. 326.
U.S.C., p. 431.

Enforcement of black bass law: To enable the Secretary of Commerce to carry into effect the Act entitled "An Act to amend the Act entitled 'An Act to regulate interstate transportation of black bass, and for other purposes', approved May 20, 1926" (U.S.C., Supp. VI, title 16, secs. 851–856), approved July 2, 1930 (46 Stat., pp. 845–847), $13,715, of which not to exceed $1,620 may be expended for personal services in the District of Columbia.

Black bass law.
Enforcement.
Vol. 44, p. 576; Vol. 46, p. 845.
U.S.C., Supp. VII, p. 343.

Mississippi Wild Life and Fish Refuge: For construction of buildings, boats, and ponds, for purchase of equipment, including boats, for maintenance, operation, repair, and improvements, including expenditures for personal services at the seat of government and elsewhere as may be necessary, as authorized in the Act approved June 7, 1924 (U.S.C., title 16, secs. 721–731), $15,000.

Mississippi Wild Life and Fish Refuge.
Construction, maintenance, etc., expenses.
Vol. 43, p. 650.
U.S.C., p. 437.

Not to exceed $1,000 of the appropriations herein made for the Bureau of Fisheries shall be available for expenses of attendance at meetings concerned with the work of said Bureau when incurred on the written authority of the Secretary of Commerce, and not to exceed $1,500 shall be available for the rental of suitable quarters in the District of Columbia for laboratory and storage purposes.

Attendance at meetings.

PATENT OFFICE

Patent Office.

The following sums are appropriated for the Patent Office for the fiscal year ending June 30, 1935, out of the revenues of such office in conformity with section 5 of the Act approved April 11, 1930 (U.S.C., Supp. VI, title 35, sec. 22), to the extent that such revenues are sufficient therefor and any remainder out of the general fund of the Treasury, namely:

Sums available from revenues.
Vol. 46, p. 156.
U.S.C., Supp. VII, p. 819.

Salaries: For the Commissioner of Patents and other personal services in the District of Columbia, $2,921,931: *Provided*, That of the amount herein appropriated not to exceed $25,000 may be used for special and temporary services of typists certified by the Civil Service Commission, who may be employed in such numbers, at $4 per diem, as may, in the judgment of the Commissioner of Patents, be necessary to keep current the work of furnishing manuscript copies of records.

Salaries, Commissioner and office personnel.
Proviso.
Temporary typists.

Reference books, etc.

For purchase of law, professional, and other reference books and publications and scientific books, including their exchange, and expenses of transporting publications of patents issued by the Patent Office to foreign governments, directories, and for other contingent and miscellaneous expenses of the Patent Office, $30,000.

Weekly issue of patent drawings, etc.

For producing copies of weekly issue of drawings of patents and designs; reproduction of copies of drawings and specifications of exhausted patents, designs, trade-marks, and other papers, such other papers when reproduced for sale to be sold at not less than cost plus 10 per centum; reproduction of foreign patent drawings; photo prints of pending application drawings; and photostat and photographic supplies and dry mounts, $205,000.

Multigraphed headings.

The headings of the drawings for patented cases may be multigraphed in the Patent Office for the purpose of photolithography.

Investigating prior use of inventions.

For investigating the question of public use or sale of inventions for two years or more prior to filing applications for patents, and such other questions arising in connection with applications for patents and the prior art as may be deemed necessary by the Commissioner of Patents; for expense attending defense of suits instituted against the Commissioner of Patents, $300, and for expenses of attendance at meetings concerned with the work of the Patent Office when incurred on the written authority of the Secretary of Commerce.

Defense of suits.

Furniture, etc.

For furniture and filing cases, $13,000.

Printing and binding.

For printing the weekly issue of patents, designs, trade-marks, prints, and labels, exclusive of illustrations; and for printing, engraving illustrations, and binding the Official Gazette, including weekly and annual indices, $850,000; for miscellaneous printing and binding, $50,000; in all, $900,000.

Bureau of Mines.

BUREAU OF MINES

Salaries and general expenses.

Salaries and general expenses: For general expenses, including pay of the director and necessary assistants, clerks, and other employees, in the office in the District of Columbia, and in the field, and every other expense requisite for and incident to the general work of the bureau in the District of Columbia, and in the field, to be expended under the direction of the Secretary of Commerce, $48,108, of which amount not to exceed $45,000 may be expended for personal services in the District of Columbia.

Mine rescue cars and stations. Investigations.

Operating mine rescue cars and stations and investigation of mine accidents: For the investigation and improvement of mine rescue and first-aid methods and appliances and the teaching of mine safety, rescue, and first-aid methods; investigations as to the causes of mine explosions, causes of falls of roof and coal, methods of mining, especially in relation to the safety of miners, the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents, statistical studies and reports relating to mine accidents, and other inquiries and technologic investigations pertinent to the mining industry; the exchange in part payment for operation, maintenance, and repair of mine rescue trucks; the construction of temporary structures and the repair, maintenance, and operation of mines rescue cars and Government-owned mine rescue stations and appurtenances thereto; personal services, traveling expenses and subsistence, equipment, and supplies; travel and subsistence, and other incidental expenses of employees in attendance at meetings and conferences held for the purpose of promoting safety and health in the mining and allied industries;

Attendance at meetings.

purchase not exceeding $5,000, exchange as part payment for, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles for official use in field work; purchase and exchange in part payment therefor of cooks' uniforms, goggles, gloves, rubber boots, aprons, and such other articles or equipment as may be necessary in connection with the purposes of this paragraph; including not to exceed $72,000 for personal services in the District of Columbia, $452,000: *Provided*, That of this amount not to exceed $500 may be expended for the purchase and bestowal of trophies in connection with mine rescue and first-aid contests;

Proviso. Rescue trophies.

Mining investigations in Alaska: For investigations and the dissemination of information with a view to improving conditions in the mining, quarrying, and metallurgical industries as provided in the Act authorizing additional mining experiment stations, approved March 3, 1915 (U.S.C., title 30, sec. 8), and to provide for the inspection of mines and the protection of the lives of miners in the Territory of Alaska, including personal services, equipment, supplies, and expenses of travel and subsistence, $6,173.

Mining investigations in Alaska.

Vol. 38, p. 959. U.S.C., p. 953.

Testing fuel: To conduct inquiries and scientific and technologic investigations concerning the mining, preparation, treatment, and use of mineral fuels, and for investigation of mineral fuels belonging to or for the use of the United States, with a view to their most efficient utilization; to recommend to various departments such changes in selection and use of fuel as may result in greater economy, and, upon request of the Director of the Bureau of the Budget, to investigate the fuel-burning equipment in use by or proposed for any of the departments, establishments, or institutions of the United States in the District of Columbia, $97,828 of which amount not to exceed $25,400 may be expended for personal services in the District of Columbia.

Testing fuel.

Mineral mining investigations: For inquiries and scientific and technologic investigations concerning the mining, preparation, treatment, and utilization of ores and mineral substances, other than fuels, with a view to improving health conditions and increasing safety, efficiency, economic development, and conserving resources through the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; to inquire into the economic conditions affecting these industries; and including all equipment, supplies, expenses of travel and subsistence, and the purchase, not to exceed $2,500, including exchange, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles for official use in field work, including not to exceed $14,040 for personal services in the District of Columbia, $85,974: *Provided*, That no part of this appropriation may be expended for an investigation in behalf of any private party.

Mineral mining investigations.

Proviso. Private work prohibited.

Oil and gas investigations: For inquiries and investigations and dissemination of information concerning the mining, preparation, treatment, and utilization of petroleum and natural gas, including economic conditions affecting the industry, with a view to economic development and conserving resources through the prevention of waste; for the purchase of newspapers relating to the oil, gas, and allied industries: *Provided*, That section 192 of the Revised Statutes (U.S.C., title 5, sec. 102) shall not apply to such purchase of newspapers from this appropriation; and for every other expense incident thereto, including supplies, equipment, expenses of travel and subsistence, purchase, not to exceed $7,000, exchange as part payment for, maintenance, and operation of motor-propelled passenger-carrying vehicles for official use in field work, purchase of laboratory gloves, goggles, rubber boots and aprons, $111,766, of which amount

Oil and gas investigations.

Proviso. Purchase of newspapers.

R.S., sec. 192, p. 30. U.S.C., p. 35.

not to exceed $15,750 may be expended for personal services in the District of Columbia;

Mining experiment stations.

Mining experiment stations: For the employment of personal services, purchase of laboratory gloves, goggles, rubber boots and aprons, the purchase not to exceed $3,000, exchange as part payment for, maintenance and operation of motor-propelled passenger-carrying vehicles for official use in field work, and all other expenses in connection with the establishment, maintenance, and operation of mining experiment stations, as provided in the Act authorizing additional mining experiment stations, approved March 3, 1915 (U.S.C., title 30, sec. 8), $127,036, of which amount not to exceed $11,800 may be expended for personal services in the District of Columbia;

Vol. 38, p. 959.
U.S.C., p. 953.

Pittsburgh, Pa., station.

Buildings and grounds, Pittsburgh, Pennsylvania: For care and maintenance of buildings and grounds at Pittsburgh and Bruceton, Pennsylvania, including personal services, the purchase, exchange as part payment for, operation, maintenance, and repair of passenger automobiles for official use, and all other expenses requisite for and incident thereto, including not to exceed $5,000 for additions and improvements, $61,908.

Temporary detail from field service.

Persons employed during the fiscal year 1935 in field work outside of the District of Columbia under the Bureau of Mines may be detailed temporarily for service in the District of Columbia for purposes of preparing results of their field work; all persons so detailed shall be paid in addition to their regular compensation only traveling expenses in going to and returning therefrom: *Provided*, That nothing herein shall prevent the payment to employees of the Bureau of Mines of their necessary expenses, or per diem in lieu of subsistence, while on temporary detail in the District of Columbia for purposes only of consultation or investigations on behalf of the United States. All details made hereinunder, and the purposes of each, during the preceding fiscal year shall be reported in the annual estimates of appropriations to Congress at the beginning of each regular session thereof;

Proviso.
Payment of expenses.

Report to Congress.

Details from Public Health Service.

The Secretary of the Treasury may detail medical officers of the Public Health Service for cooperative health, safety, or sanitation work with the Bureau of Mines, and the compensation and expenses of the officers so detailed may be paid from the applicable appropriations made herein for the Bureau of Mines;

Helium production and investigations.

Helium production and investigations: The sums made available for the fiscal year 1935 in the Acts making appropriations for the War and Navy Departments for the acquisition of helium from the Bureau of Mines, if their transfer to such Bureau is not required by such Acts, shall be advanced from time to time upon requisition by the Secretary of Commerce in such amounts as may be determined by the President not in excess of the sums needed for the economical and efficient operation and maintenance of the plants for the production of helium for military and/or naval purposes, including purchase, not to exceed $2,500, and exchange as part payment for, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for official use in field work, and all other necessary expenses, $10,100 for personal services in the District of Columbia;

Helium plants.
Purchase, etc., of.

Helium plants: For helium production and conservation, including acquisition of helium-bearing gas land or wells by purchase, exchange, lease, or condemnation, or interest in such land or wells, the purchase, lease, construction, or modification of plants, pipe lines and accessories, compressor stations, camp buildings, and other facilities for the production, transportation, storage, and purification of helium and helium-bearing gas, including acquisition of

sites and rights-of-way therefor, by purchase, lease, or condemnation, and including supplies and equipment, expenses of travel and subsistence, maintenance and operation of motor-propelled passenger-carrying vehicles for official use in field work, and all other necessary expenses, including not to exceed $6,560 for personal services in the District of Columbia, and including the payment of obligations incurred under the contract authorization carried under this heading in the Department of Commerce Appropriation Act for the fiscal year 1932, not to exceed $50,000 of the unexpended balances in the appropriation "Helium Plants, Bureau of Mines, 1934", is hereby continued available for the fiscal year 1935: *Provided*, That no part of the appropriation herein made may be expended except with the approval of the President: *Provided further*, That the acquirement of leases, sites, and rights-of-way under terms customary in the oil and gas industry, including obligations to pay rental in advance and to pay damages to lands, crops, or structures arising out of the Government's operations is authorized: *Provided further*, That should valuable products other than helium-bearing gas be discovered in wells acquired or drilled for helium-bearing gas under this appropriation the Secretary of Commerce is authorized to provide for the disposal of said wells or the products therefrom, by the contracts under which the property is acquired, or otherwise, in accordance with the interests of the Government therein and in the manner which, in his opinion, is most advantageous to the Government;

Balances available.
Vol. 46, p. 1350.
Vol. 47, p. 1407.

Proviso.
Approval of President required.
Leases, etc.

Disposal of valuable products.

Economics of mineral industries: For inquiries and investigations, and the dissemination of information concerning the economic problems of the mining, quarrying, metallurgical, and other mineral industries, with a view to assuring ample supplies and efficient distribution of the mineral products of the mines and quarries, including studies and reports relating to uses, reserves, production, distribution, stocks, consumption, prices, and marketing of mineral commodities and primary products thereof; preparation of the reports of the mineral resources of the United States, including special statistical inquiries; and including personal services in the District of Columbia and elsewhere; purchase of furniture and equipment; stationery and supplies; typewriting, adding, and computing machines, accessories and repairs; newspapers; traveling expenses; purchase, not exceeding $1,200, exchange as part payment for, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles for official use in field work; and for all other necessary expenses not included in the foregoing; of which amount not to exceed $162,210 may be expended for personal services in the District of Columbia; $207,133.

Economics of mineral industries.
Investigations, etc.

Reports.

Statistical inquiries.

During the fiscal year 1935 the head of any department or independent establishment of the Government having funds available for scientific investigations and requiring cooperative work by the Bureau of Mines on scientific investigations within the scope of the functions of that Bureau and which it is unable to perform within the limits of its appropriations may, with the approval of the Secretary of Commerce, transfer to the Bureau of Mines such sums as may be necessary to carry on such investigations. The Secretary of the Treasury shall transfer on the books of the Treasury Department any sums which may be authorized hereunder, and such amounts shall be placed to the credit of the Bureau of Mines for the performance of work for the department or establishment from which the transfer is made: *Provided*, That any sums transferred by any department or independent establishment of the Government to the Bureau of Mines for cooperative work in connection with this appro-

Scientific investigations for departments, etc.

Proviso.
Expenditure of transferred funds.

priation may be expended in the same manner as sums appropriated herein may be expended;

Minor purchases without advertising.

The purchase of supplies and equipment or the procurement of services for the Bureau of Mines, at the seat of government, as well as in the field outside of the District of Columbia, may be made in open market without compliance with section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) of the United States, in the manner common among business men, when the aggregate amount of the purchase or the service does not exceed $100 in any instance;

R.S., sec. 3709, p. 733. U.S.C., p. 1309.

Scientific books, purchase.

For the purchase or exchange of professional and scientific books, law books, and books to complete broken sets, periodicals, directories, and other books of reference relating to the business of the Bureau of Mines, there is hereby made available from any appropriations made for such bureau not to exceed $2,500;

Attendance at meetings.

For necessary traveling expenses of the director and employees of the bureau, acting under his direction, for attendance upon meetings of technical, professional, and scientific societies, when required in connection with the authorized work of the Bureau of Mines and incurred on the written authority of the Secretary of Commerce, there is hereby made available from any appropriations made to the Bureau of Mines not to exceed in all $1,000;

Total, Bureau of Mines, $1,197,926.

United States Shipping Board Bureau.

UNITED STATES SHIPPING BOARD BUREAU

Salaries and expenses. Vol. 41, p. 989. U.S.C., p. 1530; Supp. VII, p. 961. *Ante*, p. 298.

Salaries and expenses: To carry out the provisions of the Shipping Act, 1916, as amended, and the Merchant Marine Acts of 1920 and 1928, as amended (U.S.C., title 46, secs. 804, 805, 861–889; Supp. VI, title 46, secs. 891–891x, Act of June 16, 1933, 48 Stat., 298; Executive Order numbered 6166, June 10, 1933), including the compensation of attorneys, officers, naval architects, special experts, examiners, and clerks, one technical expert in connection with construction loan fund, at not to exceed $10,000 per annum, and other employees in the District of Columbia and elsewhere; and for other expenses of the Bureau, including the rental of quarters outside the District of Columbia, traveling expenses of employees of the Bureau, while upon official business away from their designated posts of duty, including attendance at meetings or conventions of members of any society or association, the purpose of which is of interest to the development and maintenance of an American merchant marine, when incurred on the written authority of the Secretary of Commerce, and for the employment by contract of expert stenographic reporters for its official reporting work, $219,216, of which amount not to exceed $205,957 may be expended for personal services in the District of Columbia: *Provided*, That the annual estimates of the Shipping Board Bureau for the fiscal year 1936 shall be accompanied by a statement showing the number and compensation of employees of the Fleet Corporation assigned to that Bureau: *Provided further*, That employees of the Merchant Fleet Corporation assigned to and serving with the Shipping Board Bureau whose compensation is within the range of salary prescribed for the appropriate grade to which the position has been allocated under the Classification Act of 1923, as amended, shall not be subject to reduction in salary by reason of their transfer during the fiscal year 1935 to the pay roll of the Bureau.

Rent. Travel expenses.

Provisos. Statement to accompany annual estimates.

Salaries of employees assigned from Merchant Fleet Corporation.

U.S.C., p. 65; Supp. VII, p. 34.

Shipping fund. Expenses of Shipping Board.

Shipping fund: For expenses of the United States Shipping Board Merchant Fleet Corporation during the fiscal year ending June 30, 1935, for administrative purposes, including the salaries of employees (not to exceed $316,000) of the Fleet Corporation assigned to the

Shipping Board Bureau, miscellaneous adjustments, losses due to the maintenance and operation of ships, including operation through an agreement to pay a lump-sum compensation, for the protection of the interests of the United States in any vessel on which the United States holds a mortgage, for the repair of ships, for the purchase, exchange, maintenance, repair, and operation of motor vehicles for official purposes only; for the payment of premiums for liability, fire, theft, property damage, and collision insurance and for other forms of insurance, including schedule and fidelity bonds, commonly carried by commercial corporations engaged in the same or a similar business, and for carrying out the provisions of the Merchant Marine Act, 1920, and amendments thereto, (a) the amount of operating funds on hand July 1, 1934; (b) all amounts received during the fiscal year ending June 30, 1935, other than the proceeds of sales of ships and surplus property; (c) so much of the total proceeds of sales of ships and surplus property received during the fiscal year 1935, but not exceeding $750,000, as is necessary to meet the expenses of liquidation, including the costs incident to the delivery of vessels to purchasers, the cost of maintaining the laid-up fleet and the salaries and expenses of the personnel engaged in liquidation: *Provided*, That no part of these sums, (a), (b), and (c) shall be used for the payment of claims arising out of the construction and requisitioning of vessels.

Vol. 41, p. 988.

Proviso.
Restriction on expenditure.

That portion of the special claims appropriation contained in the Independent Offices Appropriation Act for the fiscal year 1923 committed prior to July 1, 1923, and remaining unexpended on June 30, 1934, shall continue available until June 30, 1935, for the same purposes and under the same conditions.

Special claims appropriation.
Vol. 42, p. 647.

Operation of ships.

To enable the United States Shipping Board Merchant Fleet Corporation to operate ships or lines of ships which have been or may be taken back from purchasers by reason of competition or other methods employed by foreign shipowners or operators, there is hereby reappropriated the unexpended balance of the appropriation of $10,000,000 made for similar purposes in the Independent Offices Appropriation Act for the fiscal year 1927: *Provided*, That no expenditure shall be made for the purposes of this paragraph from this sum without the prior approval of the President of the United States.

Vol. 44, p. 318.

Proviso.
Approval of President.

Attorneys.
Approval of contract of employment.

No part of the sums appropriated in this Act shall be used to pay the compensation of any attorney, regular or special, for the United States Shipping Board Bureau or the United States Shipping Board Merchant Fleet Corporation unless the contract of employment has been approved by the Attorney General of the United States.

Restriction on rent payments.

No part of the funds of the United States Shipping Board Merchant Fleet Corporation shall be available for the rent of buildings in the District of Columbia during the fiscal year 1935 if suitable space is provided for said corporation by the Office of National Parks, Buildings, and Reservations of the Department of the Interior.

On purchase of fuel oil of foreign production.

No part of the funds of the United States Shipping Board Merchant Fleet Corporation shall be available during the fiscal year 1935 for the purchase of any kind of fuel oil of foreign production for issue, delivery, or sale to ships at points either in the United States or its possessions, where oil of the production of the United States or its possessions is available, if the cost of such oil compared with foreign-oil costs be not unreasonable.

Compensation of attorneys.

Of the sums herein made available under the United States Shipping Board Bureau, not to exceed an aggregate of $150,000 shall be expended for compensation of regular attorneys employed on a yearly salary basis, including their clerical and legal assistants.

Short title.

This title may be cited as the "Department of Commerce Appropriation Act, 1935."

Department of Labor.

TITLE IV—DEPARTMENT OF LABOR

Office of the Secretary.

OFFICE OF THE SECRETARY

Salaries.

Salaries: Secretary of Labor, Assistant Secretary, Second Assistant Secretary, and other personal services in the District of Columbia, $210,500.

Promotion of health, safety, employment, etc.

Promotion of health, safety, employment, etc.: For salaries and expenses in connection with the promotion of health, safety, employment stabilization, and amicable industrial relations for labor and industry, $73,685, of which amount not to exceed $56,825 may be expended for personal services in the District of Columbia.

Contingent expenses.

Contingent expenses: For contingent and miscellaneous expenses of the offices and bureaus of the Department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including the purchase of stationery, furniture, and repairs to the same, carpets, matting, oil-cloths, file cases, towels, ice, brooms, soap, sponges, laundry, street-car fares not exceeding $200; lighting and heating; purchase, exchange, maintenance, and repair of motorcycles and motor trucks; maintenance, operation, and repair of a motor-propelled passenger-carrying vehicle, to be used only for official purposes; freight and express charges; newspaper clippings not to exceed $1,800, postage to foreign countries, telegraph and telephone service, typewriters, adding machines, and other labor-saving devices; purchase of law books, books of reference, newspapers, and periodicals, not exceeding $5,150; in all, $53,000; and in addition thereto such sum as may be necessary, not in excess of $25,000, to facilitate the purchase, through the central purchasing office as provided in the Act approved June 17, 1910 (U.S.C., title 41, sec. 7), of certain supplies for the Immigration Service, shall be deducted from the appropriation "Salaries and expenses, Immigration and Naturalization Service", made for the fiscal year 1935 and added to the appropriation "Contingent expenses, Department of Labor", for that year; and the total sum thereof shall be and constitute the appropriation for contingent expenses for the Department of Labor, to be expended through the central purchasing office (Division of Publications and Supplies), Department of Labor: *Provided*, That section 3709 of the Revised Statutes of the United States (U.S.C., title 41, sec. 5) shall not be construed to apply to any purchase or service rendered for the Department of Labor when the aggregate amount involved does not exceed the sum of $50.

Vol. 36, p. 531. U.S.C., p. 1309.

Proviso. Minor purchases without advertising. R.S., sec. 3709, p. 733. U.S.C., p. 1309.

Printing and binding.

Printing and binding: For printing and binding for the Department of Labor, including all its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, $169,000.

Commissioners of conciliation.

Commissioners of conciliation: To enable the Secretary of Labor to exercise the authority vested in him by section 8 of the Act creating the Department of Labor (U.S.C., title 5, sec. 611) and to appoint commissioners of conciliation, traveling expenses, telegraph and telephone service, and not to exceed $14,635 for personal services in the District of Columbia, $185,630.

Vol. 37, p. 736. U.S.C., p. 62.

BUREAU OF LABOR STATISTICS

Bureau of Labor Statistics.

Salaries and expenses: For personal services, including temporary statistical clerks, stenographers and typewriters in the District of Columbia, and including also experts and temporary assistants for field service outside of the District of Columbia; traveling expenses, including expenses of attendance at meetings concerned with the work of the Bureau of Labor Statistics when incurred on the written authority of the Secretary of Labor; purchase of periodicals, documents, envelops, price quotations, and reports and materials for reports and bulletins of said bureau, $528,000, of which amount not to exceed $385,000 may be expended for the salary of the Commissioner and other personal services in the District of Columbia.

Commissioner and office personnel.

Investigation of cost of living in the United States: For personal services, including temporary statistical clerks, stenographers, and typewriters in the District of Columbia and elsewhere; traveling expenses; supplies and equipment; telegraph and telephone service; rent of tabulating machines; and any other necessary expense in connection with the conduct of the study and printing the report, $140,720.

IMMIGRATION AND NATURALIZATION SERVICE

Immigration and Naturalization Service.

Salaries and expenses: For enforcement of the laws regulating the immigration to, the residence in, and the exclusion and deportation from the United States of aliens, and persons subject to the Chinese exclusion laws; for enforcement of the laws authorizing a uniform rule for the naturalization of aliens; salaries, transportation, traveling, and other expenses of officers, clerks, and other employees appointed to enforce said laws; care, detention, maintenance, transportation, and traveling expenses incident to the deportation and exclusion of aliens, and persons subject to the Chinese exclusion laws, as authorized by law, in the United States and to, through, or in foreign countries; purchase of supplies and equipment, including alterations and repairs; purchase, exchange, operation, maintenance, and repair of motor-propelled vehicles, including passenger-carrying vehicles for official use in field work; cost of reports of decisions of the Federal courts and digests thereof for official use; verifications of legal papers; refunding of head tax, maintenance bills, immigration fines, registry fees, reentry permit fees, and naturalization fees, upon presentation of evidence showing conclusively that collection and deposit was made through error; mileage and fees to witnesses subpenaed on behalf of the United States, and for all other expenses necessary to enforce said laws $8,460,000, all to be expended under the direction of the Secretary of Labor, of which amount not to exceed $477,800 may be expended for the salary of the Commissioner of Immigration and Naturalization and other personal services in the District of Columbia, including services of persons authorized by law to be detailed there for duty: *Provided*, That not to exceed $45,000 of the sum herein appropriated shall be available for the purchase, including exchange, of motor-propelled passenger-carrying vehicles: *Provided further*, That the Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor, may contract with officers and employees stationed outside of the District of Columbia whose salaries are payable from this appropriation, for the use, on official business outside of the District of Columbia, of privately owned horses, and the consideration agreed upon shall be payable from the funds herein appropriated: *Provided further*, That not to exceed $22,600 of the total amount herein appropriated shall be available for allowances for living quarters, including heat, fuel, and light,

Salaries and expenses.

Deportation, etc., of aliens.

Witness fees.

Commissioner.

Provisos.
Vehicles.

Privately owned horses.

Allowances for living quarters, heat, fuel, and light.

Vol. 46, p. 818. U.S.C., Supp. VII, p. 20.

as authorized by the Act approved June 26, 1930 (U.S.C., Supp. VI, title 5, sec. 118a), not to exceed $1,700 for any person: *Provided further*, That not to exceed $400 of the sum herein appropriated may be expended for attendance at meetings concerned with the naturalization of aliens when incurred on the written authority of the Secretary of Labor: *Provided further*, That no part of this appropriation shall be available for the compensation of assistants to clerks of United States courts: *Provided further*, That not to exceed $10,000 of the sum herein appropriated may be expended for payment of rewards, when specifically authorized by the Secretary of Labor, for information leading to the detection, arrest, or conviction of persons violating the immigration or naturalization laws.

Attendance at meetings.

Compensation of assistants to clerks of courts forbidden.

Payment of rewards.

Immigration stations.

Immigration stations: For remodeling, repairing (including repairs to the ferryboat, Ellis Island), renovating buildings, and purchase of equipment, $25,000.

Children's Bureau.

CHILDREN'S BUREAU

Salaries and expenses.

Investigations.

Salaries and expenses: For expenses of investigating and reporting upon matters pertaining to the welfare of children and child life, and especially to investigate the questions of infant mortality; personal services, including experts and temporary assistants; traveling expenses, including expenses of attendance at meetings for the promotion of child welfare when incurred on the written authority of the Secretary of Labor; purchase of reports and material for the publications of the Children's Bureau and for reprints from State, city, and private publications for distribution when said reprints can be procured more cheaply than they can be printed by the Government, and other necessary expenses, $337,030, of which amount not to exceed $272,000 may be expended for personal services in the District of Columbia.

Women's Bureau.

WOMEN'S BUREAU

Salaries and expenses.

Vol. 41, p. 987. U.S.C., p. 947; Supp. VII, p. 745.

Salaries and expenses: For carrying out the provisions of the Act entitled "An Act to establish in the Department of Labor a bureau to be known as the Women's Bureau", approved June 5, 1920 (U.S.C., title 29, secs. 11–16; U.S.C., Supp. VI, title 29, secs. 12–14), including personal services in the District of Columbia, not to exceed $120,060; purchase of material for reports and educational exhibits, and traveling expenses, $139,160, which sum shall be available for expenses of attendance at meetings concerned with the work of said bureau when incurred on the written authority of the Secretary of Labor.

Employment Service.

UNITED STATES EMPLOYMENT SERVICE

Promotion of employment.

Ante, p. 113.

For carrying out the provisons of the Act entitled "An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933; personal services and rent in the District of Columbia and elsewhere; traveling expenses, including expenses of attendance at meetings concerned with the work of the United States Employment Service when specifically authorized by the Secretary of Labor; law books, books of reference and periodicals, printing and binding, supplies and equipment, telegraph and telephone service, and miscellaneous expenses, $3,700,000; of which amount not to exceed $165,000 shall be available for personal services in the department in the District of Columbia; and of such sum of $3,700,000, of which not less than $200,000 shall be expended for Veterans' Placement Service and not more than $3,000,000 shall be apportioned to the States, and the remainder shall be available for all other purposes.

Attendance at meetings.

Books.

UNITED STATES HOUSING CORPORATION

United States Housing Corporation.

Salaries and expenses: For officers, clerks, and other employees, and for contingent and miscellaneous expenses, in the District of Columbia and elsewhere, including blank books, maps, stationery, file cases, towels, ice, brooms, soap, freight and express charges, communication service, travel expense, printing and binding not to exceed $150, and all other miscellaneous items and expenses not included in the foregoing and necessary to collect and account for the receipts from the sale of properties and the receipts from the operation of unsold properties of the United States Housing Corporation, the Bureau of Industrial Housing and Transportation, property commandeered by the United States through the Secretary of Labor, and to collect the amounts advanced to transportation facilities and others; for payment of special assessments and other utility, municipal, State, and county charges or assessments unpaid by purchasers, and which have been assessed against property in which the United States Housing Corporation has an interest, and to defray expenses incident to foreclosing mortgages, conducting sales under deeds of trusts, or reacquiring title or possession of real property under default proceeding, including attorney fees, witness fees, court costs, charges, and other miscellaneous expenses; for the maintenance and repair of houses, buildings, and improvements which are unsold; in all, $9,080: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $4,000 per annum, and only one person may be employed at that rate: *Provided further*, That no part of the appropriations heretofore made and available for expenditure by the United States Housing Corporation shall be expended for the purposes for which appropriations are made herein.

Salaries and expenses.

Printing and binding.

Provisos.
Salary restriction.

Prior appropriations not available.

SEC. 2. That no part of the money appropriated under this Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve of the nomination of said person.

Restriction on expenditure of appropriations.

This title may be cited as the "Department of Labor Appropriation Act, 1935."

Short title.

Approved, April 7, 1934.

[CHAPTER 105.]

AN ACT

To amend section 3702, Revised Statutes.

April 9, 1934.
[S. 1528.]
[Public, No. 144.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3702 of the Revised Statutes is hereby amended by adding at the end thereof the following paragraphs:

United States interest-bearing bonds.
R.S., sec. 3702, p. 731; U.S.C., p. 1024, amended.

"(2) Whenever it appears to the Secretary of the Treasury by clear and unequivocal proof that any interest-bearing bond of the United States, fully identified by number and description, has, without bad faith on the part of the owner, been lost to such owner under such circumstances and for such period of time after it has matured or has become redeemable pursuant to a call for redemption as in the judgment of the Secretary would indicate that it had been destroyed or irretrievably lost, is not held by any person as his own property, and will not be presented by a bona fide holder for value, the Secretary of the Treasury is authorized to make payment of the amount which would have been due on such bond had it been presented at the time it became due and payable. But no payment shall be made on account of interest represented by coupons claimed to have been attached to a missing coupon bond at the time of its loss

Payment to owner of lost bond, authorized.

Conditions.

Interest payment.

or destruction, unless the Secretary of the Treasury is satisfied that such coupons have not been paid and are in fact destroyed or can never be made the basis of a claim against the United States: *Provided*, That where relief is authorized under the provisions of this paragraph the bond of indemnity required by section 3703 of the Revised Statutes shall be in a penal sum of double the amount to be paid and shall be executed by an approved corporate surety. The Secretary of the Treasury is further authorized to make from time to time such regulations and restrictions as he may prescribe with respect to the administration of this paragraph.

Proviso. Indemnity bond required. R.S., sec. 3703, p. 731; U.S.C., p. 1024.

Administrative rules authorized.

"(3) The term 'bond' wherever used in this section and in sections 3703, 3704, and 3705 of the Revised Statutes shall be deemed, for the purposes of these sections, to include any interest-bearing obligation of the United States or those issued on a discount basis."

"Bond" defined.

Approved, April 9, 1934.

[CHAPTER 106.]

AN ACT

April 9, 1934. [S. 2308.] [Public, No. 145.]

To extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Missouri.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of the bridge across the Missouri River at or near Randolph, Missouri, authorized to be built by The Kansas City Southern Railway Company, its successors and assigns, by the Act of Congress approved May 24, 1928, heretofore extended by Acts of Congress approved March 1, 1929, May 14, 1930, February 6, 1931, and May 6, 1932, and January 19, 1933, are hereby further extended two and four years, respectively, from May 24, 1934.

Missouri River. Time extended for bridging, at Randolph, Mo. Vol. 45, pp. 729, 1431; Vol. 46, pp. 328, 1004; Vol. 47, pp. 149, 772, amended.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 9, 1934.

[CHAPTER 107.]

AN ACT

April 9, 1934. [S. 2592.] [Public, No. 146.]

Granting the consent of Congress to the State of Minnesota, and Scott County and Carver County, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River at or near Jordan, Minnesota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Minnesota, and Scott County and Carver County, in the State of Minnesota, to construct, maintain, and operate a free bridge and approaches thereto across the Minnesota River, at a point suitable to the interests of navigation, at or near Jordan, Minnesota, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Minnesota River. Minnesota may bridge, at Jordan;

Construction. Vol. 34, p. 84.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 9, 1934.

[CHAPTER 108.]

AN ACT

April 9, 1934.
[S. 2593.]
[Public, No. 147.]

Granting the consent of Congress to the Highway Department of the State of Minnesota to construct, maintain, and operate a free highway bridge across the Saint Louis River at or near Cloquet, Minnesota.

Saint Louis River. Minnesota may bridge, at Cloquet.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Highway Department of the State of Minnesota to construct, maintain, and operate a free highway bridge and approaches thereto across the Saint Louis River, at a point suitable to the interests of navigation, at or near Cloquet, Minnesota, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Construction. Vol. 34, p. 84.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 9, 1934.

[CHAPTER 109.]

AN ACT

April 9, 1934.
[S. 2594.]
[Public, No. 148.]

Granting the consent of Congress to the Highway Department of the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the southerly end of Lake Bemidji, Minnesota.

Mississippi River. Minnesota may bridge, at southerly end of Lake Bemidji.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Highway Department of the State of Minnesota to construct, maintain, and operate a free highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near the southerly end of Lake Bemidji, Minnesota, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Construction. Vol. 34, p. 84.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 9, 1934.

[CHAPTER 110.]

AN ACT

April 9, 1934.
[S. 2953.]
[Public, No. 149.]

Granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a free highway bridge across the Cumberland River at or near Carthage, Smith County, Tennessee.

Cumberland River. Tennessee may bridge, at Carthage.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Highway Department of the State of Tennessee to construct, maintain, and operate a free highway bridge and approaches thereto across the Cumberland River, at a point suitable to the interests of navigation, at or near Carthage, Smith County, Tennessee, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Construction. Vol. 34, p. 84.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 9, 1934.

[CHAPTER 111.]

AN ACT

April 13, 1934.
[S. 194.]
[Public, No. 150.]

To change the name of B Street southwest in the District of Columbia.

District of Columbia. B Street southwest changed to Independence Avenue.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in honor of the Declaration of Independence of the United States of America, the thoroughfare now known as "B Street southwest", running west from South Capitol Street in the District of Columbia, and as it may at any time be extended, widened, or otherwise changed, shall hereafter bear the name "Independence Avenue."

Approved, April 13, 1934.

[CHAPTER 112.]

AN ACT

April 13, 1934.
[S. 682.]
[Public, No. 151.]

To prohibit financial transactions with any foreign government in default on its obligations to the United States.

Foreign governments in default on obligations to United States. Financial transactions with, prohibited.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter it shall be unlawful within the United States or any place subject to the jurisdiction of the United States for any person to purchase or sell the bonds, securities, or other obligations of, any foreign government or political subdivision thereof or any organization or association acting for or on behalf of a foreign government or political subdivision thereof, issued after the passage of this Act, or to make any loan to such foreign government, political subdivision, organization, or association, except a renewal or adjustment of existing indebtedness while such government, political subdivision, organization, or association, is in default in the payment of its obligations, or any part thereof, to the Government of the United States. Any person violating the provisions of this Act shall upon conviction thereof be fined not more than $10,000 or imprisoned for not more than five years, or both.

Existing indebtedness, renewals, and adjustments.

Punishment for violation.

"Person" defined.

SEC. 2. As used in this Act the term "person" includes individual, partnership, corporation, or association other than a public corporation created by or pursuant to special authorization of Congress, or a corporation in which the Government of the United States has or exercises a controlling interest through stock ownership or otherwise.

Approved, April 13, 1934.

[CHAPTER 113.]

AN ACT

April 13, 1934.
[S. 2057.]
[Public, No. 152.]

Authorizing the sale of certain property no longer required for public purposes in the District of Columbia.

District of Columbia. Sale of old Potomac School property authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered to sell and convey to the highest bidder, at public or private sale and at such time as in their opinion may be most advantageous to the District of Columbia, the old Potomac School property, known as lot 802 in square 327, containing five thousand eight hundred and thirty-seven square feet of land, more or less, and the proceeds from such sale shall be deposited in the United States Treasury to the credit of the District of Columbia.

Description.

Approved, April 13, 1934.

[CHAPTER 114.]

AN ACT

To readjust the boundaries of Whitehaven Parkway at Huidekoper Place in the District of Columbia, provide for an exchange of land, and for other purposes.

April 13, 1934.
[S. 2509.]
[Public, No. 153.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to readjust the boundaries of Whitehaven Parkway at Huidekoper Place and preserve the trees and other natural park values, the Commissioners of the District of Columbia be, and they are hereby, authorized to close, vacate, and abandon for highway and alley purposes the area contained in parcel designated "A", as shown on map filed in the office of the surveyor of the District of Columbia and numbered as map 1817, and to transfer said area so closed, vacated, and abandoned to the United States to be under the jurisdiction of the Director of National Parks, Buildings, and Reservations for park purposes.

District of Columbia. Boundaries of Whitehaven Parkway at Huidekoper Place, to be readjusted.

Designated parcel transferred to United States.

SEC. 2. That the Commissioners of the District of Columbia are authorized to use for street and alley purposes the area comprised within the parcels designated "B", as shown on map filed in the office of the Surveyor of the District of Columbia and numbered as map 1817; and the Director of National Parks, Buildings, and Reservations is authorized to make the necessary transfer of said land to the District of Columbia, same to be under the jurisdiction of the said Commissioners for street and alley purposes.

Federal property in exchange, for street and alley purposes.

SEC. 3. That upon the dedication by the lawful owner or owners of the land contained in the parcel designated "C" and the transfer by plat as provided herein and/or the conveyance by deed of the land contained in the parcel designated "D", in accordance with map showing said parcels filed in the office of the surveyor of the District of Columbia, numbered as map 1817, the said parcel "C" to be dedicated to the District of Columbia for street purposes and the said parcel "D" transferred by plat and/or conveyed by deed to the United States, to be under the jurisdiction of the Director of National Parks, Buildings, and Reservations, then the said Director of National Parks, Buildings, and Reservations, with the approval of the Secretary of the Interior, acting for and in behalf of the United States of America, is authorized and directed to transfer by plat as provided herein and/or convey by deed all the land comprised in the parcel designated "E" as shown on said map filed in the office of the surveyor of the District of Columbia and numbered as map 1817, said transfer and/or conveyance to be made to the owner or owners making the transfer and/or conveyance of said parcel designated "D" to the United States, such transfers and/or deeds of conveyance to pass title in fee simple to the said land, and any and all of such transfers when duly executed and consummated shall constitute legal conveyances of the parcels herein described to the parties in interest: *Provided, however*, That good and sufficient title, satisfactory to the Commissioners of the District of Columbia and the Director of National Parks, Buildings, and Reservations shall be given with respect to the land contained in said parcels "C" and "D" respectively: *And provided further*, That upon the transfer by plat and/or the conveyance by deed of the said parcel designated "E", as provided herein, the land contained in said parcel shall be subject to assessment and taxation the same in all respects as other private property in the District of Columbia.

Exchanges authorized with property owners.

Provisos. Title.

Land subject to assessment, etc.

SEC. 4. That the surveyor of the District of Columbia is hereby authorized to prepare the necessary plat or plats showing the parcels of land to be transferred and dedicated in accordance with the provisions of this Act, with certificates affixed thereon to be signed by the

Necessary plats to be prepared, etc.

parties in interest making the necessary transfers and dedication, which plat or plats, after being signed by the various interested parties and officials, and approved by the Commissioners of the District of Columbia, upon recommendation of the National Capital Park and Planning Commission, shall be recorded upon order of said Commissioners in the office of the surveyor of the District of Columbia, and said plat or plats and certificates when so recorded shall constitute a legal dedication and legal transfers of the property described for the purposes designated according to the provisions of this Act.

Use as legal evidence of transfer.

Approved, April 13, 1934.

[CHAPTER 115.]

AN ACT

April 13, 1934.
[S. 2545.]
[Public, No. 154.]

To extend the times for commencing and completing the construction of a bridge across the Columbia River at or near Astoria, Oregon.

Columbia River.
Time extended for bridging, at Astoria, Oreg.
Vol. 46, p. 540; Vol. 47, p. 799, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Columbia River at or near Astoria, Oregon, authorized to be built by J. C. Tenbrook, as mayor of Astoria, Oregon, his successors in office and assigns, by an Act of Congress approved June 10, 1930, are hereby extended one and three years, respectively, from February 9, 1934, and said Act is hereby amended by striking out the words "J. C. Tenbrook, as mayor of Astoria, Oregon," wherever they appear in said Act and by inserting in lieu thereof the following: "The County Court of Clatsop County, Oregon": *Provided*, That the Rivers Improvement Corporation (an Oregon corporation), assignee of the right to build such bridge under such Act, and organized solely to construct such bridge for the public, shall contract to transfer such bridge upon the liquidation of all costs or obligations with respect to the construction thereof to the county of Clatsop (Oregon), city of Astoria (Oregon), and/or Pacific County (Washington) as may be agreed among them, without profit to said Rivers Improvement Corporation and without cost to such public bodies, in such manner as will not involve such public bodies as the holder or owner of any stock in any association, joint-stock company, or corporation.

Authority transferred to Clatsop County Court.

Proviso.
Holding company until costs, etc., are liquidated.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 13, 1934.

[CHAPTER 116.]

AN ACT

April 13, 1934.
[S. 2550.]
[Public, No. 155.]

Granting an easement over certain lands to the Springfield Special Road District in the county of Greene, State of Missouri, for road purposes.

Greene County, Mo.
Easement granted over certain lands to the Springfield Special Road District.
Description.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an easement over the following-described land, to wit: A strip of land thirty feet wide off the right side of the following-described center line: Beginning forty feet south of the northeast corner of the northwest quarter northeast quarter section 34, township 29 north, range 22 west; thence south two thousand five hundred and nine and ninety-one one-hundredths feet; thence to the left on a curve with one hundred and forty-six and nineteen one-hundredths feet radius two hundred and twenty-five and ninety-one one-hundredths feet, except that part of the curve lying in the southwest corner southeast quar-

ter northeast quarter of said section; thence east on east and west half section line three hundred and seventy-six and eighty-nine one-hundredths feet; thence to the right on a curve with one hundred and forty-six and nineteen one-hundredths feet radius ninety-two feet; thence continuing on same curve but with thirty feet on both sides of the center line a distance of forty-one and five-tenths feet; thence continuing on the same curve but with thirty feet on the right of the center line a distance of ninety-two and forty-one one-hundredths feet; thence south two thousand two hundred and thirty-five and seven hundred and seven one-thousandths feet; thence on a curve to the right with two hundred and eighty-seven and nine-tenths feet radius with thirty feet on both sides of the center line a distance of four hundred and forty-six and four hundred and seventeen one-thousandths feet; thence west with thirty feet on the right or north side of the center line to the southeast corner of the west half southeast quarter southwest quarter of said section; also a strip of land thirty feet wide off the west side of the northwest quarter southwest quarter; also a strip of land thirty feet wide off of the west side of the northwest quarter of said section except the north three hundred and twenty-four feet; also a curve with a one-hundred-foot radius on the center line at the northeast corner of the northwest quarter northeast quarter. All of the above described is in section 34, township 29 north, range 22 west, and is a strip of land thirty feet wide off the east, south, and west sides of the United States Hospital for Defective Delinquents, Springfield, Missouri, except that at two places where curves occur the full sixty-foot width of the right-of-way is included, be, and the same is hereby, granted to the State of Missouri for public-road purposes; and the Attorney General is, upon the passage of this Act, authorized to execute a deed containing such restrictions consistent with the character of the grant for public-road purposes as he deems necessary.

For road purposes solely; reversionary provision.

SEC. 2. The said easement is granted solely for road purposes, and shall revert to and become the absolute property of the United States of America if used for any purpose whatsoever other than that for which this donation is made, or in the event it is abandoned or vacated as a public road.

Government contribution toward road construction. Available fund.

SEC. 3. Not to exceed $5,000 of the unexpended balance of any appropriation available for the construction or maintenance of the United States Hospital for Defective Delinquents shall be available in the discretion of the Attorney General for payment to the proper authorities of the Springfield Special Road District of Greene County, Missouri, as representing the full amount to be contributed by the Government toward the cost of constructing the road herein provided for, and in lieu of accrued taxes, if any, assessed against said property, and the said amount shall remain available for this purpose until expended.

To be in lieu of any accrued taxes.

Approved, April 13, 1934.

[CHAPTER 117.]

AN ACT

April 13, 1934.
[S. 2675.]
[Public, No. 156.]

Creating the Cairo Bridge Commission and authorizing said Commission and its successors to construct, maintain, and operate a bridge across the Ohio River at or near Cairo, Illinois.

Ohio River.
Cairo Bridge Commission may bridge, at Cairo, Ill.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the Cairo Bridge Commission (hereinafter created, and hereinafter referred to as the "Commis-

sion") and its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at or near the city of Cairo, Illinois, at a point suitable to the interests of navigation, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, subject to the conditions and limitations contained in this Act. For like purposes said Commission and its successors and assigns are hereby authorized to purchase, maintain, and operate all or any ferries across the Ohio and/or Mississippi Rivers within ten miles of the location which shall be selected for said bridge, subject to the conditions and limitations contained in this Act.

Construction.
Vol. 34, p. 84.
Authority to operate ferries, etc.

Acquisition of real estate, etc., for location, approaches, etc.

SEC. 2. There is hereby conferred upon the Commission and its successors and assigns the right and power to enter upon such lands and to acquire, condemn, occupy, possess, and use such real estate and other property in the State of Illinois and the Commonwealth of Kentucky as may be needed for the location, construction, operation, and maintenance of such bridge and its approaches, upon making just compensation therefor, to be ascertained and paid according to the laws of the State in which such real estate or other property is situated, and the proceedings therefor shall be the same as in the condemnation of private property for public purposes in said States, respectively.

Condemnation proceedings.

Tolls authorized.

SEC. 3. The Commission and its successors and assigns are hereby authorized to fix and charge tolls for transit over such bridge and such ferry or ferries in accordance with the provisions of this Act.

Interest-bearing bonds to cover costs, etc., authorized.

SEC. 4. The Commission and its successors and assigns are hereby authorized to provide for the payment of the cost of the bridge and its approaches and the ferry or ferries and the necessary lands, easements, and appurtenances thereto by an issue or issues of negotiable bonds of the Commission, bearing interest at not more than 6 per centum per annum, the principal and interest of which bonds and any premium to be paid for retirement thereof before maturity shall be payable solely from the sinking fund provided in accordance with this Act. Such bonds may be registrable as to principal alone or both principal and interest, shall be in such form not inconsistent with this Act, shall mature at such time or times not exceeding forty years from their respective dates, shall be in such denominations, shall be executed in such manner, and shall be payable in such medium and at such place or places as the Commission may determine. The Commission may repurchase and may reserve the right to redeem all or any of said bonds before maturity in such manner and at such price or prices, not exceeding one hundred and five and accrued interest, as may be fixed by the Commission prior to the issuance of the bonds. The Commission may enter into an agreement with any bank or trust company in the United States as trustee having the power to make such agreement, setting forth the duties of the Commission in respect of the construction, maintenance, operation, repair, and insurance of the bridge and/or the ferry or ferries, the conservation and application of all funds, the safeguarding of moneys on hand or on deposit, and the rights and remedies of said trustee and the holders of the bonds, restricting the individual right of action of the bondholders as is customary in trust agreements respecting bonds of corporations. Such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the trustee and the bondholders as may be reasonable and proper and not inconsistent with the law and also provisions for approval by the original purchasers of the bonds of the employ-

Paying premium thereon.

Maturity.

Denominations.

Redemption, etc., before maturity reserved.

Bank, etc., may act as trustee.

Protective provisions.

ment of consulting engineers and of the security given by the bridge contractors and by any bank or trust company in which the proceeds of bonds or of bridge or ferry tolls or other moneys of the Commission shall be deposited, and may provide that no contract for construction shall be made without the approval of the consulting engineers. The bridge constructed under the authority of this Act shall be deemed to be an instrumentality for interstate commerce, the Postal Service, and military and other purposes authorized by the Government of the United States, and said bridge and ferry or ferries and the bonds issued in connection therewith and the income derived therefrom shall be exempt from all Federal, State, municipal, and local taxation. Said bonds shall be sold in such manner and at such time or times and at such price as the Commission may determine, but no such sale shall be made at a price so low as to require the payment of more than 6 per centum interest on the money received therefor, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, and the face amount thereof shall be so calculated as to produce, at the price of their sale, the cost of the bridge and its approaches, and the land, easements, and appurtenances used in connection therewith and, in the event the ferry or ferries are to be acquired, also the cost of such ferry or ferries and the lands, easements, and appurtenances used in connection therewith. The cost of the bridge and ferry or ferries shall be deemed to include interest during construction of the bridge, and for twelve months thereafter, and all engineering, legal, architectural, traffic-surveying, and other expenses incident to the construction of the bridge or the acquisition of the ferry or ferries, and the acquisition of the necessary property, and incident to the financing thereof, including the cost of acquiring existing franchises, rights, plans, and works of and relating to the bridge, now owned by any person, firm, or corporation, and the cost of purchasing all or any part of the shares of stock of any such corporate owner if, in the judgment of the Commission, such purchases should be found expedient. If the proceeds of the bonds issued shall exceed the cost as finally determined, the excess shall be placed in the sinking fund hereinafter provided. Prior to the preparation of definitive bonds the Commission may, under like restrictions, issue temporary bonds or interim certificates with or without coupons of any denomination whatsoever, exchangeable for definitive bonds when such bonds have been executed and are available for delivery.

Security given by bridge contractors, etc.

Bridge deemed instrumentality for interstate commerce, etc.

Tax exemption.

Bond sales, price limitation.

Use of proceeds to cover costs.

Excess over cost to be placed in a sinking fund.

SEC. 5. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to pay the principal and interest of such bonds as the same shall fall due and the redemption or repurchase price of all or any thereof redeemed or repurchased before maturity as herein provided. All tolls and other revenues from said bridge are hereby pledged to such uses and to the application thereof as hereinafter in this section required. After payment or provision for payment therefrom of all such cost of maintaining, repairing, and operating and the reservation of an amount of money estimated to be sufficient for the same purpose during an ensuing period of not more than six months, the remainder of tolls collected shall be placed in the sinking fund, at intervals to be determined by the Commission prior to the issuance of the bonds. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily

Rates; applied to maintenance and to provide a sinking fund.

Record of cost, repairs, and operation to be kept.

Classification, etc. provisions.

Toll exemptions.

tolls collected, shall be kept and shall be available for the information of all persons interested. The Commission shall classify in a reasonable way all traffic over the bridge, so that the tolls shall be so fixed and adjusted by it as to be uniform in the application thereof to all traffic falling within any such reasonable class, regardless of the status or character of any person, firm, or corporation participating in such traffic, and shall prevent all use of such bridge for traffic except upon payment of the tolls so fixed and adjusted. No toll shall be charged officials or employees of the Commission or of the Government of the United States or any State, county, or municipality in the United States while in the discharge of their duties or municipal police or fire departments when engaged in the proper work of any such department.

Ferries; authority of Commission.

Tolls.

Application of, to operation, sinking fund, etc.

Record to be kept.

SEC. 6. Nothing herein contained shall require the Commission or its successors to maintain or operate any ferry or ferries purchased hereunder, but in the discretion of the Commission or its successors and ferry or ferries so purchased, with the appurtenances and property thereto connected and belonging, may be sold or otherwise disposed of or may be abandoned and/or dismantled whenever in the judgment of the Commission or its successors it may seem expedient so to do. The Commission and its successors may fix such rates of toll for the use of such ferry or ferries as it may deem proper, subject to the same conditions as are hereinabove required as to tolls for traffic over the bridge. All tolls collected for the use of the ferry or ferries and the proceeds of any sale or disposition of any ferry or ferries shall be used, so far as may be necessary, to pay the cost of maintaining, repairing, and operating the same, and any residue thereof shall be paid into the sinking fund hereinabove provided for bonds. An accurate record of the cost of purchasing the ferry or ferries; the expenditures for maintaining, repairing, and operating the same; and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Conveyance of interests to Illinois and Kentucky after sufficient funds provided.

Conditional, that bridge thereafter be toll free, etc.

Commission to continue operation, if either State fails to accept.

Disposal of ferries.

SEC. 7. After payment of the bonds and interest, or after a sinking fund sufficient for such payment shall have been provided and shall be held for that purpose, the Commission shall deliver deeds or other suitable instruments of conveyance of the interest of the Commission in and to the bridge, that part within Illinois to the State of Illinois or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same (hereinafter referred to as the Illinois interests) and that part within Kentucky to the Commonwealth of Kentucky or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same (hereinafter referred to as the Kentucky interests), under the condition that the bridge shall thereafter be free of tolls and be properly maintained, operated, and repaired by the Illinois interests and the Kentucky interests, as may be agreed upon; but if either the Illinois interests or the Kentucky interests shall not be authorized to accept or shall not accept the same under such conditions, then the bridge shall continue to be owned, maintained, operated, and repaired by the Commission, and the rates of tolls shall be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management, until such time as both the Illinois interests and the Kentucky interests shall be authorized to accept and shall accept such conveyance under such conditions. If at the time of such conveyance the Commission or its successors shall not

have disposed of such ferry or ferries, the same shall be disposed of by sale as soon as practicable, at such price and upon such terms as the Commission or its successors may determine.

Aid from State allotments under Federal Highway, etc., Acts permitted.

(a) Notwithstanding any restriction or limitation imposed by the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, or by the Federal Highway Act, or by any Act amendatory of or supplemental to either thereof, the Secretary of Agriculture may extend Federal aid under such Acts, for the construction of said bridge, out of any moneys allocated to the State of Illinois with the consent of the Department of Public Works and Buildings of said State, and out of any moneys allocated to the State of Kentucky with the consent of the State Highway Commission of said State.

Vol. 39, p. 355; Vol. 42, p. 212. U.S.C., pp. 669, 665.

Cairo Bridge Commission created.

SEC. 8. For the purpose of carrying into effect the objects stated in this Act, there is hereby created the Cairo Bridge Commission, and by that name, style, and title said body shall have perpetual succession; may contract and be contracted with, sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity; may make and have a common seal; may purchase or otherwise acquire and hold or dispose of real estate and other property; may accept and receive donations or gifts of money or other property and apply same to the purposes of this Act; and shall have and possess all powers necessary, convenient, or proper for carrying into effect the objects stated in this Act.

Corporate powers.

Composition of commission.

The Commission shall consist of James S. Johnson, John C. Fisher, Reed Green, and Ray Williams, of the city of Cairo, Illinois, and M. C. Anderson, of Ballard County, Kentucky. Such Commission shall be a body corporate and politic. Each member of the Commission shall qualify within thirty days after the approval of this Act by filing in the office of the Secretary of Agriculture an oath that he will faithfully perform the duties imposed upon him by this Act, and each person appointed to fill a vacancy shall qualify in like manner within thirty days after his appointment. Any vacancy occurring in said Commission by reason of failure to qualify as above provided, or by reason of death or resignation, shall be filled by the Secretary of Agriculture. Before the issuance of bonds as hereinabove provided, each member of the Commission shall give such bond as may be fixed by the Chief of the Bureau of Public Roads of the Department of Agriculture, conditioned upon the faithful performance of all duties required by this Act. The Commission shall elect a chairman and a vice chairman from its members, and may establish rules and regulations for the government of its own business. A majority of the members shall constitute a quorum for the transaction of business.

Duties.

Vacancies.

Bonds required.

Chairman, etc.

Commission to have no shares of interest, etc.

SEC. 9. The Commission shall have no capital stock or shares of interest or participation, and all revenues and receipts thereof shall be applied to the purposes specified in this Act. The members of the Commission shall be entitled to a per diem compensation for their services of $10 for each day actually spent in the business of the Commission, but the maximum compensation of the Chairman in any year shall not exceed $2,500 and of each other member shall not exceed $500. The members of the Commission shall also be entitled to receive traveling-expense allowance of 10 cents a mile for each mile actually traveled on the business of the Commission. The Commission may employ a secretary, treasurer, engineers, attorneys, and such other experts, assistants, and employees as they may deem necessary, who shall be entitled to receive such compensation as the Commission may determine. All salaries and expenses

Per diem compensation; maximum.

Travel expenses.

Other personal services.

Dissolution on completing obligations.

shall be paid solely from the funds provided under the authority of this Act. After all bonds and interest thereon shall have been paid and all other obligations of the Commission paid or discharged, or provision for all such payment shall have been made as hereinbefore provided, and after the bridge shall have been conveyed to the Illinois interests and the Kentucky interests as herein provided, and any ferry or ferries shall have been sold, the Commission shall be dissolved and shall cease to have further existence by an order of the Chief of the Bureau of Public Roads made upon his own initiative or upon application of the Commission or any member or members thereof, but only after a public hearing in the city of Cairo, notice of the time and place of which hearing and the purpose thereof shall have been published once, at least thirty days before the date thereof, in a newspaper published in the city of Cairo, and a newspaper published in Ballard County, Kentucky. At the time of such dissolution all moneys in the hands of or to the credit of the Commission shall be divided into two equal parts, one of which shall be paid to said Illinois interests and the other to said Kentucky interests.

Division of moneys in hand.

Limitation on creating obligations, etc.

SEC. 10. Nothing herein contained shall be construed to authorize or permit the Commission or any member thereof to create any obligation or incur any liability other than such obligations and liabilities as are dischargeable solely from funds provided by this Act. No obligation created or liability incurred pursuant to this Act shall be an obligation or liability of any member or members of the Commission but shall be chargeable solely to the funds herein provided, nor shall any indebtedness created pursuant to this Act be an indebtedness of the United States.

Penal provisions.

SEC. 11. All provisions of this Act may be enforced, or the violation thereof prevented, by mandamus, injunction, or other appropriate remedy brought by the attorney general for the State of Illinois, the attorney general for the Commonwealth of Kentucky, or the United States district attorney for any district in which the bridge may be located in part, in any court having competent jurisdiction of the subject matter and of the parties.

Amendment.

SEC. 12. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 13, 1934.

[CHAPTER 118.]

April 13, 1934.
[S. 2689.]
[Public, No. 157.]

AN ACT

To authorize the Department of Labor to make special statistical studies upon payment of the cost thereof, and for other purposes.

Department of Labor.
Special statistical studies, etc., upon request, authorized.
Scope.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Department of Labor be, and hereby is, authorized, within the discretion of the Secretary of Labor, upon the written request of any person, to make special statistical studies relating to employment, hours of work, wages, and other conditions of employment; to prepare from its records special statistical compilations; and to furnish transcripts of its studies, tables, and other records, upon the payment of the actual cost of such work by the person requesting it.

Payment of cost.

Credit of receipts.

SEC. 2. All moneys hereinafter received by the Department of Labor in payment of the cost of such work shall be deposited to the credit of the appropriation of that bureau, service, office, division, or other agency of the Department of Labor which supervised such work, and may be used, in the discretion of the Secretary of Labor, and notwithstanding any other provision of law, for the ordinary expenses of such agency and/or to secure the special serv-

ices of persons who are neither officers nor employees of the United States.

Rules, etc., to be prescribed.

SEC. 3. The Secretary of Labor shall prescribe rules and regulations for the enforcement of this Act; and the Secretary of Labor shall make a report to Congress, at the beginning of each regular session, giving a detailed statement showing (1) the name of every person for whom work has been performed under the authority of this statute, (2) the nature of the services rendered to him, (3) the price charged for these services by the Department of Labor, and (4) the manner in which the moneys received were deposited or used.

Report to Congress.

Vol. 39, p. 1106, modified.

Duration of Act.

SEC. 4. This Act shall cease to be effective one year after the date of its enactment.

Approved, April 13, 1934.

[CHAPTER 119.]

AN ACT

April 13, 1934.
[S. 2729.]
[Public, No. 158.]

To repeal an Act of Congress entitled "An Act to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes", approved February 14, 1917, and for other purposes.

Alaska.
Prohibition Act of 1917, repealed.
Vol. 39, p. 903.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress entitled "An Act to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes", approved February 14, 1917, contained in United States Statutes at Large, volume 39, Public Laws, pages, 903 to 909, is repealed.

Repeal of certain provisions of National Prohibition Act, etc.
Vol. 41, p. 307; Vol. 42, p. 223; *Ante*, p. 16.
U.S.C., pp. 853, 1583.

Title II of the National Prohibition Act, as amended and supplemented, and the Act entitled "An Act to provide revenue by the taxation of certain nonintoxicating liquor, and for other purposes", approved March 22, 1933, except such provisions of such title and of such Act of March 22, 1933, as shall be retained in force and effect in the States, are repealed to the extent such title and such Act of March 22, 1933, are in force and effect in the Territory of Alaska.

Regulations governing manufacture and sale of liquors.

SEC. 2. That notwithstanding the repeal of the said Acts no spirituous or intoxicating liquors shall be manufactured or sold in the Territory of Alaska, except under such regulations and restrictions as the Territorial Legislature shall prescribe, and the legislative power and authority conferred upon the Legislative Assembly of the Territory of Alaska by the Act of Congress entitled "An Act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes", approved August 24, 1912, shall be, and hereby is, extended to include any legislation pertaining to the manufacture or sale of spirituous or intoxicating liquor within the said Territory, and any provision contained in the said Act of August 24, 1912, in conflict herewith, is hereby expressly repealed: *Provided, however*, That the Legislature of the Territory of Alaska shall have full power and authority to delegate the powers hereby conferred to any board or commission designated or created by the legislature for such purpose, which powers shall include the power to make rules and regulations governing the manufacture, barter, sale, or possession of spirituous or intoxicating liquors in the Territory of Alaska, to prescribe the qualifications of those who are to engage in the manufacture, barter, sale, or possession of intoxicating liquors in the said Territory, and to prescribe license fees and excise taxes therefor: *Provided*, That nothing in this Act shall in any way repeal, conflict, or interfere with the public general laws of the United States imposing taxes on the manufacture and

Legislative powers extended.
Vol. 37, p. 513.

Provisos.
Delegation of powers.

General internal revenue laws not affected.

sale of intoxicating liquors for the purpose of revenue and known as the "internal revenue laws."

Territorial act creating liquor control board, etc., approved.

SEC. 3. That the act of the Territorial Legislature of Alaska entitled "An act to create the board of liquor control and prescribe its powers and duties", approved May 4, 1933, contained in the Session Laws of Alaska, 1933, being chapter 109 thereof, at pages 193–194, be, and the same hereby is, ratified and approved, and the board thereby created shall have the powers and the authority conferred upon it by the said act. And any person, firm, or corporation, who shall violate any of the rules or regulations prescribed by the said board governing the manufacture, sale, barter, and possession of intoxicating liquors in the Territory of Alaska, or the qualifications of those engaging in the manufacture, sale, barter, and possession of such liquors in the said Territory, or the payment of license fees and excise taxes therefor, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 2072 of the Compiled Laws of Alaska.

Penalty provisions.

Designated provisions repealed. Vol. 30, pp. 1337–1341; Vol. 31, p. 332; Vol. 35, pp. 601–603.

SEC. 4. That sections 462 to 478, both inclusive, of Act of Congress entitled "An Act to define and punish crime in the District of Alaska and to provide a code of criminal procedure for said district", approved March 3, 1899 (30 Stat.L. 1337–1341), as amended by the Act of June 6, 1900 (31 Stat.L. 332), and by the Act of February 6, 1909 (35 Stat.L. 601–603), be, and the same hereby are, repealed.

Liability clause. R.S., sec. 13, p. 2.

SEC. 5. Section 13 of the Revised Statutes (U.S.C., title 1, sec. 29) shall not apply with respect to any penalty, forfeiture, or liability incurred under any provision repealed by this Act.

Approved, April 13, 1934.

[CHAPTER 120.]

April 13, 1934.
[H.R. 6525.]
[Public, No. 159.]

AN ACT

To amend the Act known as the "Perishable Agricultural Commodities Act, 1930", approved June 10, 1930.

Perishable Agricultural Commodities Act amendments. Vol. 46, p. 531. U.S.C., Supp. VII, p. 70.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act known as the "Perishable Agricultural Commodities Act, 1930", approved June 10, 1930, be, and hereby is, amended as hereinafter set forth:

That subsection 6 of section 1 of the Perishable Agricultural Commodities Act, 1930, is hereby amended to read as follows:

Terms defined.

"Dealer."

Exceptions.

"(6) The term 'dealer' means any person engaged in the business of buying or selling in carloads any perishable agricultural commodity in interstate or foreign commerce, except that (A) no producer shall be considered as a 'dealer' in respect of sales of any such commodity of his own raising; (B) no person buying any such commodity solely for sale at retail shall be considered as a 'dealer' in respect of any such commodity in any calendar year until his purchases of such commodity in carloads in such year are in excess of twenty; and (C) no person buying any such commodity for canning and/or processing within the State where grown shall be considered a 'dealer' whether or not the canned or processed product is to be shipped in interstate or foreign commerce. Any person not considered as a 'dealer' under clauses (A), (B), and (C) may elect to secure a license under the provisions of section 3, and in such case and while the license is in effect such person shall be considered as a 'dealer.' As used in this paragraph, the term 'in carloads' includes wholesale or jobbing quantities as defined for any such commodity by the Secretary;"

Canners or processors buying commodity within State where grown.

Licensing of persons within, exceptions.

"In carloads."

SEC. 2. That subsection 2 of section 2 of the Perishable Agricultural Commodities Act, 1930, is hereby amended to read as follows:

Unfair conduct.

"(2) For any dealer to reject or fail to deliver in accordance with the terms of the contract without reasonable cause any perishable agricultural commodity bought or sold or contracted to be bought, sold, or consigned in interstate or foreign commerce by such dealer;"

Breach of contract to consign, etc., goods, added.

SEC. 3. That subsection 4 of section 2 of the Perishable Agricultural Commodities Act, 1930, is hereby amended to read as follows:

False statements concerning market conditions.

"(4) For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement in connection with any transaction involving or concerning the condition of the market for any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold, or contracted to be bought, sold, or consigned in such commerce by such dealer; or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account promptly in respect of any such transaction in any such commodity to the person with whom such transaction is had;"

SEC. 4. That paragraph (b) of section 4 of the Perishable Agricultural Commodities Act, 1930, is hereby amended to read as follows:

Causes for license refusal.

"(b) The Secretary shall refuse to issue a license to an applicant if he finds (1) that the applicant has previously, at any time within two years, been responsible in whole or in part for any violation of the provisions of section 2 for which a license of the applicant, or the license of any partnership, association, or corporation in which the applicant held any office, or, in the case of a partnership, had any share or interest, was revoked, or (2) if he finds after notice and hearing that at any time within two years said applicant was responsible in whole or in part for any flagrant or repeated violations of the provisions of section 2, or (3) in case the applicant is a partnership, association, or corporation, that any individual holding any office or, in the case of a partnership, having any interest or share in the applicant, had previously, at any time within two years, been responsible in whole or in part for any violations of the provisions of section 2 for which the license of such individual, or of any partnership, association, or corporation in which such person held any office, or, in the case of a partnership, had any share or interest, was revoked, or if he finds after notice and hearing that at any time within two years said applicant was responsible in whole or in part for any flagrant or repeated violations of the provisions of section 2, or (4) that the applicant, subject to his right of appeal under section 7(b), has failed, except in case of bankruptcy, to pay within the time limit provided therein any reparation order which has been issued, within two years, against him as an individual, or against a partnership of which he was a member, or an association or corporation in which he held any office, or, in case the applicant is a partnership, association, or corporation, that any individual holding any office, or in the case of a partnership, having any interest or share in the applicant, subject to his right of appeal under section 7(b), has failed, except in the case of bankruptcy, to pay within the time limit provided therein any reparation order which has been issued, within two years, against him as an individual, or against a partnership of which he was a member, or an association or corporation in which he held any office. Notwithstanding the foregoing provisions, the Secretary, in the case of such applicant, may issue a license if the applicant furnishes a bond or other satisfactory assurance that his business will be conducted in accordance

Previous offense.

Applicant responsible for repeated, etc., violations.

Member in a partnership responsible for unlawful act, revoking license.

Where applicant has failed to pay an outstanding reparation award.

Provisions may be suspended and license granted, if bond furnished for lawful conduct, etc.

with the provisions of this Act, and that he will pay all reparation orders which may previously have been issued against him for violations, or which may be issued against him within two years following the date of the license, subject to his right of appeal under section 7(b), but such license shall not be issued before the expiration of one year from the date of such revocation, or from the date of the Secretary's finding that applicant has been responsible, in whole or in part, for any flagrant or repeated violation of section 2;"

Time limitation.

SEC. 5. That a new paragraph lettered (c) and reading as follows is hereby added to section 4 of the Perishable Agricultural Commodities Act, 1930:

Attempted evasion by employing a rejected applicant, etc.

"(c) The Secretary may, after thirty days' notice and an opportunity for a hearing, revoke the license of any commission merchant, dealer, or broker, who after the date given in such notice continues to employ in any responsible position any individual whose license was revoked or who was responsibly connected with any firm, partnership, association, or corporation whose license has been revoked within one year prior to the date of such notice. Employment of such individual by a licensee in any responsible position after one year following the revocation of any such license shall be conditioned upon the filing by the employing licensee of a bond or other satisfactory assurance that its business will be conducted in accordance with the provisions of this Act;"

Waiver after one year.

SEC. 6. That a new paragraph lettered (d) and reading as follows is hereby added to section 4 of the Perishable Agricultural Commodities Act, 1930:

License may be withheld temporarily pending investigation.

"(d) The Secretary may withhold the issuance of a license to an applicant, for a period not to exceed thirty days pending investigation, if the Secretary believes that the application contains any material false or misleading statement or involves misrepresentation, concealment or withholding of facts respecting any violation of the Act by any officer, agent, or employee. If, after investigation, the Secretary believes that the applicant should be refused a license, the applicant shall be given an opportunity for a hearing within sixty days from the date of the application to show cause why a license should not be refused. If after hearing the Secretary finds that the application contains a material false or misleading statement made by the applicant or by its representative on its behalf or involves a misrepresentation, concealment or withholding of facts respecting any violation of the Act by any officer, agent, or employee, the Secretary shall refuse to issue a license to the applicant."

Hearing.

If application contains false, etc., statement.

SEC. 7. That a new paragraph lettered (e) and reading as follows is hereby added to section 4 of the Perishable Agricultural Commodities Act, 1930:

License may be revoked if found falsely obtained.

"(e) If, after a license shall have been issued to an applicant, the Secretary believes that the license was obtained through a false or misleading statement in the application therefor or through a misrepresentation, concealment, or withholding of facts respecting any violation of the Act by any officer, agent, or employee, he may, after thirty days' notice and an opportunity for a hearing, revoke said license, whereupon no license shall be issued to said applicant or any applicant in which the person responsible for such false or misleading statement or misrepresentation, concealment, or withholding of facts is financially interested, except under the conditions set forth in paragraph (b) of this section."

SEC. 8. That paragraph (c) of section 6 of the Perishable Agricultural Commodities Act, 1930, is hereby amended to read as follows:

"(c) If there appear to be, in the opinion of the Secretary, any reasonable grounds for investigating any complaint made under this section, the Secretary shall investigate such complaint and may, if in his opinion the facts warrant such action, have said complaint served by registered mail or otherwise on the person concerned and afford such person an opportunity for a hearing thereon before a duly authorized examiner of the Secretary in any place in which the said person is engaged in business: *Provided*, That in complaints wherein the amount claimed as damages does not exceed the sum of $500 a hearing need not be held and proof in support of the complaint and in support of respondent's answer may be supplied in the form of depositions or verified statements of fact";

Complaint and investigation.

Service and hearing.

Proviso.
Restriction, where damage does not exceed $500.
Deposition, etc., in lieu.

SEC. 9. That paragraph (d) of section 6 of the Perishable Agricultural Commodities Act, 1930, is hereby amended to read as follows:

"(d) After opportunity for hearing on complaints where the damages claimed exceed the sum of $500 has been provided or waived and on complaints where damages claimed do not exceed the sum of $500 not requiring hearing as provided herein, the Secretary shall determine whether or not the commission merchant, dealer, or broker has violated any provision of section 2;"

Determination by Secretary.

SEC. 10. That paragraph (e) of section 6 of the Perishable Agricultural Commodities Act, 1930, is hereby amended to read as follows:

"(e) In case a complaint is made by a nonresident of the United States, the complainant shall be required, before any formal action is taken on his complaint, to furnish a bond in double the amount of the claim conditioned upon the payment of costs, including a reasonable attorney's fee for the respondent if the respondent shall prevail;"

Complaint by nonresident.

Bond required.

SEC. 11. That paragraph (b) of section 7 of the Perishable Agricultural Commodities Act, 1930, is hereby amended to read as follows:

"(b) If any commission merchant, dealer, or broker does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may within one year of the date of the order file in the district court of the United States for the district in which he resides or in which is located the principal place of business of the commission merchant, dealer, or broker, or in any State court having general jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages and the order of the Secretary in the premises. The orders, writs, and processes of the district courts may in these cases run, be served, and be returnable anywhere in the United States. Such suit in the district court shall proceed in all respects like other civil suits for damages except that the findings and orders of the Secretary shall be prima-facie evidence of the facts therein stated, and the petitioner shall not be liable for costs in the district court nor for costs at any subsequent state of the proceedings unless they accrue upon his appeal. If the petitioner finally prevails, he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit;"

Reparation order; suit to collect.

Venue of action.

Jurisdiction of district courts.

Attorney's fee.

SEC. 12. That a new paragraph lettered (c) and reading as follows is hereby added to section 7 of the Perishable Agricultural Commodities Act, 1930:

"(c) Either party adversely affected by the entry of a reparation order by the Secretary may, within thirty days from and after the date of such order, appeal therefrom to the district court of the

Reparation awards.
Provisions concerning appeals.

United States for the district in which said hearing was held. Such appeal shall be perfected by the filing of a notice thereof together with a petition in duplicate which shall recite prior proceedings before the Secretary, and shall state the grounds upon which petitioner relies to defeat the right of the adverse party to recover the damages claimed, with the clerk of said court with proof of service thereof upon the adverse party. The clerk of court shall immediately forward a copy thereof to the Secretary of Agriculture, who shall forthwith prepare, certify, and file in said court a true copy of the Secretary's decision, findings of fact, conclusions, and order in said case, together with copies of the pleadings upon which the case was heard and submitted to the Secretary. Such suit in the district court shall be a trial de novo and shall proceed in all respects like other civil suits for damages, except that the findings of fact and order or orders of the Secretary shall be prima-facie evidence of the facts therein stated. Appellee shall not be liable for costs in said court and if appellee prevails he shall be allowed a reasonable attorney's fee to be taxed and collected as a part of his costs. Such petition and pleadings certified by the Secretary upon which decision was made by him shall upon filing in the district court constitute the pleadings upon which said trial de novo shall proceed subject to any amendment allowed in that court;"

Court costs, attorney's fee, etc.

SEC. 13. That a new paragraph lettered (d) and reading as follows is hereby added to section 7 of the Perishable Agricultural Commodities Act, 1930:

If appeal not taken in 5 days or payment made, license to automatically suspend.

"(d) Unless the licensee against whom a reparation order has been issued shows to the satisfaction of the Secretary within five days from the expiration of the period allowed for compliance with such order that he has either taken an appeal as herein authorized or has made payment in full as required by such order his license shall be suspended automatically at the expiration of such five-day period until he shows to the satisfaction of the Secretary that he has paid the amount therein specified with interest thereon to date of payment;"

SEC. 14. That a new paragraph lettered (b) and reading as follows is hereby added to section 8 of the Perishable Agricultural Commodities Act, 1930:

Injunction to restrain defendant from engaging in business.

"(b) In addition to being subject to the penalties provided by section 3 (a) of this Act, any commission merchant, dealer, or broker, who engages in or operates such business without an unsuspended and unrevoked license from the Secretary, shall be liable to be proceeded against in any court of competent jurisdiction in a suit by the United States for an injunction to restrain such defendant from further continuing so to engage in or operate such business, and, if the court shall find that the defendant is continuing to engage in such business without an unsuspended and unrevoked license, the court shall issue an injunction to restrain such defendant from continuing to engage in or to operate such business without such license."

SEC. 15. That section 14 of the Perishable Agricultural Commodities Act, 1930, is hereby amended to read as follows:

Inspectors authorized to certify condition of commodities.

"SEC. 14. The Secretary is hereby authorized, independently and in cooperation with other branches of the Government, State, or municipal agencies, and/or any person, whether operating in one or more jurisdictions, to employ and/or license inspectors to inspect and certify, without regard to the filing of a complaint under this Act, to any interested person the class, quality and/or condition of any lot of any perishable agricultural commodity when offered for interstate or foreign shipment or when received at places where the Secretary shall find it practicable to provide such service, under such

Payment for services.

rules and regulations as he may prescribe, including the payment of such fees and expenses as will be reasonable and as nearly as may be cover the cost for the service rendered: *Provided*, That fees for inspections made by a licensed inspector, less the percentage thereof which he is allowed by the terms of his contract of employment with the Secretary as compensation for his services, shall be deposited into the Treasury of the United States as miscellaneous receipts; and fees for inspections made by an inspector acting under a cooperative agreement with a State, municipality, or other person shall be disposed of in accordance with the terms of such agreement: *Provided further*, That expenses for travel and subsistence incurred by inspectors shall be paid by the applicant for inspection to the disbursing clerk of the United States Department of Agriculture to be credited to the appropriation for carrying out the purposes of this Act: *And provided further*, That certificates issued by such inspectors shall be received in all courts of the United States and in all proceedings under this Act as prima-facie evidence of the truth of the statements therein contained."

Provisos.
Disposition of inspectors' collections.

Inspector's travel expenses.

Inspection certificates to be prima-facie evidence in U.S. courts.

Approved, April 13, 1934.

[CHAPTER 121.]

AN ACT

April 13, 1934.
[H.R. 7599.]
[Public, No. 160.]

Authorizing the Reconstruction Finance Corporation to make loans to nonprofit corporations for the repair of damages caused by floods or other catastrophes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Reconstruction Finance Corporation is authorized and empowered, through such existing agency or agencies as it may designate, to make loans to nonprofit corporations, with or without capital stock, organized for the purpose of financing the acquisition of home or building sites in replacement of sites formerly occupied by buildings where such sites are declared by public authority to be unsafe by reason of flood, danger of flood, or earthquake, and for the purpose of financing the repair or construction of buildings or structures, or water, irrigation, gas, electric, sewer, drainage, flood-control, communication, or transportation systems, damaged or destroyed by earthquake, conflagration, tornado, cyclone, or flood in the year 1933, and in the months of January and February 1934, and deemed by the Reconstruction Finance Corporation to be economically useful or necessary.

Emergency aid for property damaged by flood, earthquake, etc.
Loans authorized to nonprofit corporations.

Obligations accepted hereunder shall be collateraled—

Collateral obligations.

(a) In case of loans for the acquisition, repair, or reconstruction of private property, by the obligations of the owner of such property, secured by a paramount lien except as to taxes and special assessments on the property to be acquired, repaired, or reconstructed, or on other property of the borrowers;

Loans on private property.

(b) In case of loans for the repair or reconstruction of privately owned water, gas, electric, communication, or transportation systems, by the obligations of the owners of such water, gas, electric, communication, or transportation systems, secured by a lien thereon; and

Privately-owned public utilities, etc.

(c) In case of loans for the repair or reconstruction of property of municipalities or political subdivisions of States or of their public agencies, including public-school boards and public-school districts, and water, irrigation, sewer, drainage, and flood-control districts, by an obligation of such municipality, political subdivision, public agency, board, or district, payable from any source, including taxation or tax-anticipation warrants.

Property of municipalities, etc.

Loans for replacement of land rendered unsafe by flood, etc.

Condition.

Aid not denied because of legal, etc., inhibitions.

Maturities.

Rules to be prescribed.

Aggregate amount authorized.

In any case in which any such loan is made, in whole or in part, for the acquisition of land in replacement of land privately owned and declared by public authority to be unsafe by reason of flood, danger of flood, or earthquake, such unsafe property shall be conveyed by the owner thereof, without cost, to the county, municipality, or district in which such property is situated.

The corporation shall not deny otherwise acceptable applications for loans for repair or reconstruction of buildings or structures, or water, irrigation, gas, electric, sewer, drainage, flood control, communication, or transportation systems of municipalities, political subdivisions, public agencies, boards, or districts because of constitutional or other legal inhibitions affecting the collateral. The collateral obligations shall have maturities not exceeding ten years in case of loans made under paragraph (a) of this Act and not exceeding twenty years in case of loans under paragraphs (b) and (c) of this Act.

The corporation shall prescribe such regulations as will most effectively expedite the repair and construction provided for by this Act and effectively carry out the emergency-relief purposes of this Act.

The aggregate of loans made under this Act shall not exceed $5,000,000.

Approved, April 13, 1934.

[CHAPTER 138.]

AN ACT

April 14, 1934.
[S. 1983.]
[Public, No. 161.]

To authorize the revision of the boundaries of the Fremont National Forest in the State of Oregon.

Fremont National Forest, Oreg. Boundaries revised.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and hereby is, authorized to revise the boundaries of the Fremont National Forest in the State of Oregon so as to include within that national forest, subject to valid existing claims, such lands within the State of Oregon as he considers desirable for the production of timber, the protection of stream flow, and/or the regulation and improvement of the grazing resources: *Provided*, That the boundaries of said national forest shall not be extended more than six miles from the present boundaries thereof or from the north boundary of the Modoc National Forest: *And provided further*, That the lands of the United States which may be given a national-forest status under the provisions of this Act shall not exceed two hundred and fifty thousand acres. All lands included within the boundaries of the Fremont National Forest under authority of this Act shall thereupon become subject to all laws relating to the national forests.

Provisos.
Limitation on extension.

Area under national forest status.

Administrative provisions.

Approved, April 14, 1934.

[CHAPTER 139.]

AN ACT

April 14, 1934.
[S. 3209.]
[Public, No. 162.]

Limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to counsel in the case of United States of America against Weirton Steel Company and other cases.

Weirton Steel Company, etc.
Operation of existing law waived with respect to counsel in prosecuting case against.
Vol. 35, pp. 1107, 1109.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in sections 109 and 113 of an Act entitled "An Act to codify, revise, and amend the penal laws of the United States", approved March 4, 1909, as amended (U.S.C., title 18, secs. 198 and 203), or in section

190 of the Revised Statutes of the United States (U.S.C., title 5, sec. 99), or in any other Act of Congress forbidding officers or employees or former officers or employees of the United States from acting as counsel, attorney, or agent for another before any court, department, or branch of the Government or from receiving or agreeing to receive compensation therefor, shall be deemed to apply to attorneys or counselors to be specially employed, retained, or appointed by the Attorney General or under authority of the Department of Justice to assist in the prosecution of the case of United States of America against Weirton Steel Company, and/or any other case or cases, civil or criminal, involving said company, its officers or agents, arising under the National Industrial Recovery Act or any code of fair competition adopted pursuant thereto.

U.S.C., pp. 474, 475. R.S., sec. 190, p. 30. U.S.C., p. 35.

Approved, April 14, 1934.

[CHAPTER 140.]

JOINT RESOLUTION

Authorizing necessary funds to conduct investigation regarding rates charged for electrical energy and to prepare report thereon.

April 14, 1934. [S.J.Res. 74.] [Pub. Res., No. 18.]

Whereas accurate and comprehensive information regarding the rates charged for electrical energy and its service to residential, rural, commercial, and industrial consumers throughout the United States is required by the Congress and other governmental agencies; and

Electrical energy.

Whereas no compilation of such rates and charges has been made by any official body: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Power Commission be, and it is hereby authorized and directed to investigate and compile the rate charged for electric energy and its service to residential, rural, commercial, and industrial consumers throughout the United States by private and municipal corporations and to report such rates, together with an analysis thereof, to the Congress at the earliest practicable date.

Rate investigation by Federal Power Commission directed.

Report to Congress.

SEC. 2. That for the purposes of this investigation the Federal Power Commission is authorized and directed to utilize, as far as may be practicable, information relating to electric rates and rate schedules filed with the public service commissions of the several States and shall have power to require, by general or special orders, corporations engaged in the sale of electricity to file with the Commission, in such form as the Commission may prescribe, schedules of rates charged to all classes of consumers and to submit to the Commission reports, or answers in writing to specific questions, furnishing such information as the Commission may require relative to the sale of electrical energy and its service to consumers. Such reports and answers shall be made under oath, or otherwise, as the Commission may prescribe, and shall be filed with the Commission within such reasonable period as the Commission may prescribe, unless additional time be granted in any case by the Commission. The Commission, or its duly authorized agent, or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence relative to the sale of electrical energy or its service to consumers by any corporation engaged in the sale of electricity.

Records of State public service commissions to be utilized.

Powers to require filing of rate schedules, reports, and answers.

Other information.

Examination of records of sales, etc.

SEC. 3. That the President of the United States is hereby authorized to make available from the funds which have been or may be

Funds available for expenses.

appropriated for expenditure subject to his discretion the amount which, in his judgment, is necessary for the purposes of this investigation and preparation of a report.

Approved, April 14, 1934.

[CHAPTER 143.]

AN ACT

April 16, 1934.
[S. 193.]
[Public, No. 163.]

To amend section 586c of the Act entitled "An Act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions", approved March 2, 1929.

District of Columbia Code amendment.
Vol. 45, p. 1504.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 586c of the Act entitled "An Act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions", approved March 2, 1929, be, and the same is hereby, amended by adding at the end of such section the following: "*Provided*, That no institution heretofore incorporated under the provisions of this Act, and carrying on its work exclusively in any foreign country with the consent and approval of the Government thereof, shall if otherwise entitled to be licensed by the Board of Education, be denied the same solely because of the inclusion in its name and as descriptive of its origin of any of the specific words the use of which is by this section forbidden to incorporations under the provisions of this Act."

Degree conferring institutions maintained abroad.
Restriction on use of certain words in names of, removed.

Approved, April 16, 1934.

[CHAPTER 144.]

AN ACT

April 16, 1934.
[S. 1820.]
[Public, No. 164.]

To amend the Code of Law for the District of Columbia.

District of Columbia Code amendment.
Compensation insurance regulation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter 5 of chapter XVIII of the Code of Law for the District of Columbia be amended by adding thereto a new paragraph reading as follows:

Rates, etc., to be filed with Superintendent of Insurance.

"Every insurance corporation or association authorized to transact business in the District of Columbia, which insures employers against liability for compensation under the Employees' Compensation Act, shall file with the Superintendent of Insurance its manual of classifications and underwriting rules, together with basic rates for each class, and also merit rating plans designed to modify the class rates, none of which shall take effect until the Superintendent of Insurance shall have approved the same as adequate and reasonable for the group of risks to which they respectively apply. The Superintendent of Insurance may withdraw his approval of any premium rate or schedule made by any insurance corporation or association, if, in his judgment, such premium rate or schedule is inadequate or unreasonable: *Provided*, That upon petition of the company or association or any other party aggrieved the opinion of the Superintendent of Insurance shall be subject to review by the Supreme Court of the District of Columbia: *Provided further*, That any petition for review shall be filed with said court within thirty days after the rendition of opinion by the Superintendent of Insurance."

Approval required.

Withdrawal of approval.

Provisos.
Petition for review.

Time for filing.

Approved, April 16, 1934.

[CHAPTER 145.]

AN ACT

To amend an Act entitled "An Act to incorporate the Mutual Fire Insurance Company of the District of Columbia", as amended.

April 16, 1934.
[S. 2857.]
[Public, No. 165.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 2 to 9 of the Act entitled "An Act to incorporate the Mutual Fire Insurance Company of the District of Columbia", approved January 10, 1855 (10 Stat. 836), as amended April 12, 1866 (14 Stat. 32, ch. 41), March 25, 1870 (16 Stat. 80, ch. 35), June 14, 1878 (20 Stat. 132, ch. 195), and July 5, 1884 (23 Stat. 155, ch. 233), are hereby amended to read as follows:

Mutual Fire Insurance Company of the District of Columbia.
Charter amended.
Vol. 10, p. 836; Vol. 14, p. 32; Vol. 16, p. 80; Vol. 20, p. 132; Vol. 23, p. 155, amended.

"SEC. 2. The purpose and designs of this corporation shall be to insure the property of the members thereof against loss or damage by fire, lightning, sprinkler leakage, cyclone, tornado, windstorm, and hail; to insure glass against breakage; to insure the loss of use and occupancy and rents of buildings when such loss is caused by fire, lightning, cyclone, tornado, windstorm, and hail; to insure automobiles and other vehicles, and other property, against loss or damage by fire, theft, transportation, explosion, and collision; to insure against the loss of property by burglary, theft, robbery, larceny, and forgery; to insure against loss or damage by any other hazard upon any risk which is not prohibited by statute or at common law from being the subject of insurance by a fire-insurance company but not including loss or damage by reason of bodily injury to the person, nor shall such corporation do a life-insurance or fidelity or surety business; and to cede and accept reinsurance upon the whole or any part of any risk; and to have and exercise all the general powers of corporations organized under the laws of the District of Columbia, insofar as they relate to mutual fire-insurance companies: *Provided, however*, That said corporation shall forever be conducted for the mutual benefit of its members, and not for profit; and, as to its business transacted in the District of Columbia or in any State or other jurisdiction in which it is licensed, shall be subject to all laws of such District, State, or other jurisdiction governing mutual fire-insurance companies.

Purpose and designs.

Provisos.
To continue a mutual, nonprofit corporation.

"SEC. 3. The policies hereafter issued by said corporation shall provide for a premium or premium deposit payable in cash without premium note, and, except as herein provided, for a contingent premium at least equal to the premium or premium deposit: *Provided*, That said corporation may issue policies without additional contingent liability of its members whenever it has a surplus of assets over all its liabilities of $100,000, or more.

Premium payments.

Proviso.
Issue of policies without additional contingent liability.

"SEC. 4. All persons who shall hereafter insure with said corporation; and their heirs, executors, administrators, and assigns continuing to be insured by said corporation, shall thereby become members thereof during the period they shall remain insured by said corporation and no longer. Any public or private corporation, board, association, or estate may hold policies in the corporation. Any officer, director, trustee, or legal representative of such corporation, board, association, or estate may be recognized as acting for or on its behalf for the purpose of membership in this corporation, but shall not be personally liable upon such contract of insurance by reason of acting in such representative capacity. The right of any corporation, board, association, or estate to participate as a member of this corporation is hereby declared to be incidental to the purpose for which such corporation, board, association, or estate is organized and as much granted as the rights and powers expressly conferred.

Policy holders; who may be.

Officers of, as agents, etc.

Meetings.

"SEC. 5. The annual meeting of the members of said corporation shall be held at such time and place as provided in the bylaws. It shall be the duty of the president to call a special meeting of the corporation upon the written request of twenty members. Each member shall have one vote for each risk held by him on all matters properly before any meeting of the members.

Board of directors.

"SEC. 6. The affairs of said corporation shall be conducted by a board consisting of seven directors or such greater number as may be authorized by the bylaws, selected from the members, to be elected by ballot at annual meetings of the members, for terms not exceeding three years, as fixed by the bylaws, and to continue in office until their successors are chosen. The board of directors shall have full power to make and prescribe such bylaws, rules, and regulations as they shall deem needful and proper for the elections herein provided and for the conduct and management of the business, funds, property, and effects of the company, not contrary to this Act or to the laws of the United States, and they shall have power to alter or amend the same as the interests of the company, in their opinion, may require. Not less than a majority of the directors shall be a quorum to do business, but a less number may adjourn from time to time. Vacancies happening in the board may be filled by the remaining directors for the remainder of the term for which they were elected. The board shall choose one of their number as president, and appoint a secretary and treasurer and such other officers as may be necessary for conducting the affairs of said corporation. The persons now acting as managers shall continue as the board of directors until the next annual meeting after the passage of this Act, and thereafter until their successors are duly chosen.

Bylaws, etc.

Quorum.

Vacancies.

Officers.

Investments, etc., authorized.

"SEC. 7. It shall be lawful for said company to invest and reinvest all moneys received by it in such manner, consistent with the laws of the District of Columbia relating to mutual fire-insurance companies, as the directors deem best for the interests of the company, and to acquire, hold, and sell real estate necessary or convenient for the transaction of its corporate business.

Vested rights, etc.

"SEC. 8. Nothing herein contained shall be construed to affect or impair in any manner whatsoever any vested right or interest in or under any existing contract of the company.

Amendment.

"SEC. 9. The right to alter, amend, or repeal this Act is hereby expressly reserved."

Vol. 10, pp. 837-838; Vol. 14, p. 32; Vol. 16, p. 80; Vol. 20, p. 132, repealed.

SEC. 2. Sections 10 to 16, inclusive, of the said Act of January 10, 1855 (10 Stat. 836), as amended April 12, 1866 (14 Stat. 32), March 25, 1870 (16 Stat. 80), June 14, 1878 (20 Stat. 132), and July 5, 1884 (23 Stat. 155), and said Act of July 5, 1884 (23 Stat. 155), are hereby repealed.

Approved, April 16, 1934.

[CHAPTER 146.]

April 16, 1934.
[S. 3022.]
[Public, No. 166.]

AN ACT

To amend sections 3 and 4 of an Act of Congress entitled "An Act for the protection and regulation of the fisheries of Alaska", approved June 26, 1906, as amended by the Act of Congress approved June 6, 1924, and for other purposes.

Alaskan fisheries.
Vol. 34, p. 479; Vol. 43, p. 465, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of Congress entitled "An Act for the protection and regulation of the fisheries of Alaska", approved June 26, 1906, as amended by the Act of Congress entitled "An Act for the protection

of the fisheries of Alaska, and for other purposes", approved June 6, 1924, be, and the same is hereby, amended to read as follows:

"SEC. 3. That it shall be unlawful to erect or maintain any dam, barricade, fence, trap, fishwheel, or other fixed or stationary obstruction except for purposes of fish culture, in any of the waters of Alaska at any point where the distance from shore to shore is less than one thousand feet, or within five hundred yards of the mouth of any creek, stream, or river into which salmon run, excepting the Karluk, Ugashik, Kuskokwim, and Yukon Rivers, with the purpose or result of capturing salmon or preventing or impeding their ascent to the spawning grounds, and the Secretary of Commerce is hereby authorized and directed to have any and all such unlawful obstructions removed or destroyed: *Provided, however*, That the exception hereinabove contained with reference to the Kuskokwim and Yukon Rivers shall be solely for the purpose of enabling native Indians and bona fide permanent white inhabitants along the said rivers to take from said rivers for commercial purposes and for export from the Territory of Alaska king salmon in such manner and such quantities, and at such times as the Secretary of Commerce may, by suitable regulations, from time to time permit: *Provided further*, That no person shall be deemed to be a bona fide permanent inhabitant of the said rivers who has not resided thereon, or within fifty miles thereof for a period of over one year, and that the term 'native Indians' as used herein shall be taken to mean members of the aboriginal races inhabiting Alaska when annexed to the United States, and their descendants of the whole or half blood. For the purposes of this section, the mouth of such creek, stream, or river shall be taken to be the point determined as such mouth by the Secretary of Commerce and marked in accordance with this determination. It shall be unlawful to lay or set any seine or net of any kind within one hundred yards of any other seine, net, or other fishing appliance which is being or which has been laid or set in any of the waters of Alaska, or to drive or to construct any trap or any other fixed fishing appliance within six hundred yards laterally or within one hundred yards endwise of any other trap or fixed fishing appliance."

Restriction on use of fixed obstructions for taking salmon.

Certain rivers excepted.

Provisos.
Exception solely for benefit of natives.

Take of king salmon for commercial purposes under regulations.

Persons classed as bona fide inhabitants and native Indians.

Mouth of streams, etc., to be determined.

Distances required in laying seines, etc.

SEC. 2. That section 4 of the Act of Congress entitled "An Act for the protection and regulation of the fisheries of Alaska", approved June 26, 1906, as amended by the Act of Congress entitled "An Act for the protection of the fisheries of Alaska, and for other purposes", approved June 6, 1924, be, and the same hereby is, amended to read as follows:

Vol. 34, p. 479; Vol. 43, p. 466, amended.

"SEC. 4. That it shall be unlawful to fish for, take, or kill any salmon of any species or by any means except by hand rod, spear, or gaff in any of the creeks, streams, or rivers of Alaska; or within five hundred yards of the mouth of any such creek, stream, or river over which the United States has jurisdiction, excepting the Karluk, Ugashik, Yukon, and Kuskokwim Rivers: *Provided*, That nothing herein contained shall prevent the taking of fish for local food requirements or for use as dog feed: *Provided further*, That the exception hereinabove contained with reference to the Kuskokwim and Yukon Rivers shall be solely for the purpose of enabling native Indians and bona fide permanent white inhabitants along the said rivers to take from said rivers for commercial purposes and for export from the Territory of Alaska king salmon in such manner and such quantities, and at such times as the Secretary of Commerce may, by suitable regulations, from time to time permit: *Provided further*, That no person shall be deemed to be a bona fide permanent inhabitant of said rivers who has not resided thereon or within fifty

Fishing, except by hand, etc., or near mouth of stream, etc., unlawful.

Excepted rivers.

Provisos.
For local food, etc., excluded.

Commercial fishing by natives, etc., in designated waters.

Persons deemed bona fide inhabitants, etc.

miles thereof for a period of over one year, and that the term 'native Indians' as used herein shall be taken to mean members of the aboriginal races inhabiting Alaska when annexed to the United States, and their descendants of the whole or half blood."

Approved, April 16, 1934.

[CHAPTER 147.]

AN ACT

April 16, 1934.
[S. 2571.]
[Public, No. 167.]

Authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes.

Contracts with States, etc., for the welfare of Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, in his discretion, to enter into a contract or contracts with any State or Territory having legal authority so to do, for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory, through the qualified agencies of such State or Territory, and to expend under such contract or contracts moneys appropriated by Congress for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State.

Federal expense.

Existing facilities to be utilized.

SEC. 2. That the Secretary of the Interior, in making any contract herein authorized with any State or Territory, may permit such State or Territory to utilize for the purpose of this Act, existing school buildings, hospitals, and other facilities, and all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance.

Rules, including minimum standards of service, to be established.

SEC. 3. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations, including minimum standards of service, as may be necessary and proper for the purpose of carrying the provisions of this Act into effect: *Provided*, That such minimum standards of service are not less than the highest maintained by the States or Territories with which said contract or contracts, as herein provided, are executed.

Proviso.
Rating.

Annual report to Congress.

SEC. 4. That the Secretary of the Interior shall report annually to the Congress any contract or contracts made under the provisions of this Act, and the moneys expended thereunder.

Not applicable to Oklahoma.

SEC. 5. That the provisions of this Act shall not apply to the State of Oklahoma.

Approved, April 16, 1934.

[CHAPTER 148.]

JOINT RESOLUTION

April 16, 1934.
[S.J.Res. 15.]
[Pub. Res., No. 19.]

Extending to the whaling and fishing industries certain benefits granted under section 11 of the Merchant Marine Act, 1920, as amended.

Merchant Marine Act of 1920.
Benefits of construction loan fund provided in, extended to whaling and fishing industries.
Vol. 44, p. 1451; Vol. 45, p. 690; Vol. 46, p. 1059.
U.S.C., Supp. VII, p. 963.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of section 11 of the Merchant Marine Act, 1920, as amended (U.S.C., Supp. VII, title 46, sec. 870), the Secretary of Commerce is authorized to extend to citizens of the United States engaged in the whaling and/or fishing industries the same benefits that are authorized by such section, as amended, to be extended to persons citizens of the United States for the construction, outfitting, equipment, reconditioning, remodeling, and improvement of certain vessels. All loans made under authority of this resolution from the construction loan

fund created by such section, as amended, shall be on the same terms and subject to the same conditions, limitations, and restrictions as are provided therein, except that such loans shall bear interest at the rate of not less than 5¼ per centum per annum, payable annually.

Terms and conditions.

Interest rate.

SEC. 2. Any construction, outfitting, equipment, reconditioning, remodeling, or improvement of vessels under authority of this resolution shall be only of vessels of a type and kind suitable for use as naval auxiliaries, and shall be in accordance with plans and specifications first approved by the Secretary of the Navy with particular reference to the economical conversion of such vessels into auxiliary naval vessels.

Limitation as to type of vessels.

SEC. 3. The term "citizens of the United States", as used in this resolution, includes a corporation, partnership, or association only if it is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended (U.S.C., title 46, sec. 802).

Term "citizen" defined. U.S.C., p. 1530.

Approved, April 16, 1934.

[CHAPTER 154.]

AN ACT

April 19, 1934. [H.R. 3521.] [Public, No. 168.]

To reduce certain fees in naturalization proceedings, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 13 of the Naturalization Act of June 29, 1906 (34 Stat. 596), as amended (U.S.C., Supp. VII, title 8, sec. 402), is amended to read as follows:

Naturalization proceedings. Vol. 34, p. 600; Vol. 45, p. 1514. U.S.C., Supp. VII, p. 93.

"SEC. 13. That the clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding:

Designated fees reduced.

"(1) For receiving and filing a declaration of intention and the issuing of a duplicate thereof, $2.50;

Declaration of intention; duplicate.

"(2) For making, filing, and docketing a petition for citizenship, and issuing a certificate of citizenship if the issuance of such certificate is authorized by the court, and for the final hearing on the petition, $5."

Petition for citizenship; certificate.

SEC. 2. Subdivisions (b) and (c) of section 32 of the Act of June 29, 1906, and subdivision (a) of section 33 of the Act of June 29, 1906, which were added thereto by section 9 of the Act of March 2, 1929 (45 Stat. 1512), and by section 4 of the Act of May 25, 1932 (47 Stat. 165), as amended (U.S.C., Supp. VII, title 8, sec. 399 b (b) and (c), and sec. 399 c (a)), are amended as follows: Wherever in said subdivisions the words "a fee of $10" occur that shall be amended to read "a fee of $5."

Fees for new or special certificates reduced. Vol. 45, p. 1515; Vol. 47, p. 165. U.S.C., Supp. VII, p. 92.

SEC. 3. Section 5 of the Act of March 2, 1929 (45 Stat. 1512), as amended (U.S.C., Supp. VII, title 8, sec. 380 (a)), is amended to read as follows:

Vol. 45, p. 1513. U.S.C., Supp. VII, p. 90.

"SEC. 5. For every certificate of arrival issued for naturalization purposes a fee of $2.50 shall be paid to the Commissioner of Naturalization, which fee shall be paid over to and deposited in the Treasury in the same manner as other naturalization fees."

Certificate of arrival.

SEC. 4. Subdivision (a) of section 32 of the Act of June 29, 1906, which was added thereto by section 9 of the Act of March 2, 1929 (45 Stat. 1512), as amended (U.S.C., Supp. VII, title 8, sec. 399(b)(a)), is amended as follows: Wherever in said subdivision the words "a fee of $10" occur they shall be amended to read "a fee of $1"; and by adding at the end thereof the following: "*Provided*, That an alien veteran as defined in section 1 of the Act of May 26, 1926 (44 Stat. 654; (U.S.C., Supp. VII, title 8, sec. 241(a)), shall not be required to pay the fee required by this subdivision."

Vol. 45, p. 1515; Vol. 47, p. 165. U.S.C., Supp. VII, p. 92.

New certificates in lieu of lost.

Proviso. No charge to alien veteran. Vol. 44, p. 654; U.S.C., Supp. VII, p. 87.

Counsel fees.

SEC. 5. In all naturalization proceedings in which an alien applying for certificate of citizenship is represented by counsel, there is hereby established a limit of $25 for counsel's fees, except where legal action before a court requires extended legal service when the court may approve a reasonable fee in excess of $25.

Fee for registry, etc. Vol. 45, p. 1513. U.S.C., Supp. VII, p. 82.

SEC. 6. Subdivision (b) of section 1 of the Act of March 2, 1929 (45 Stat. 1513), as amended (U.S.C., Supp. VII, title 8, sec. 106 (a) (b)), is amended as follows: Whenever in said subdivision the words "a fee of $20" occur they shall be amended to read "a fee of $10".

Approved April 19, 1934.

[CHAPTER 156.]

April 20, 1934. [S.J.Res. 70.] [Pub. Res., No. 20.]

JOINT RESOLUTION

To provide for the reappointment of John C. Merriam as a member of the Board of Regents of the Smithsonian Institution.

Smithsonian Institution. John C. Merriam reappointed Regent of.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, caused by the expiration of the term of John C. Merriam, of the city of Washington, on December 20, 1933, be filled by the reappointment of the recent incumbent (John C. Merriam) for the statutory term of six years.

Approved, April 20, 1934.

[CHAPTER 157.]

April 21, 1934. [H.R. 8492.] [Public, No. 169.]

AN ACT

To place the cotton industry on a sound commercial basis, to prevent unfair competition and practices in putting cotton into the channels of interstate and foreign commerce, to provide funds for paying additional benefits under the Agricultural Adjustment Act, and for other purposes.

Regulation of cotton industry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF POLICY

Declaration of policy.

That in order to relieve the present acute economic emergency in that part of the agricultural industry devoted to cotton production and marketing by diminishing the disparity between prices paid to cotton producers and persons engaged in cotton marketing and prices of other commodities and by restoring purchasing power to such producers and persons so that the restoration of the normal exchange in interstate and foreign commerce of all commodities may be fostered, and to raise revenue to enable the payment of additional benefits to cotton producers under the Agricultural Adjustment Act—

It is hereby declared to be the policy of Congress to promote the orderly marketing of cotton in interstate and foreign commerce; to enable producers of such commodity to stabilize their markets against undue and excessive fluctuations, and to preserve advantageous markets for such commodity, and to prevent unfair competition and practices in putting cotton into the channels of interstate and foreign commerce, and to more effectively balance production and consumption of cotton.

PERIOD OF APPLICABILITY

Period of applicability.

SEC. 2. The provisions of this Act shall be effective only with respect to the crop years 1934–1935, but if the President finds that the economic emergency in cotton production and marketing will continue or is likely to continue to exist so that the application of this Act with respect to the crop year 1935–1936 is imperative in order to carry out the policy declared in section 1, he shall so proclaim, and this Act shall be effective with respect to the crop year 1935–1936. If at any time prior to the end of the crop year 1935–1936, the President finds that the economic emergency in cotton production and marketing has ceased to exist, he shall so proclaim, and no tax under this Act shall be levied with respect to cotton harvested after the effective date of such proclamation.

Power of President to extend period.

Termination if emergency has ceased to exist.

SEC. 3. (a) When the Secretary of Agriculture finds, for the crop year 1935–1936, if the provisions of this Act are effective for such crop year, that two thirds of the persons who have the legal or equitable right as owner, tenant, share-cropper, or otherwise to produce cotton on any cotton farm, or part thereof, in the United States for such crop year favor a levy of a tax on the ginning of cotton in excess of an allotment made to meet the probable market requirements and determines that such a tax is required to carry out the policy declared in section 1, the Secretary shall ascertain from an investigation of the available supply of cotton and the probable market requirements the quantity of cotton that should be allotted, in accordance with the policy declared in section 1, for marketing in the channels of interstate and foreign commerce, from production of cotton during the succeeding cotton crop year, exempt from the payment of taxes thereon.

Cotton-ginning tax. Levy of.

Ascertaining amount of cotton to be allotted.

(b) The allotment so ascertained shall be proclaimed by the Secretary of Agriculture at least sixty days prior to the beginning of such succeeding crop year and shall be apportioned by him as herein provided.

Allotment to be proclaimed.

(c) For the crop year 1934–1935 ten million bales is hereby fixed as the maximum amount of cotton of the crop harvested in the crop year 1934–1935, that may be marketed exempt from payment of the tax herein levied. Except as provided in section 2, the allotment plan and the tax is hereby declared to be in effect for the crop year 1934–1935.

Maximum crop fixed.

Plan effective for 1934–1935.

TAX AND EXEMPTIONS

Tax and exemptions.

SEC. 4. (a) There is hereby levied and assessed on the ginning of cotton hereafter harvested during a crop year with respect to which this Act is in effect, a tax at the rate per pound of the lint cotton produced from ginning, of 50 per centum of the average central market price per pound of lint cotton, but in no event less than 5 cents per pound. If the cotton was harvested during a crop year with respect to which the tax is in effect, the tax shall apply even if the ginning occurs after the expiration of such crop year.

Rate of tax; cotton ginned during emergency period.

Cotton ginned after effective period.

(b) The average central market price, per pound of lint cotton, shall be the average price per pound of basis seven-eighths-inch middling spot cotton on the ten spot cotton markets (designated by the Secretary of Agriculture) as determined and proclaimed from time to time by the Secretary of Agriculture. The average central market price determined and proclaimed shall be the base for determining the rate of the tax until a different average central market price for lint cotton is determined and proclaimed by the Secretary of Agriculture.

Average central market price.

Determination and proclamation of.

To be basis for determining rate of tax.

Returns and payment of tax.

(c) Every person ginning any cotton subject to tax under this Act (whether as agent of the owner or otherwise) and every other person liable for tax under this Act shall make monthly returns under oath in duplicate and pay the taxes imposed by this Act to the collector for the district in which the ginning is done, or to such other person as such collector may direct. Such returns shall contain such information and be made at such times and in such manner as the Commissioner, with the approval of the Secretary of the Treasury, may by regulations prescribe. The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector at the time so fixed for filing the return. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 1 per centum a month from the time when the tax became due until paid.

Information required.

Penalty for tax delinquency.

Tax inapplicable to cotton harvested during year no allotment proclaimed.

(d) When the Secretary of Agriculture does not proclaim an allotment of cotton for a crop year as provided in section 3 of this Act, the tax shall not apply with respect to cotton harvested during such crop year but shall apply to cotton harvested during the next crop year for which, with the approval of the President, the Secretary makes an allotment under such section.

Tax exemptions.

(e) No tax shall be imposed under this Act with respect to—

(1) Cotton harvested by any publicly owned experimental station or agricultural laboratory.

(2) An amount of cotton harvested in any crop year from each farm equal to its allotment.

(3) Cotton harvested prior to the crop year 1934–1935.

(4) Cotton having a staple of one and one half inches in length or longer.

Tax payment postponed on cotton stored by producer.

Required when bale tags secured.

Lien until tax paid.

(f) The tax shall not be collected upon the ginning of cotton which is to be stored by the producer thereof either on the farm or at such other place as may be permitted by regulations prescribed by the Secretary of Agriculture and the Secretary of the Treasury. In such cases, the payment of the tax shall be postponed, but shall be paid at the time when bale tags are secured for such cotton. Bale tags may be secured for any of such cotton at any time after ginning (1) upon the payment to such person as the Commissioner may direct, of the amount of tax which would have been payable at the time of ginning, or (2) upon the surrender of certificates of exemption covering an amount of cotton not less than the amount of such cotton. Until bale tags are secured for such cotton, such cotton shall be subject to a lien in favor of the United States for the amount of the tax payable with respect to the ginning of such cotton. The right to postponement of the payment of the tax under this subsection shall be established in accordance with such regulations as the Secretary of Agriculture and the Secretary of the Treasury may prescribe.

Regulations to be prescribed.

The Commissioner, with the approval of the Secretary of the Treasury, shall prescribe regulations providing for stamping the containers of such cotton so as to indicate the time of ginning and the amount of tax payable with respect thereto.

Exemption rights to be evidenced by certificate.

(g) The right to exemption under paragraph (2) of subsection (e) shall be evidenced by a certificate of exemption issued as herein provided, which certificate of exemption shall be conclusive proof of the right to such exemption.

Apportionment.

APPORTIONMENT

Quantity of tax-exempt cotton based on rates of average production.

SEC. 5. (a) When an allotment is made, in order to prevent unfair competition and unfair trade practices in marketing cotton in the channels of interstate and foreign commerce, the Secretary of

Agriculture shall apportion to the several cotton-producing States the number of bales the marketing of which may be exempt from the tax herein levied, which shall be determined by the ratio of the average number of bales produced in each State during the five crop years preceding the passage of this Act to the average number of bales produced in all the States during the same period: *Provided, however*, That no State shall receive an allotment of less than two hundred thousand bales of cotton if in any one year of five years prior to this date the production of the State equalled two hundred and fifty thousand bales. It is prima facie presumed that all cotton and its processed products will move in interstate or foreign commerce.

Proviso. Minimum allotment.

(b) The amount allotted to each State (less the amounts allotted under section 8) shall be apportioned by the Secretary of Agriculture to the several counties in such State on a basis and ratio, applied to such counties, similar to that set forth in subsection (a), except that, for the purposes of this subsection, there shall be excluded from the calculation of the average production of cotton in any county an amount of cotton produced in such county during any crop year or years during which the Secretary of Agriculture finds that production of cotton in such county was reduced so substantially by unusual drought, storm, flood, insect pests, or other uncontrollable natural cause that the inclusion of the cotton produced in such crop year or years would result in an apportionment to such county based upon an abnormally low production of such county, and in such cases the average production shall be calculated on the basis of the crop years and production of the years remaining of the period set forth in subsection (a).

Apportionment of State allotment among counties.

Exception.

Tolerance for unusual conditions.

APPLICATIONS FOR CERTIFICATES

Applications for certificates.

SEC. 6. A producer of cotton desiring to secure a tax-exemption certificate may file an application therefor with the agent designated by the Secretary of Agriculture, accompanied by a statement under oath showing the approximate quantity of cotton produced on the lands presently owned, rented, share-cropped, or controlled by the applicant during a representative period fixed by the Secretary of Agriculture, and also the number of acres of land in said lands in actual cultivation for the three preceding years, and the quantity of cotton, in the best judgment of the applicant, said lands would have produced if all the cultivated land had been planted to cotton. Said application shall state any other facts which may be required by the Secretary of Agriculture. No certificate of exemption shall be issued and no allotment shall be made to any producer unless he agrees to comply with such conditions and limitations on the production of agricultural commodities by him as the Secretary of Agriculture may, from time to time, prescribe to assure the cooperation of such producer in the reduction programs of the Agricultural Adjustment Administration and to prevent expansion on lands leased by the Government of competitive production by such producer of agricultural commodities other than cotton and the allotment of and certificates of exemption issued to any producer shall be subject to revocation on violation by him of such conditions and limitations, and no criminal penalties shall apply to the violation of this provision.

Procedure.

Post, p. 911.

Agreement to comply with terms and conditions required.

Cooperate, in reduction programs.

Ante, p. 33.

SEC. 7. (a) The amount of cotton allotted to any county pursuant to section 5 (b) shall be apportioned by the Secretary of Agriculture to farms on which cotton has been grown within such county. Such

Counties to allot to farms within.

To be made on application therefor.

Basis, percentage of average production.

Percentage which farm's full crop would bear to whole county.

allotments to any farm shall be made upon application therefor and may be made by the Secretary based upon—

(1) A percentage of the average annual cotton production of the farm for a fair representative period; or

(2) By ascertaining the amount of cotton the farm would have produced during a fair representative period if all the cultivated land had been planted to cotton, and then reducing such amount by such percentage (which shall be applied uniformly within the county to all farms to which the allotment is made under this paragraph) as will be sufficient to bring the total of the farm allotments within the county's allotment; or

Uniform applicability of allotments.

(3) Upon such basis as the Secretary of Agriculture deems fair and just, and will apply to all farms to which the allotment is made under this paragraph uniformly, within the county, on the basis or classification adopted. The Secretary of Agriculture, in determining the manner of allotment to individual farmers, shall provide that the farmers who have voluntarily reduced their cotton acreage shall not be penalized in favor of those farmers who have not done so.

Voluntary acreage reduction; not to be penalized.

No percentage apportionment after period.

(b) After the crop year 1934–1935 the apportionment shall not be on the basis set out in paragraph (1) of subsection (a) of this section.

Maximum limitation.

(c) The total allotment to farms in each county under this section shall not exceed the approximate number of bales allotted to that county under section 5 (b).

Allotment provisions in specified cases modified.

SEC. 8. Whenever an allotment is made pursuant to section 3, not to exceed 10 per centum of the number of bales allotted to each State shall be deducted from the number of bales allotted to such State, and allotted in such State—

Where less than ⅓ of cultivation has been in cotton.

(a) To producers of cotton on farms where for the preceding three years less than one third of the cultivated land on such farms has been planted to cotton;

New fields.

(b) To producers of cotton on farms not previously used in cotton production;

Production reduced by drought, etc.

(c) To producers of cotton on farms where, for the preceding five years, normal cotton production has been reduced by reason of drought, storm, flood, insect pests, or other uncontrollable natural cause; and

Producers voluntarily reducing acreage below requirements.

(d) To producers of cotton on farms where, for the preceding three years, acreage theretofore planted to cotton has been voluntarily reduced so that the amount of reduction in cotton production on such farms is greater than the amount which the Secretary finds would have been an equitable reduction applicable to such farms in carrying out a reasonable reduction program.

Allotments considered as additions, etc.

The allotments provided for in this section shall be in addition to the amounts apportioned to the counties under section 5 (b).

Exemption certificates.

EXEMPTION CERTIFICATES

Applications therefor.

SEC. 9. (a) Exemption certificates shall be issued by the Secretary of Agriculture, upon application therefor, but only upon proof satisfactory to the Secretary that the producer is entitled thereto pursuant to this Act and the regulations thereunder. Any certificate erroneously issued shall be void upon a demand in writing for its return made by the Secretary of Agriculture to the person to whom such certificate was issued.

Void if erroneously issued.

Manner of evidencing.

(b) The right to a certificate of exemption shall be evidenced in such manner as the Secretary of Agriculture may by regulations prescribe.

(c) The certificate of exemption shall specify the amount of cotton exempt from the tax under section 4 (e) (2). Amount exempted to be stated.

(d) Any and all certificates of exemption may be transferred or assigned in whole or in part in such manner as the Secretary of Agriculture may prescribe and shall be issued with detachable coupons or in such other form or forms to be prescribed by the Secretary of Agriculture as will facilitate such transfer or assignment. Any person who, in violation of the regulations made by the Secretary of Agriculture, (1) secures certificates of exemption or bale tags from another by sharp practices, or (2) speculates in certificates of exemption or bale tags, and any person securing certificates of exemption or bale tags from another person by fraud or coercion shall, upon conviction thereof, be fined not more than $1,000 or sentenced to not more than one year's imprisonment, or both. Transfer, etc., allowed. Penalty provisions.

IDENTIFICATION OF TAX-PAID OR EXEMPT COTTON

SEC. 10. (a) Upon the payment of the tax on any cotton, or the surrender of exemption certificates covering cotton, the collector receiving such payment or certificates shall deliver to the person so paying or surrendering an appropriate number of bale tags which shall be affixed to such cotton. Identification of tax paid, etc., cotton. Bale tag to be affixed.

(b) All cotton imported from a foreign country (including the Philippine Islands, the Virgin Islands, American Samoa, the Canal Zone, and the island of Guam) shall be packed and stamped, tagged, or otherwise identified, in addition to any import stamp indicating inspection at the customhouse, before such cotton is withdrawn therefrom. Identifying, etc., imported cotton.

(c) Every person who, at the time the tax becomes effective in any crop year, holds for sale (or use in the manufacture or production of an article intended for sale) any lint cotton in bales harvested during a year with respect to which the tax was not in effect may, upon application within fifteen days after the tax becomes effective, and any publicly owned experimental station or agricultural laboratory may, upon application at the time of ginning cotton harvested by it, receive an appropriate number of bale tags. Such bale tags shall be promptly affixed to the bales of lint cotton so held. Holders of lint cotton previously harvested. Publicly owned, etc.

(d) In the case of any cotton in existence at the beginning of any crop year with respect to which the tax becomes effective and owned, held, or controlled by the United States, or any department or agency thereof, the Commissioner shall supply bale tags therefor free of charge, upon application by the head of the department or agency. Upon application of the Secretary of Agriculture, bale tags shall be issued free of charge for cotton held in the 1933 Cotton Producers' Pool. Bale tags issued under this section shall be securely affixed to such cotton. Cotton held by United States, etc. Held in 1933 Cotton Producers' Pool.

DESTRUCTION OF MEANS OF IDENTIFICATION

SEC. 11. Every person emptying or breaking any bale stamped, tagged, or otherwise identified under the provisions of this Act shall, at the time of emptying or breaking such bale, destroy the bale tag. Destruction of means of identification. Requirement on breaking, etc., bale.

REGULATIONS BY THE COMMISSIONER

SEC. 12. The Commissioner, with the approval of the Secretary of the Treasury, shall prescribe (a) regulations with respect to the time and manner of applying for, issuing, affixing, and destroying bale tags, and the method of accounting for receipts from the sale of and for the use of such bale tags, and (b) such other regulations as Regulations to be prescribed.

he shall deem necessary for the enforcement of the taxing provisions of this Act.

INFORMATION RETURNS

Furnishing information upon demand.

SEC. 13. (a) All persons, in whatever capacity acting, including producers, ginners, processors of cotton, and common carriers, having information with respect to cotton produced, may be required to make a return in regard thereto, setting forth the amount of cotton delivered, the name and address of the person who delivered said cotton, the amount of lint cotton produced therefrom, and any other and further information which the Commissioner, with the approval of the Secretary of the Treasury and the Secretary of Agriculture, shall by regulations prescribe as necessary for the proper administration of the tax. Any person required to make such return shall render a true and accurate return to the Commissioner.

Accuracy, etc., required.

Penalty for failing to make return.

(b) Any person willfully failing or refusing to file such a return, or filing a willfully false return, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $1,000 or by imprisonment not exceeding one year, or both.

General and penal provisions.

GENERAL AND PENAL PROVISIONS

Offenses under Revenue Act of 1926.
Vol. 44, p. 99.

SEC. 14. (a) All provisions of law, including penalties, applicable with respect to the taxes imposed by section 800 of the Revenue Act of 1926, shall, insofar as applicable and not inconsistent with the provisions of this Act, be applicable with respect to taxes imposed by this Act.

Lint cotton.
Transporting, beyond county without bale tag.

(b) Except as may be permitted by regulations prescribed by the Commissioner, with the approval of the Secretary of the Treasury, with due regard for the protection of the revenue, no person shall: (1) Transport, except for storing or warehousing, under the provisions of section 4 (f) beyond the boundaries of the county where produced any lint cotton to which a bale tag issued under this Act is not attached; or (2) sell, purchase, or open any bale of lint cotton to which a bale tag issued under this Act is not attached.

Trading, etc., in, without tag.

Exporting seed cotton to any United States possession or to a foreign country.

(c) No seed cotton harvested during a crop year with respect to which the tax is in effect shall be exported from the United States or any possession thereof to which this Act applies to any possession of the United States to which this Act does not apply or to any foreign country.

Penalties.
Failing to pay tax.

(d) Any person who willfully violates any provision of this Act, or who willfully fails to pay, when due, any tax imposed under this Act, or who, with intent to defraud, falsely makes, forges, alters, or counterfeits any bale tag or certificate of exemption made or used under this Act, or who uses, sells, or has in his possession any such forged, altered, or counterfeited bale tag or certificate of exemption, or any plate or die used, or which may be used in the manufacture thereof, or has in his possession any bale tag which should have been destroyed as required by this Act, or who makes, uses, sells, or has in his possession any paper in imitation of the paper used in the manufacture of any such bale tag or certificate of exemption, or who reuses any bale tag required to be destroyed by this Act, or who places any cotton in any bale which has been filled and stamped, tagged, or otherwise identified under this Act, without destroying the bale tag previously affixed to such bale, or who affixes any bale tag issued under this Act to any bale of lint cotton on which any tax due is unpaid, or who makes any false statement in any application for bale tags or certificates of exemption under this Act, or who has

Counterfeiting, etc.

Undestroyed tags.

Imitating paper, etc.

False statements.

in his possession any such bale tags or certificates of exemption obtained by him otherwise than as provided in this Act, shall on conviction be punished by a fine not exceeding $1,000, or by imprisonment for not exceeding 6 months, or both.

Violating regulations, etc.

(e) Any person who willfully violates any regulation issued by the Secretary of Agriculture or the Secretary of Agriculture and the Secretary of the Treasury under this Act, for the violation of which a special penalty is not provided, shall, on conviction thereof, be punished by a fine not exceeding $200.

REGULATIONS BY THE SECRETARY OF AGRICULTURE

Regulations to be made by Secretary of Agriculture.

SEC. 15. (a) The Secretary of Agriculture is authorized to make such regulations as may be necessary to carry out the powers vested in him by the provisions of this Act.

Protecting share-croppers and tenants.

(b) The Secretary of Agriculture may make regulations protecting the interests of share-croppers and tenants in the making of allotments and the issuance of tax-exemption certificates under this Act.

APPROPRIATIONS AUTHORIZED

Appropriations authorized.
Post, p. 805.

SEC. 16. (a) There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Available sums under Agricultural Adjustment Act.
Ante, p. 38.

(b) Out of the sums available to the Secretary of Agriculture under the Agricultural Adjustment Act, such sums as may be necessary to carry out the provisions of this Act are authorized to be made available.

Proceeds from tax.

(c) The proceeds derived from the tax are hereby authorized to be appropriated to be made available to the Secretary of Agriculture for the purposes of carrying out the cotton program of the Agricultural Adjustment Administration, and for administrative expenses and refunds of taxes under this Act.

OFFICERS AND EMPLOYEES

Officers and employees.

Appointment, without regard to civil service or classification acts.

SEC. 17. The Secretary of Agriculture is authorized, in order to carry out the provisions of this Act, to appoint, without regard to the provisions of the civil service laws, such officers, agents, and employees, and to utilize such Federal officers and employees, and with the consent of the State, such State and local officers and employees, as he may find necessary, to prescribe their authorities, duties, responsibilities, and tenure and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any officers and employees so appointed, except that rates so fixed shall not exceed the rates of compensation prescribed for comparable duties by such Act, as amended.

PURCHASES AND SERVICES

Purchases and services.

SEC. 18. The administrative expenses provided for under this Act shall include, among others, expenditures for personal services and rent in the District of Columbia and elsewhere for law books, periodicals, newspapers, and books of reference, for contract stenographic reporting services, and for printing and paper in addition to allotments under the existing law.

COLLECTION OF TAXES

Collecting taxes.
Post, p. 805.

SEC. 19. The taxes provided for by this Act shall be collected by the Commissioner of Internal Revenue under the direction of the Secretary of the Treasury. Taxes collected shall be paid into the Treasury of the United States.

Refunds.

REFUNDS

None allowed unless claim filed within six months.

SEC. 20. (a) No refund of any tax, penalty, or sum of money paid shall be allowed under this Act unless claim therefor is presented within six months after the date of payment of such tax, penalty, or sum.

Procedure, limitations, etc.

(b) No suit or proceeding shall be maintained in any court for the recovery of any tax under this Act alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected until a claim for refund or credit has been duly filed with the Commissioner of Internal Revenue, according to the provisions of law in that regard, and the regulations of the Secretary of the Treasury, established in pursuance thereof; but such suit or proceeding may be maintained, whether or not such tax, penalty, or sum has been paid under protest or duress. No suit or proceeding shall be begun before the expiration of six months from the date of filing such claim, unless the Commissioner renders a decision therein within that time, nor after the expiration of two years from the date of the payment of such tax, penalty, or sum, unless such suit or proceeding is begun within two years after the disallowance of the part of such claim to which such suit or proceeding relates. The Commissioner shall, within ninety days after any such disallowance, notify the taxpayer thereof by registered mail.

Notice to be sent.

SEPARABILITY OF PROVISIONS

Separability of provisions.

SEC. 21. If any provision of this Act, or the applicability thereof to any person or circumstance, is held invalid, the remainder of this Act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

GEOGRAPHICAL APPLICATION OF ACT

Geographical application.

SEC. 22. The provisions of this Act shall be applicable to the United States and its possessions, except the Philippine Islands, the Virgin Islands, American Samoa, the Canal Zone, and the island of Guam.

Definitions.

DEFINITIONS

SEC. 23. As used in this Act—

"Person."

(a) The term "person" means an individual, a partnership, joint-stock company, a corporation, or a firm.

"Commissioner."

(b) The term "Commissioner" means the Commissioner of Internal Revenue.

"Collector."

(c) The term "collector" means the collector of internal revenue.

"Ginning."

(d) The term "ginning" means the separation of lint cotton from seed cotton.

"Tax."

(e) The term "tax" means the tax upon the ginning of cotton imposed by this Act.

"Lint cotton."

(f) The term "lint cotton" means the fiber taken from seed cotton by ginning.

"Seed cotton."

(g) The term "seed cotton" means the harvested fruit of the cotton plant.

"Bale tag."

(h) The term "bale tag" means nondetachable bale tag, stamp, or other means of identifying tax-paid or exempt cotton.

"Crop year."

(i) The term "crop year" means the period from June 1 of one year to May 31 of the succeeding year, both dates inclusive.

The term "bale", when used in sections 3, 5, 7, and 8 to describe a quantity of cotton, means five hundred pounds of lint cotton. "Bale."

SEC. 24. The Secretary of Agriculture is authorized to develop new and extended uses for cotton, and for such purpose there is authorized to be made available to the Secretary not to exceed $500,000 out of the funds available to him under section 12 of the Agricultural Adjustment Act. Studies in developing new, etc., uses for cotton. Sum available for. *Ante*, p. 38.

Approved, April 21, 1934.

[CHAPTER 158.]

AN ACT

April 23, 1934. [S. 3296.] [Public, No. 170.]

To revive and reenact the Act entitled "An Act granting the consent of Congress to Meridian and Bigbee River Railway Company to construct, maintain, and operate a railroad bridge across the Tombigbee River at or near Naheola, Alabama", approved January 15, 1927.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved January 15, 1927, granting the consent of Congress to the Meridian and Bigbee River Railway Company to construct, maintain, and operate a railroad bridge across the Tombigbee River at or near Naheola, Alabama, be, and the same is hereby, revived and reenacted: *Provided*, That this Act shall be null and void unless the actual construction of the bridge herein referred to be commenced within two years and completed within four years from the date of approval hereof. Tombigbee River. Act granting consent to bridge, at Naheola, Ala., revived. Vol. 44, p. 975, amended. *Proviso.* Time limitation.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved. Amendment.

Approved, April 23, 1934.

[CHAPTER 159.]

AN ACT

April 23, 1934. [H.R. 8018.] [Public, No. 171.]

To authorize payment for the purchase of, or to reimburse States or local levee districts for the cost of, levee rights-of-way for flood-control work in the Mississippi Valley, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is authorized, out of any money available for carrying out the provisions of the Act entitled "An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928, to purchase from, or to reimburse States or local levee districts for the cost of, any levee rights-of-way or easements for the building of levees in the Mississippi Valley for which the United States was or is under obligation to pay under the provisions of the Act of May 15, 1928, regardless of whether said States or local levee districts have furnished such rights-of-way in the past and regardless of the conditions under which such levee rights-of-way were furnished, or may be furnished in the future: *Provided*, That after careful investigation the prices are found to be reasonable: *And provided further*, That payments or reimbursements for levee rights-of-way or easements conveying the privilege of building levees may be made as soon as they have been acquired in conformity with local custom or legal procedure in such matters and to the satisfaction of the Chief of Engineers. Mississippi Valley flood control. Payment authorized for purchase of, or to reimburse States, etc., for cost of levee rights-of-way. Vol. 45, p. 537. Past and future cases. *Provisos.* Prices to be reasonable. Payments, etc., as soon as privilege acquired.

Approved, April 23, 1934.

[CHAPTER 161.]

AN ACT

April 24, 1934.
[S. 828.]
[Public, No. 172.]

To authorize boxing in the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby created for the District of Columbia a boxing commission, to be composed of three members appointed by the Commissioners of the District of Columbia, one of whom shall be a member of the police department of the District of Columbia. No person shall be eligible for appointment to membership on the commission unless such person at the time of appointment is and for at least three years prior thereto has been a resident of the District of Columbia. The terms of office of the members of the commission first taking office after the approval of this Act shall expire at the end of two years from the date of the approval of this Act. A successor to a member of the commission shall be appointed in the same manner as the original members and shall have a term of office expiring two years from the date of the expiration of the term for which his predecessor was appointed, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. The members of the commission shall receive no compensation for their services. The Commissioners of the District of Columbia shall furnish to the boxing commission such office space and clerical and other assistance as may be necessary.

District of Columbia.
Boxing commission created.
Membership, terms of office, etc.

Vol. 35, p. 1150; U.S.C., p. 503, amended.

Filling vacancies.

To receive no compensation.
Facilities, clerical assistance, etc., to be provided.

(b) Subject to the approval of the Commissioners of the District of Columbia, the commission shall have power (1) to cooperate with organizations engaged in the promotion and control of amateur boxing; (2) to supervise and regulate boxing within the District of Columbia; and (3) to make such orders, rules, and regulations, as the commission deems necessary for carrying out the powers herein conferred upon it.

Powers and duties.

(c) No person shall hold a boxing exhibition in the District of Columbia without a permit from the commission. Each such permit shall be limited to a period of one day, except that in case of any interscholastic boxing meet or similar contest a permit may be issued for the duration of such meet or contest. No such permit shall be issued to any person unless such person agrees to accord to the commission the right to examine the books of accounts and other records of such person relating to the boxing exhibition for which such permit is issued, and such permit shall so state on its face. A permit may be revoked at any time in the discretion of the commission.

Holding boxing exhibition without permit unlawful.
Terms and conditions for granting.

Right to examine records, etc.

Revocation of permit reserved.

(d) No individual shall engage in any boxing exhibition in the District of Columbia without a license from the commission. Such license shall entitle the licensee to engage in boxing exhibitions in the District of Columbia for the period specified therein, and the commission may revoke any such license at any time for violation by the licensee of any order, rule, or regulation of the commission, or for other cause.

Engaging in exhibition without license forbidden.

Revocation of, for cause.

(e) Any permit or license issued by the Board shall not be valid for the purpose of holding or engaging in, respectively, any boxing exhibition which does not conform to the following conditions: (1) Such exhibition may consist of one or more bouts; (2) no round shall exceed three minutes; (3) there shall be an interval of one minute between each round and the succeeding round; and (4) each contestant shall use gloves of not less than eight ounces each in weight.

Permit or license invalid unless conforming to specified conditions.

(f) The commission may charge for permits and for licenses such fees as will, in its opinion, defray the cost of issuance thereof and other necessary expenses of the commission. Fees for permits and licenses.

(g) Any person who (1) holds any boxing exhibition in the District of Columbia without a permit valid and effective at the time, or (2) engages in any boxing exhibition in the District of Columbia without a license valid and effective at the time, or (3) violates any lawful order, rule, or regulation of the commission shall, upon conviction thereof, be fined not more than $1,000 or imprisoned not more than one year, or both. Penalty provisions.

(h) The term "person", as used in this Act, includes individuals, partnerships, corporations, and associations. Term "person" defined.

Approved, April 24, 1934.

[CHAPTER 162.]

AN ACT

April 25, 1934.
[S. 2811.]
[Public, No. 173.]

To authorize the incorporated city of Juneau, Alaska, to undertake certain municipal public works, including regrading and paving of streets and sidewalks, installation of sewer and water pipes, bridge construction and replacement, construction of concrete bulkheads, and construction of refuse incinerator, and for such purposes to issue bonds in any sum not exceeding $103,000.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the incorporated city of Juneau, Alaska, is hereby authorized and empowered to undertake the municipal public works herein specified and for such purposes to issue bonds in any sum not exceeding $103,000. Said city is hereby authorized and empowered to regrade and pave streets and sidewalks and for such purpose to issue bonds in any sum not exceeding $51,400; to install sewer and water pipes and for such purpose to issue bonds in any sum not exceeding $2,750; to construct and replace a bridge and for such purpose to issue bonds in any sum not exceeding $5,000; to construct concrete bulkheads and for such purpose to issue bonds in any sum not exceeding $12,850; to construct a refuse incinerator and for such purpose to issue bonds in any sum not exceeding $25,000; to employ such engineering supervision and pay such overhead expenses as may be necessary in connection with the above-mentioned public works and for such purpose to issue bonds in any sum not exceeding $6,000. All of said public works are to be undertaken in the said city of Juneau, Alaska, except said refuse incinerator, which may be placed without the corporate limits of said city.

Juneau, Alaska.
May issue bonds for certain public works.

Objects specified.

Municipal in character.

SEC. 2. Before said bonds shall be issued a special election shall be ordered by the common council of the said city of Juneau, at which election the question of whether such bonds shall be issued in the amounts above specified for any or all of the purposes hereinbefore set forth shall be submitted to the qualified electors of said city of Juneau whose names appear on the last assessment roll of said city for municipal taxation. The form of the ballot shall be such that the electors may vote for or against the issuance of bonds for each of the purposes herein specified in the amounts herein authorized. Not less than twenty days' notice of such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said city before the day fixed for such election. The registration for such election, the manner of conducting the same, the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general

Special election to authorize.

Form of ballot.

Sufficient notice to be given.

Conduct of election.

or special elections in said municipality, and said bonds shall be issued for any or all of the purposes herein authorized only upon condition that not less than a majority of the votes cast at such election in said city shall be in favor of the issuance of said bonds for such purpose.

Character, etc., of bonds.

SEC. 3. Such bonds shall be coupon in form, may bear such date or dates, may be in such denomination or demoninations [1], may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable in such medium of payment and at such place or places, may be sold at either public or private sale, may be redeemable, with or without premium, or nonredeemable, may carry such registration privileges as to either principal and interest, principal only, or both, as shall be prescribed by the common council of said city of Juneau at the time such bonds are authorized to be issued. The bonds shall bear the signatures of the mayor and clerk of the city of Juneau, and shall have impressed thereon the official seal of said city. In case any of the officers whose signatures or countersignatures appear on the bonds shall cease to be such officers before delivery of such bonds, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Said bonds shall bear interest at a rate to be fixed by the common council of the said city of Juneau, not to exceed 6 per centum per annum, payable semiannually, and the bonds shall be sold at not less than the principal amount thereof plus accrued interest.

Validity of signatures, etc.

Interest rate, etc.

Bonds deemed municipal obligations.

SEC. 4. The bonds herein authorized to be issued shall be general obligations of said city of Juneau, payable as to both interest and principal from ad valorem taxes which shall be levied upon all the taxable property within the corporate limits of said city of Juneau in an amount sufficient to pay the interest on and principal of such bonds as and when the same become due and payable.

Use of funds restricted.

Sale limitations.

SEC. 5. No part of the funds arising from the sale of said bonds shall be used for any purpose or purposes other than those specified in this Act. Said bonds shall be sold only when and in such amounts as the common council of the city of Juneau shall direct, and the proceeds thereof shall be disbursed for the purposes hereinbefore mentioned and under the orders and directions of said common council from time to time as the same may be required for said purposes.

Contracts with United States for bond sale, etc.
Ante, p. 200.

SEC. 6. The city of Juneau is hereby authorized to enter into contracts with the United States of America or any agency or instrumentality thereof, under the provisions of the National Industrial Recovery Act and Acts amendatory thereof and Acts supplemental thereto, and revisions thereof, and the regulations made in pursuance thereof, and under any further Acts of the Congress of the United States to encourage public works, for the sale of bonds issued in accordance with provisions of this Act or for the acceptance of a grant of money to aid said town in financing any public works herein authorized; or to enter into contracts with any person or corporation, public or private, for the sale of such bonds; and such contracts may contain such terms and conditions as may be agreed upon by and between the common council of said city of Juneau and the United States of America or any agency or instrumentality thereof or any such purchaser.

Approved, April 25, 1934.

[1] So in original.

[CHAPTER 163.]

AN ACT

To authorize the incorporated city of Skagway, Alaska, to construct, reconstruct, replace, and install a water-distribution system and for such purpose to issue bonds in any sum not exceeding $40,000.

April 25, 1934.
[S. 2812.]
[Public, No. 174.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the incorporated city of Skagway, Alaska is hereby authorized and empowered to construct, reconstruct, replace, and install a water distribution system to replace the system now owned by the city of Skagway and for such purpose to issue bonds in any sum not exceeding $40,000.

Skagway, Alaska.
May issue bonds for water system.

SEC. 2. Before said bonds shall be issued a special election shall be ordered by the common council of the said city of Skagway, at which election the question of whether such bonds shall be issued shall be submitted to the qualified electors of said city of Skagway whose names appear on the last assessment roll of said city for municipal taxation. Not less than twenty days' notice of such election shall be given by posting notices of the same in three conspicuous places within the corporate limits of the city of Skagway, Alaska, one of which shall be at the front door of the United States post office. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality and said bonds shall be issued only upon condition that not less than a majority of the votes cast at such election in said city shall be in favor of the issuance of said bonds.

Special election to authorize.

Notice to be posted.

Conduct of election.

SEC. 3. Such bonds shall be coupon in form, may bear such date or dates, may be in such denomination or denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable in such medium of payment and at such place or places, may be sold at either public or private sale, may be redeemable, with or without premium, or nonredeemable, may carry such registration privileges as to either principal and interest, principal only, or both, as shall be prescribed by the common council of said city of Skagway at the time such bonds are authorized to be issued. The bonds shall bear the signatures of the mayor and clerk of the city of Skagway, and shall have impressed thereon the official seal of said city. In case any of the officers whose signatures or countersignatures appear on the bonds shall cease to be such officers before delivery of such bonds, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Said bonds shall bear interest at a rate to be fixed by the common council of the said city of Skagway, not to exceed 6 per centum per annum, payable semiannually, and the bonds shall be sold at not less than the principal amount thereof plus accrued interest.

Form, etc., of bonds.

Validity of signatures.

Interest rate.

SEC. 4. The bonds herein authorized to be issued shall be general obligations of said city of Skagway, payable as to both interest and principal from ad valorem taxes which shall be levied upon all the taxable property within the corporate limits of said city of Skagway in an amount sufficient to pay the interest on and principal of such bonds as and when the same become due and payable, and, if so provided by the common council of said city of Skagway, may be additionally secured by a direct pledge of all or any part of the revenues of said water-distribution system and any subsequent additions or extensions thereto, remaining after provisions for the payment of the cost of operation and maintenance of said system and

Bonds to be municipal obligations.

the cost of such repairs, improvements, and betterments thereto as shall be necessary to keep the same at all times in good repair and working order.

Use of funds restricted.

SEC. 5. No part of the funds arising from the sale of said bonds shall be used for any purpose or purposes other than those specified in this Act. Said bonds shall be sold only when and in such amounts as the common council of the city of Skagway shall direct, and the proceeds thereof shall be disbursed for the purposes hereinbefore mentioned and under the orders and directions of said common council from time to time as the same may be required for said purposes.

Sale limitations.

Contracts authorized with United States for bond sale.

Ante, p. 200.

SEC. 6. The city of Skagway is hereby authorized to enter into contracts with the United States of America or any agency or instrumentality thereof, under the provisions of the National Industrial Recovery Act and acts amendatory thereof and acts supplemental thereto, and revisions thereof, and the regulations made in pursuance thereof, and under any further acts of the Congress of the United States to encourage public works, for the sale of bonds issued in accordance with provisions of this Act or for the acceptance of a grant of money to aid said city in financing any public works herein authorized; or to enter into contracts with any person or corporation, public or private, for the sale of such bonds; and such contracts may contain such terms and conditions as may be agreed upon by and between the common council of said city of Skagway and the United States of America or any agency or instrumentality thereof or any such purchaser.

Approved, April 25, 1934.

[CHAPTER 164.]

April 25, 1934.
[S. 2813.]
[Public, No. 175.]

AN ACT

To authorize the incorporated town of Wrangell, Alaska, to undertake certain municipal public works, including construction, reconstruction, enlargement, extension, and improvements of its water-supply system; construction of a retaining wall and to back-fill behind same to make a permanent street; and construction, reconstruction, enlargement, extension, and improvements to sewers, and for such purposes to issue bonds in any sum not exceeding $51,000.

Wrangell, Alaska.
May issue bonds for specified public works.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the incorporated town of Wrangell, Alaska, is hereby authorized and empowered to undertake the municipal public works herein specified and for such purposes to issue bonds in any sum not exceeding $51,000. Said town is hereby authorized and empowered to construct, reconstruct, enlarge, extend, or improve its water-supply system and for such purpose to issue bonds in any sum not exceeding $32,000; to construct a retaining wall and to backfill behind same to make a permanent street, and for such purpose to issue bonds in any sum not exceeding $13,000; to construct, reconstruct, enlarge, extend, or improve sewers and for such purpose to issue bonds in any sum not exceeding $6,000.

Special election to authorize.

SEC. 2. Before said bonds shall be issued a special election shall be ordered by the common council of the said town of Wrangell, at which election the question of whether such bonds shall be issued in the amounts above specified for any or all of the purposes hereinbefore set forth shall be submitted to the qualified electors of said town of Wrangell whose names appear on the last assessment roll of said town for municipal taxation. The form of the ballot shall be such that the electors may vote for or against the issuance of bonds for each of the purposes herein specified in the amounts herein

authorized. Not less than twenty days' notice of such election shall be given by posting notices of the same in three conspicuous places within the corporate limits of the town of Wrangell, Alaska, one of which shall be at the front door of the United States post office. The registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued for any or all of the purposes herein authorized only upon condition that not less than a majority of the votes cast at such election in said town shall be in favor of the issuance of said bonds for such purpose.

Notice to be posted.

Conduct of election.

SEC. 3. Such bonds shall be coupon in form, may bear such date or dates, may be in such denomination or denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable in such medium of payment and at such place or places, may be sold at either public or private sale, may be redeemable, with or without premium, or nonredeemable, may carry such registration privileges as to either principal and interest, principal only, or both, as shall be prescribed by the common council of said town of Wrangell at the time such bonds are authorized to be issued. The bonds shall bear the signatures of the mayor and clerk of the town of Wrangell, and shall have impressed thereon the official seal of said town. In case any of the officers whose signatures or countersignatures appear on the bonds shall cease to be such officers before delivery of such bonds, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Said bonds shall bear interest at a rate to be fixed by the common council of the said town of Wrangell, not to exceed 6 per centum per annum, payable semiannually, and the bonds shall be sold at not less than the principal amount thereof plus accrued interest.

Form, etc., of bonds.

Validity of signatures.

Interest rate.

SEC. 4. The bonds, herein authorized to be issued shall be general obligations of said town of Wrangell, payable as to both interest and principal from ad valorem taxes which shall be levied upon all the taxable property within the corporate limits of said town of Wrangell in an amount sufficient to pay the interest on and principal of such bonds as and when the same become due and payable. Such of the bonds as may be issued to construct, reconstruct, enlarge, extend, or improve the water-supply system of said town of Wrangell may, if so provided by the common council of said town of Wrangell, be additionally secured by a direct pledge of all or any part of the revenues of said water-supply system and any subsequent additions or extensions thereto, remaining after provision for the payment of the reasonable costs of operation and maintenance of said system and the cost of such repairs, improvements, and betterments thereto as shall be necessary to keep the same at all times in good repair and working order.

Bonds deemed municipal obligations.

SEC. 5. No part of the funds arising from the sale of said bonds shall be used for any purpose or purposes other than those specified in this Act. Said bonds shall be sold only when and in such amounts as the common council of the town of Wrangell shall direct, and the proceeds thereof shall be disbursed for the purposes hereinbefore mentioned and under the orders and directions of said common council from time to time as the same may be required for said purposes.

Use of funds restricted.

Sale limitations.

SEC. 6. The town of Wrangell is hereby authorized to enter into contracts with the United States of America or any agency or instrumentality thereof, under the provisions of the National

Contracts authorized with United States, for bond sale.

Ante, p. 200.

Industrial Recovery Act and Acts amendatory thereof and Acts supplemental thereto, and revisions thereof, and the regulations made in pursuance thereof, and under any further Acts of the Congress of the United States to encourage public works, for the sale of bonds issued in accordance with provisions of this Act or for the acceptance of a grant of money to aid said town in financing any public works herein authorized; or to enter into contracts with any person or corporation, public or private, for the sale of such bonds; and such contracts may contain such terms and conditions as may be agreed upon by and between the common council of said town of Wrangell and the United States of America or any agency or instrumentality thereof or any such purchaser.

Approved, April 25, 1934.

[CHAPTER 165.]

AN ACT

April 26, 1934.
[H.R. 8471.]
[Public, No. 176.]

Making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1935, and for other purposes.

War Department appropriations, fiscal year 1935.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1935, and for other purposes, namely:

Military, etc., activities.

TITLE I—MILITARY ACTIVITIES AND OTHER EXPENSES OF THE WAR DEPARTMENT INCIDENT THERETO

Department salaries.

SALARIES, WAR DEPARTMENT

Personal services.

For compensation for personal services in the District of Columbia, as follows:

Secretary, Assistants, and other personal services.

Office of Secretary of War: Secretary of War, two Assistant Secretaries of War, and other personal services, $256,611: *Provided*, That no field-service appropriation shall be available for personal services in the War Department except as may be expressly authorized herein.

Use of field service funds restricted.

Designated offices.

Office of Chief of Staff, $196,609.

Adjutant General's office, $1,221,777.

For personal services in and without the District of Columbia, to be employed exclusively in assembling, classifying, and indexing the military personnel records of the World War, and for the purchase of necessary supplies and materials used in such work, $86,340.

Office of the Inspector General, $24,005.

Office of the Judge Advocate General, $95,095.

Office of the Chief of Finance, $325,877.

Office of the Quartermaster General, $697,739.

Office of the Chief Signal Officer, $91,523.

Office of the Chief of Air Corps, $195,340.

Office of the Surgeon General, $240,763.

Office of Chief of Bureau of Insular Affairs, $72,035.

Proviso.
Draftsmen, etc., payable from other appropriations.

Office of Chief of Engineers, $108,296: *Provided*, That the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary may be employed only in the Office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors, surveys, and preparation for and the consideration of river and harbor estimates and bills, to be

paid from such appropriations: *Provided further*, That the expenditures on this account for the fiscal year 1935 shall not exceed $199,242; the Secretary of War shall each year, in the Budget, report to Congress the number of persons so employed, their duties, and the amount paid to each.

Expenditures limited.

Office of Chief of Ordnance, $377,037.

Office of Chief of Chemical Warfare Service, $45,312.

Office of Chief of Coast Artillery, $22,417.

National Guard Bureau, War Department, $127,604.

In all, salaries, War Department, $4,184,380: *Provided*, That the number of enlisted men on duty in the offices of the Chiefs of Ordnance, Engineers, Coast Artillery, Field Artillery, Cavalry, and Infantry on March 5, 1934, shall not be increased, and in lieu of enlisted men whose services in such offices shall be terminated for any cause prior to July 1, 1935, their places may be filled by civilians, for the pay of whom, in accordance with the Classification Act of 1923, as amended, subject to such reduction as may be required by other law, the appropriation "Pay, and so forth, of the Army", shall be available.

Proviso.
Detail of enlisted men not to be increased.

Civilians to fill vacancies.

Fund available.

In expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretaries of War, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Restriction on exceeding average salaries.
Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003.
U.S.C., p. 65; Supp. VII, p. 34.

Proviso.
Restriction not applicable to clerical-mechanical service.
No reduction in fixed salaries.
Vol. 42, p. 1490; U.S.C., p. 66.
Transfer to another position without reduction.
Higher salary rates allowed.
If only one position in a grade.

CONTINGENT EXPENSES, WAR DEPARTMENT

Department contingent expenses.

For stationery; purchase of professional and scientific books, law books, including their exchange; books of reference, pamphlets, periodicals, newspapers, maps; typewriting and adding machines, and other labor-saving devices, including their repair and exchange; furniture and repairs to same; carpets, linoleum, filing equipment, photo supplies, towels, ice, brooms, soap, sponges; for the purchase of a passenger-carrying automobile for the official use of the Secretary of War at not to exceed $2,500, including the value of a vehicle exchanged; maintenance, repair, and operation of motor trucks and one motor-propelled passenger-carrying vehicle, to be used only for official purposes; freight and express charges; street-car fares, not exceeding $750; postage to Postal Union countries; and other absolutely necessary expenses, $181,631, of which sum $8,000 shall be available exclusively for the several objects embraced by the appropriation contained in this Act entitled "Contingencies, Military Intelligence Division", and it shall not be lawful to expend, unless otherwise specifically provided herein, for any bureau, office, or

branch of the War Department or of the Army having or maintaining an office in the War Department proper, at Washington, District of Columbia, any sum out of appropriations contained in this Act (or accruing thereto) made for the Military Establishment for any of the purposes mentioned or authorized in this paragraph.

Printing and binding.

For printing and binding for the War Department, its bureaus and offices, and for all printing and binding for the field activities under the War Department, except such as may be authorized in accordance with existing law to be done elsewhere than at the Government Printing Office, $400,000: *Provided*, That the sum of $3,000, or so much thereof as may be necessary, may be used for the publication, from time to time, of bulletins prepared under the direction of the Surgeon General of the Army, for the instruction of medical officers, when approved by the Secretary of War, and not exceeding $69,827 shall be available for printing and binding under the direction of the Chief of Engineers.

Proviso.
Medical bulletins.

For Chief of Engineers.

Military activities.

MILITARY ACTIVITIES

CONTINGENCIES OF THE ARMY

Army contingencies.

For all emergencies and extraordinary expenses, including the employment of translators and exclusive of all other personal services in the War Department or any of its subordinate bureaus or offices in the District of Columbia, or in the Army at large, but impossible to be anticipated or classified, to be expended on the approval or authority of the Secretary of War, and for such purposes as he may deem proper, and for examination of estimates of appropriations and of military activities in the field, $11,650.

General Staff Corps.

GENERAL STAFF CORPS

Military Intelligence Division.

CONTINGENCIES, MILITARY INTELLIGENCE DIVISION

Contingent expenses.

For contingent expenses of the Military Intelligence Division, General Staff Corps, and of the military attachés at the United States embassies and legations abroad, including the purchase of law books, professional books of reference, and subscriptions to newspapers and periodicals; for the hire of interpreters, special agents, and guides, and for such other purposes as the Secretary of War may deem proper, including $5,000 for the actual and necessary expenses of officers of the Army on duty abroad for the purpose of observing operations of armies of foreign states at war, to be paid upon certificates of the Secretary of War that the expenditures were necessary for obtaining military information, $27,500, to be expended under the direction of the Secretary of War: *Provided*, That section 3648, Revised Statutes (U.S.C., title 31, sec. 529), shall not apply to payments made from appropriations contained in this Act in compliance with the laws of foreign countries or their ministerial regulations under which the military attachés are required to operate.

Observing operations of foreign armies.

Proviso.
Conditions waived.
R.S., sec. 3648, p. 718.
U.S.C., p. 1009.

Army War College.

ARMY WAR COLLEGE

Instruction expenses.

For expenses of the Army War College, being for the purchase of the necessary special stationery; textbooks, books of reference, scientific and professional papers, newspapers, and periodicals; maps; police utensils; employment of temporary, technical, or special services, and expenses of special lecturers; for the pay of employees; and all[1] for all other absolutely necessary expenses, $57,903.

Employees, etc.

[1] So in original.

ADJUTANT GENERAL'S DEPARTMENT

Adjutant General's Department.

COMMAND AND GENERAL STAFF SCHOOL, FORT LEAVENWORTH, KANSAS

Command and General Staff School, Fort Leavenworth, Kans.

For the purchase of textbooks, books of reference, scientific and professional papers, instruments, and material for instruction; employment of temporary technical, special, and clerical services; and for other necessary expenses of instruction, at the Command and General Staff School, Fort Leavenworth, Kansas, $32,809.

FIELD EXERCISES

Field exercises.

For all expenses required for the conduct of special field exercises, including participation therein by the National Guard and the Organized Reserves, comprising allowances for enlisted men for quarters and rations, movement of matériel, maintenance, and operation of structures and utilities, and any other requisite supplies and services, $156,375.

WELFARE OF ENLISTED MEN

Welfare of enlisted men.

Equipment, etc., of post exchange.

For the equipment and conduct of school, reading, lunch, and amusement rooms, service clubs, chapels, gymnasiums, and libraries, including periodicals and other publications and subscriptions for newspapers, salaries and travel of civilians employed in the hostess and library services, transportation of books and equipment for these services, rental of films, purchase of slides for and making repairs to moving-picture outfits, and for similar and other recreational purposes at training and mobilization camps now established or which may be hereafter established, $31,372.

TRAVEL, MILITARY AND CIVIL PERSONNEL

Travel, military and civil personnel.

For mileage, reimbursement of actual traveling expenses, or per diem allowance in lieu thereof, as authorized by law for official travel on military and nonmilitary duty under the War Department, to commissioned officers (including discharged officers to their homes), warrant officers, contract surgeons, and expert accountant, Inspector General's Department; for transportation of troops, Philippine Scouts, nurses, flying cadets, enlisted men (including discharged enlisted men to their homes or places of enlistment); for transportation of recruits and recruiting parties and of applicants for enlistment between recruiting stations and recruiting depots; and rejected applicants for enlistment; for transportation of dependents of officers, warrant officers, and enlisted men as provided by law; for transportation of general, paroled, escaped, and discharged prisoners and persons discharged from Saint Elizabeths Hospital after transfer thereto from the military service to their homes or elsewhere as they may elect, the cost in each case not to be greater than to the place of last enlistment; transportation of cadets and accepted cadets from their homes to the Military Academy and discharged cadets, including reimbursement of traveling expenses; for traveling expenses of civilian witnesses before courts-martial; for traveling expenses of attendants accompanying remains of military personnel and civilian employees; and for traveling expenses of civilian employees and other persons under the War Department authorized by law to travel on departmental, military, and nonmilitary duty, $2,522,897, and no other appropriation in this Act shall be available for any expense for or incident to travel of personnel of the Regular Army or civilian employees under the War Department, except the appropriation "Contingencies of the Army"

Dependents, etc.

Civilian employees, etc.

Restriction on use of funds.

and the appropriations for the National Guard, the Organized Reserves, the Reserve Officers' Training Corps, citizens' military training camps, the nonmilitary activities of the Corps of Engineers, and the Panama Canal, and except as may be provided for in the appropriation "Air Corps, Army": *Provided*, That no appropriation contained in this Act shall be available for the payment of passenger transportation at a rate in excess of the lowest through rate or combination of rates available for the type of transportation used.

Proviso.
Transportation rate.

Finance Department.

FINANCE DEPARTMENT

Pay, etc., of the Army.

PAY, AND SO FORTH, OF THE ARMY

Officers.

For pay of not to exceed an average of twelve thousand commissioned officers, $28,617,645, no part of which sum shall be available after September 30, 1934, for the pay of more than eleven thousand seven hundred and fifty commissioned officers whose original commissions are dated prior to June 1, 1934; pay of officers, National Guard, $100; pay of warrant officers, $1,336,407; aviation increase to commissioned and warrant officers of the Army not to exceed $1,579,410, none of which shall be available for increased pay for making aerial flights by nonflying officers above the grade of captain at a rate in excess of $1,440 per annum, which shall be the legal maximum rate as to such nonflying officers above the grade of captain; additional pay to officers for length of service, $7,039,844; pay of enlisted men of the line and staff, not including the Philippine Scouts, $45,946,153; pay of enlisted men of National Guard, $100; aviation increase to enlisted men of the Army, $457,904; pay of enlisted men of the Philippine Scouts, $945,401; additional pay for length of service to enlisted men, $3,453,300; pay of the officers on the retired list, $9,188,436; increased pay to not to exceed five retired officers on active duty, $5,775; pay of retired enlisted men, $11,610,000; pay of retired pay clerks, $1,519; pay not to exceed sixty civil-service messengers at not to exceed $1,200 each at headquarters of the several Territorial departments, corps areas, Army and corps headquarters, Territorial districts, tactical divisions and brigades, service schools, camps, and ports of embarkation and debarkation, $64,800; pay and allowances of contract surgeons, $46,148; pay of nurses, $759,204; pay of hospital matrons, $540; rental allowances, including allowances for quarters for enlisted men on duty where public quarters are not available, $5,386,786: *Provided*, That during the fiscal year ending June 30, 1935, no rental allowance shall accrue to any officer of the Government in consequence of the provisions found in section 10, title 37, United States Code, while occupying quarters at his permanent station not under the jurisdiction of the service in which serving but which belong to the Government of the United States, or to a corporation the majority of the stock of which is owned by the United States, in excess of the rental rate charged for such quarters on March 5, 1934; subsistence allowances, $5,290,521; interest on soldiers' deposits, $30,000; payment of exchange by officers serving in foreign countries, and when specially authorized by the Secretary of War, by officers disbursing funds pertaining to the War Department, when serving in Alaska, and all foreign money received shall be charged to and paid out by disbursing officers of the Army at the legal valuation fixed by the Secretary of the Treasury, $100; in all, $121,760,093, less $285,000 to be supplied by the Secretary of War for this purpose from funds received during the fiscal year 1935 from the purchase by enlisted men of the Army of

Limitation.

National Guard.

Aviation increase.

Flights by nonflying officers.

Longevity.

Enlisted men.

Aviation increase.

Retired officers, etc.

Civil service messengers at headquarters.

Contract surgeons, nurses, etc.

Rental allowances.

Proviso.
No allowance, occupying quarters at permanent station.

U.S.C., p. 1187.

Subsistence allowances.

Loss by exchange.

Deducting sums from purchase of discharges.

their discharges, $121,475,093; and the money herein appropriated for "Pay, and so forth, of the Army" shall be accounted for as one fund except that no amount in this paragraph specifically limited may be increased: *Provided*, That no part of this appropriation shall be available to pay any officer detailed as a military aide to any civil officer of the United States outside of the War Department except the President: *Provided further*, That no appropriation contained in this Act shall be available for or on account of the maintenance of more than thirty-two military attachés: *Provided further*, That no appropriation contained in this Act shall be available for or on account of the maintenance of more than eighty-three bands: *Provided further*, That during the fiscal year ending June 30, 1935, no officer of the Army shall be entitled to receive an addition to his pay in consequence of the provisions of the Act approved May 11, 1908 (U.S.C., title 10, sec. 803), or of section 1261 of the Revised Statutes (U.S.C., title 10, sec. 692).

Accounted for, as one fund.

Provisos.
Detail as military aide restricted.

Number of military attachés limited.

Maximum number of bands.

No addition for furnishing mounts or service as aide.
Vol. 35, p. 108.
R.S., sec. 1261, p. 220; U.S.C., pp. 196, 198.

None of the money appropriated in this Act shall be used to pay any officer on the retired list of the Army who for himself or for others engages in the selling, contracting for the sale of, negotiating for the sale of, or furnishing to the Army or the War Department any supplies, materials, equipment, lands, buildings, plants, vessels, or munitions. None of the money appropriated in this Act shall be paid to any officer on the retired list of the Army who, having been retired before reaching the age of sixty-four, is employed in the United States or its possessions by any individual, partnership, corporation, or association regularly or frequently engaged in making direct sales of any merchandise or material to the War Department or the Army.

Pay forbidden to a retired officer selling supplies to Army.

To officer retired before 64, employed by parties making sales to Department.

No appropriation for the pay of the Army shall be available for the pay of any officer or enlisted man on active list of the Army who is engaged in any manner with any publication which is or may be issued by or for any branch or organization of the Army or military association in which officers or enlisted men have membership and which carries paid advertising of firms doing business with the War Department: *Provided, however*, That nothing herein contained shall be construed to prohibit officers from writing or disseminating articles in accordance with regulations issued by the Secretary of War.

Engaged in issuing certain service publications.

Proviso.
Exemption.

EXPENSES OF COURTS-MARTIAL

For expenses of courts-martial, courts of inquiry, military commissions, retiring boards, and compensation of reporters and witnesses attending same, contract stenographic reporting services, and expenses of taking depositions and securing other evidence for use before the same, $55,000.

Courts-martial, etc.

APPREHENSION OF DESERTERS, AND SO FORTH

Deserters, etc., apprehension of.

For the apprehension, securing, and delivering of soldiers absent without leave and of deserters, including escaped military prisoners, and the expenses incident to their pursuit; and no greater sum than $25 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of $10 to prisoner discharged otherwise than honorably upon his release from confinement under court-martial sentence involving dishonorable discharge, $20,000.

Finance Service.

FINANCE SERVICE

Pay of clerks, etc. Vol. 46, p. 818. U.S.C., Supp. VII, p. 20.

For compensation of clerks and other employees of the Finance Department, including not to exceed $450 for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U.S.C., Supp. VI, title 5, sec. 118a), $966,114.

Private property damages.

CLAIMS FOR DAMAGES TO AND LOSS OF PRIVATE PROPERTY

Payment of claims.

For payment of claims not exceeding $500 each in amount for damages to or loss of private property incident to the training, practice, operation, or maintenance of the Army that have accrued, or may hereafter accrue, from time to time, $10,000: *Provided*, That settlement of such claims shall be made by the General Accounting Office, upon the approval and recommendation of the Secretary of War, where the amount of damages has been ascertained by the War Department, and payment thereof will be accepted by the owners of the property in full satisfaction of such damages.

Proviso. Settlement by General Accounting Office.

Destruction of private property of officers, etc.

CLAIMS OF OFFICERS, ENLISTED MEN, AND NURSES OF THE ARMY FOR DESTRUCTION OF PRIVATE PROPERTY

Payment of claims for.

For the payment of claims of officers, enlisted men, and nurses of the Army for private property lost, destroyed, captured, abandoned, or damaged in the military services of the United States, under the provisions of an Act approved March 4, 1921 (U.S.C., title 31, secs. 218–222), $15,000.

Vol. 41, p. 1436. U.S.C., p. 989.

Quartermaster Corps.

QUARTERMASTER CORPS

Subsistence. Purchase of supplies, for issue as rations.

Subsistence of the Army: Purchase of subsistence supplies: For issue as rations to troops, including retired enlisted men when ordered to active duty, civil employees when entitled thereto, hospital matrons, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made), Indians employed by the Army as guides and scouts, and general prisoners at posts; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army Transport Service; hot coffee for troops traveling when supplied with cooked or travel rations; meals for recruiting parties and applicants for enlistment while under observation; for sales to officers, including members of the Officers' Reserve Corps while on active duty, and enlisted men of the Army. For payments: Of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, enlisted men when stationed at places where rations in kind cannot be economically issued, including retired enlisted men when ordered to active duty and when traveling on detached duty where it is impracticable to carry rations of any kind, enlisted men selected to contest for places or prizes in department and Army rifle competitions when traveling to and from places of contest, applicants for enlistment, and general prisoners while traveling under orders. For payment of the regulation allowances of commutation in lieu of rations for enlisted men, applicants for enlistment while held under observation, civilian employees who are entitled to subsistence at public expense, and general prisoners while sick in hospitals, to be paid to the surgeon in charge; advertising; for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such

Sales to officers, etc.

Payments. Commutation allowances.

Advertising. Prizes for bakers and cooks.

prizes at the various schools not to exceed $900 per annum; and for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; in all, $16,000,000: *Provided*, That none of the money appropriated in this Act shall be used for the purchase of oleomargarine or butter substitutes for other than cooking purposes, except to supply an expressed preference therefor or for use where climatic or other conditions render the use of butter impracticable.

Subsistence supplies.

Proviso. Oleomargarine restriction.

Regular supplies of the Army: Regular supplies of the Quartermaster Corps, including their care and protection; stoves required for the use of the Army for heating offices, hospitals, barracks, and quarters, and recruiting stations, and United States disciplinary barracks; also ranges, stoves, coffee roasters, and appliances for cooking and serving food at posts in the field and when traveling, and repair and maintenance of such heating and cooking appliances; authorized issues of candles and matches; for post bakery and bake-oven equipment and apparatus; for ice for issue to organizations of enlisted men and offices at such places as the Secretary of War may determine, and for preservation of stores; authorized issues of soap, toilet paper, and towels; for the necessary furniture, textbooks, paper, and equipment for the post schools and libraries, and for schools for noncommissioned officers; for the purchase and issue of instruments, office furniture, stationery, and other authorized articles for the use of officers' schools at the several military posts; for purchase of commercial newspapers, market reports, and so forth; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; for forage, salt, and vinegar for the horses, mules, oxen, and other draft and riding animals of the Quartermaster Corps at the several posts and stations and with the armies in the field, for the horses of the several regiments of Cavalry and batteries of Artillery and such companies of Infantry and Scouts as may be mounted, and for remounts and for the authorized number of officers' horses, including bedding for the animals; for seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian, Philippine, and Panama Canal Departments, and for labor and expenses incident thereto, including, when specifically authorized by the Secretary of War, the cost of irrigation; for the purchase of implements and hire of labor for harvesting hay on military reservations; for straw for soldiers' bedding, stationery, typewriters and exchange of same, including blank books and blank forms for the Army, certificates for discharged soldiers, and for printing department orders and reports, $2,576,880.

Regular quartermaster supplies.

Bakeries, ice, etc.

Furniture, school supplies, etc.

Forage, etc.

Stationery, etc.

Clothing and equipage: For cloth, woolens, materials, and for the purchase and manufacture of clothing for the Army, including retired enlisted men when ordered to active duty, for issue and for sale; for payment of commutation of clothing due to warrant officers of the mine planter service and to enlisted men; for altering and fitting clothing and washing and cleaning when necessary; for operation of laundries, existing or now under construction, including purchase and repair of laundry machinery therefor; for the authorized issues of laundry materials for use of general prisoners confined at military posts without pay or allowances, and for applicants for enlistment while held under observation; for equipment and repair of equipment of existing dry-cleaning plants, salvage and sorting storehouses, hat repairing shops, shoe repair shops, clothing repair shops, and garbage reduction works; for equipage, including authorized issues of toilet articles, barbers' and tailors' material, for use of general prisoners confined at military posts without pay or allow-

Clothing, etc. Purchase, manufacture, etc.

Laundries, etc.

Equipage, toilet kits, etc.

ances and applicants for enlistment while held under observation; issue of toilet kits to recruits upon their first enlistment, and issue of housewives to the Army; for expenses of packing and handling and similar necessaries; for a suit of citizen's outer clothing and when necessary an overcoat, the cost of all not to exceed $30, to be issued to each soldier discharged otherwise than honorably, to each enlisted man convicted by civil court for an offense resulting in confinement in a penitentiary or other civil prison, and to each enlisted man ordered interned by reason of the fact that he is an alien enemy, or, for the same reason, discharged without internment; for indemnity to officers and men of the Army for clothing and bedding, and so forth, destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, $4,207,112, of which amount not exceeding $60,000 shall be available immediately for the procurement and transportation of fuel for the service of the fiscal year 1935.

Citizen's outer clothing.

Indemnity for destroyed clothing, etc.

Fuel.

Incidental expenses.

Incidental expenses of the Army: Postage; hire of laborers in the Quartermaster Corps, including the care of officers' mounts when the same are furnished by the Government; compensation of clerks and other employees of the Quartermaster Corps, including not to exceed $9,325 in the aggregate or $450 for any one person for allowances for living quarters, including heat, fuel, and light, as authorized by the Act of June 26, 1930 (U.S.C., Supp. VI, title 5, sec. 118a), and clerks, foremen, watchmen, and organist for the United States Disciplinary Barracks, and incidental expenses of recruiting; for the operation of coffee-roasting plants; for tests and experimental and development work and scientific research to be performed by the Bureau of Standards for the Quartermaster Corps; for inspection service and instruction furnished by the Department of Agriculture which may be transferred in advance; for such additional expenditures as are necessary and authorized by law in the movements and operation of the Army and at military posts, and not expressly assigned to any other departments, $3,218,307: *Provided*, That no appropriation contained in this Act shall be available for any expense incident to the employment of an average number of officers, enlisted men, or civilian employees greater than the largest number employed during the fiscal year ended June 30, 1929, in connection with work incident to the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to war-time needs.

Civilian personnel.

Living quarters.

Vol. 46, p. 818. U.S.C., Supp. VII, p. 20.

Recruiting.

Tests, etc.

Inspection service.

Proviso.
Average number employed.

Transportation of troops and supplies.

Army transportation: For transportation of Army supplies; of authorized baggage, including packing and crating; of horse equipment; and of funds for the Army; for the purchase or construction, not to exceed $10,000, alteration, operation, and repair of boats and other vessels; for wharfage, tolls, and ferriage; for drayage and cartage; for the purchase, manufacture (including both material and labor), maintenance, hire, and repair of pack saddles and harness; for the purchase, hire, operation, maintenance, and repair of wagons, carts, drays, other vehicles, and horse-drawn and motor-propelled passenger-carrying vehicles required for the transportation of troops and supplies and for official military and garrison purposes, maintenance and repair expenditures on motor-propelled vehicles not to exceed $461,812, exclusive of labor; for hire of draft and pack animals; for travel allowances to officers of National Guard on discharge from Federal service as prescribed in the Act of March 2, 1901 (U.S.C., title 10, sec. 751), and to enlisted men of National Guard on discharge from Federal service, as prescribed in amendatory Act of September 22, 1922 (U.S.C., title 10, sec. 752), and to

Drayage, etc.

Vehicles.

Travel allowances, National Guard.

Vol. 31, p. 902; Vol. 42, p. 1021. U.S.C., p. 197.

members of the National Guard who have been mustered into Federal service and discharged on account of physical disability; in all, $7,702,359, of which amount not exceeding $250,000 shall be available immediately for the procurement and transportation of fuel for the service of the fiscal year 1935: *Provided*, That no part of this appropriation shall be available for the purchase or exchange of motor-propelled passenger-carrying vehicles except that completely assembled and equipped motor-propelled trucks, including station wagon types, to cost not to exceed $750 each, including the value of any vehicle exchanged, may be purchased out of savings that would accrue to this appropriation and to other appropriations for the fiscal year 1935 under the Quartermaster Corps, and to the appropriation "Travel, Military and Civil Personnel", from a lessened expense on account of the maintenance of animals, for or on account of the purchase, maintenance, and operation of animal-drawn equipment, or for or on account of rail transportation of persons and materials, owing to the employment of such vehicles: *Provided further*, That, effective January 1, 1935, no appropriation contained in this Act shall be available for any expense of any character, other than as may be incident to salvaging or scrapping, on account of any motor-propelled vehicle procured prior to January 1, 1920, except tractors, ambulances, fire trucks, and vehicles now in use by Reserve Officers' Training Corps units: *Provided further*, That no appropriation contained in this Act shall be available for any expense for or incident to the transportation of privately owned automobiles except on account of the return to the United States of such privately owned automobiles as may have been transported to points outside of the continental limits of the United States at public expense prior to July 14, 1932: *Provided further*, That during the fiscal year 1935 the cost of transportation from point of origin to the first point of storage or consumption of supplies, equipment, and material in connection with the manufacturing and purchasing activities of the Quartermaster Corps may be charged to the appropriations from which such supplies, equipment, and material are procured.

Fuel.

Provisos.
Purchase of motor vehicles restricted.

Not available except for salvaging, etc.

Exceptions.

Transporting private cars at public expense restricted.

Transportation costs charged to appropriation from which supplies procured.

HORSES, DRAFT AND PACK ANIMALS

Horses, etc.

Purchase, etc.

For the purchase of draft and pack animals and horses within limits as to age, sex, and size to be prescribed by the Secretary of War for remounts for officers entitled to public mounts, for the United States Military Academy, and for such organizations and members of the military service as may be required to be mounted, and for all expenses incident to such purchases (including $69,789 for encouragement of the breeding of riding horses suitable for the Army, in cooperation with the Bureau of Animal Industry, Department of Agriculture, including the purchase of animals for breeding purposes and their maintenance), $219,789.

Encouraging breeding of riding horses.

BARRACKS AND QUARTERS AND OTHER BUILDINGS AND UTILITIES

Barracks, quarters, etc.

All expenses for construction, maintenance, etc.

For all expenses incident to the construction, installation, operation, and maintenance of buildings, utilities, appurtenances, and accessories necessary for the shelter, protection, and accommodation of the Army and its personnel and property, where not specifically provided for in other appropriations, including personal services, purchase and repair of furniture for quarters for officers, warrant officers, and noncommissioned officers, and officers' messes and wall lockers and refrigerators for Government-owned buildings as may be approved by the Secretary of War, care and improvement of

Rentals.

grounds, flooring and framing for tents, rental of buildings, including not to exceed $900 in the District of Columbia, provided space is not available in Government-owned buildings, and grounds for military purposes and lodgings for recruits and applicants for enlistments, water supply, sewer and fire-alarm systems, fire apparatus, roads, walks, wharves, drainage, dredging channels, purchase of water, disposal of sewage, shooting galleries, ranges for small-arms target practice, field, mobile, and railway artillery practice, including flour for paste for marking targets, such ranges and galleries to be open as far as practicable to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War, for furnishing heat and light for the authorized allowance of quarters for officers, enlisted men, and warrant officers, including retired enlisted men when ordered to active duty, contract surgeons when stationed at and occupying public quarters at military posts, officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, the buildings erected at private cost, in the operation of the Act approved May 31, 1902 (U.S.C., title 10, sec. 1346), and buildings for a similar purpose on military reservations authorized by War Department regulations; for sale of fuel to officers; fuel and engine supplies required in the operation of modern batteries at established posts, $9,155,695, and $2,500,000 of this appropriation shall be available immediately for the procurement and transportation of fuel for the service of the fiscal year 1935: *Provided*, That not more than $16,000 of the appropriations contained in this Act shall be available for rent of offices outside the District of Columbia in connection with work incident to the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to war-time needs: *Provided further*, That this appropriation shall be available for the rental of offices, garages, and stables for military attachés: *Provided further*, That no part of the funds herein appropriated shall be available for construction of a permanent nature of an additional building or an extension or addition to an existing building, the cost of which in any case exceeds $20,000: *Provided further*, That the monthly rental rate to be paid out of this appropriation for stabling any animal shall not exceed $10.

Water, roads, etc.

Target practice, etc.

Heat and light for quarters, etc.

Recreation buildings. Vol. 32, p. 282. U.S.C., p. 219.

Fuel.

Provisos.
Rent outside District.

Rentals for military attachés.

Limitation on additional construction.

Stable rent.

Fort Monroe, Va.

SEWERAGE SYSTEM, FORT MONROE, VIRGINIA

Wharf, etc.

For repair and maintenance of wharf and apron of wharf, including all necessary labor and material therefor, fuel for waiting rooms; water, brooms, and shovels, $20,280; for one third of said sum, to be supplied by the United States, $6,760.

Roads, etc.

For rakes, shovels, and brooms; repairs to roadway, pavements, macadam, and asphalt block; repairs to street crossings; repairs to street drains, and labor for cleaning roads, $8,469; for two thirds of said sum, to be supplied by the United States, $5,646.

Sewers, supplies.

For waste, oil, motor and pump repairs, sewer pipe, cement, brick, stone, supplies, and personal services, $6,690; for two thirds of said sum, to be supplied by the United States, $4,460.

Hospitals.

CONSTRUCTION AND REPAIR OF HOSPITALS

Construction, repair, etc.

For construction and repair of hospitals at military posts already established and occupied, including all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Arkansas, and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the

requirements of increased garrisons, and for temporary hospitals in standing camps and cantonments; for the alteration of permanent buildings at posts for use as hospitals, construction and repair of temporary hospital buildings at permanent posts, construction and repair of temporary general hospitals, rental or purchase of grounds, and rental and alteration of buildings for use for hospital purposes in the District of Columbia and elsewhere, including necessary temporary quarters for hospital personnel, outbuildings, heating and laundry apparatus, plumbing, water and sewers, and electric work, cooking apparatus, and roads and walks for the same, $429,521.

Temporary camp hospitals, etc.

SIGNAL CORPS

Signal Corps.

SIGNAL SERVICE OF THE ARMY

Signal Service.

Telegraph and telephone systems: Purchase, equipment, operation, and repair of military telegraph, telephone, radio, cable, and signaling systems; signal equipment and stores, heliographs, signal lanterns, flags, and other necessary instruments; wind vanes, barometers, anemometers, thermometers, and other meteorological instruments; photographic and cinematographic work performed for the Army by the Signal Corps; motorcycles, motor-driven and other vehicles for technical and official purposes in connection with the construction, operation, and maintenance of communication or signaling systems, and supplies for their operation and maintenance; professional and scientific books of reference, pamphlets, periodicals, newspapers, and maps for use of the Signal Corps and in the office of the Chief Signal Officer; telephone apparatus, including rental and payment for commercial, exchange, message, trunk-line, long-distance, and leased-line telephone service at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, excepting the local telephone service for the various bureaus of the War Department in the District of Columbia, and toll messages pertaining to the office of the Secretary of War; electric time service; the rental of commercial telegraph lines and equipment, and their operation at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, including payment for official individual telegraph messages transmitted over commercial lines; electrical installations and maintenance thereof at military posts, cantonments, camps, and stations of the Army, fire control, and direction apparatus, and material for Field Artillery; salaries of civilian employees, including those necessary as instructors at vocational schools; supplies, general repairs, reserve supplies, and other expenses connected with the collecting and transmitting of information for the Army by telegraph or otherwise; experimental investigation, research, purchase, and development or improvements in apparatus, and maintenance of signaling and accessories thereto, including patent rights and other rights thereto, including machines, instruments, and other equipment for laboratory and repair purposes; lease, alteration, and repair of such buildings required for storing or guarding Signal Corps supplies, equipment, and personnel when not otherwise provided for, including the land therefor, the introduction of water, electric light and power, sewerage, grading, roads and walks, and other equipment required, $1,948,997, of which amount not to exceed $255,796 shall be available immediately and not to exceed $45,000 shall be available exclusively for experimental investigation of the micro-ray.

Telegraph and telephone systems. Purchase, operation, etc.

Local exemption.

Electrical installations.

Civilian employees.

Experimental research, etc.

Micro-ray investigations.

Air Corps.

AIR CORPS

AIR CORPS, ARMY

Designated purposes. For creating, maintaining, and operating at established flying schools and balloon schools courses of instruction for officers, students, and enlisted men, including cost of equipment and supplies necessary for instruction, purchase of tools, equipment, materials, machines, textbooks, books of reference, scientific and professional papers, instruments, and materials for theoretical and practical

Aircraft operation, etc. instruction; for maintenance, repair, storage, and operation of airships, war balloons and other aerial machines, including instruments, materials, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts

Landing, etc., runways. and equipment connected therewith and the establishment of landing and take-off runways; for purchase of supplies for securing, developing, printing, and reproducing photographs in connection with aerial photography; improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and introducing water, electric light and power, gas, and sewerage, including maintenance, operation, and repair of such utilities at such plants;

Helium gas. for the procurement of helium gas; for travel of officers of the Air Corps by air in connection with the administration of this appropriation, including the transportation of new aircraft from factory

Civilian employees. to first destination; salaries and wages of civilian employees as may be necessary; transportation of materials in connection with consolidation of Air Corps activities; experimental investigations and pur-

Purchase, development, etc., of aircraft. chase and development of new types of airplanes, helicopters and balloons, accessories thereto, and aviation engines, including plans, drawings, and specifications thereof, and the purchase of letters patent, application for letters patent, licenses under letters patent and applications for letters patent; for the purchase, manufacture, and

Balloons. construction of airplanes and balloons, including instruments and appliances of every sort and description necessary for the operation, construction (airplanes and balloons), or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith, and during the fiscal year 1935, subject to the approval of the Chief of the Air Corps, transfers may be made from this appropriation to the appropriations contained in this Act, entitled "Signal Service of the Army" and "Ordnance Service and Supplies, Army," for the procurement of aircraft radio equipment and air-

Marking military airways. craft armament, respectively; for the marking of military airways where the purchase of land is not involved; for the purchase, manu-

Special clothing, etc. facture, and issue of special clothing, wearing apparel, and similar equipment for aviation purposes; for all necessary expenses connected with the sale or disposal of surplus or obsolete aeronautical equipment, and the rental of buildings, and other facilities

Consulting engineers. for the handling or storage of such equipment; for the services of not more than four consulting engineers at experimental stations of the Air Corps as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed $50 a day for not exceeding fifty days each and necessary traveling expenses; purchase of special apparatus and appliances, repairs and replacements of same used in connection with special scientific medical research in the Air

Outside printing plants, etc. Corps; for maintenance and operation of such Air Corps printing plants outside of the District of Columbia as may be authorized in accordance with law; for publications, station libraries, special furniture, supplies and equipment for offices, shops, and laboratories; for special services, including the salvaging of wrecked aircraft,

$22,396,453: *Provided*, That from the amount herein appropriated and the amount herein authorized for obligation not to exceed $3,150,206 may be expended for pay of civilian employees other than those employed in experimental and research work; not exceeding $10,000 may be expended for the procurement of helium from the Bureau of Mines, of which sum such amounts as may be required may be transferred in advance to that Bureau; not exceeding $3,848,824 may be expended for experimental and research work with airplanes or balloons and their equipment, including the pay of necessary civilian employees; not less than $8,486,600, which shall be available immediately, shall be expended for the production or purchase of new airplanes and their equipment, and accessories, of which $6,365,100 shall be available exclusively for combat airplanes, their equipment and accessories; not less than $8,091,089 shall be expended, other than for pay of civilian employees, for aviation fuel and oil and for the repair and maintenance of airplanes and their equipment, spare parts, and accessories, and of such sum not exceeding $155,582, for expenditure for like objects, shall be transferred to the National Guard subappropriation contained in this Act, entitled "Arms, Uniforms, Equipment, and so forth, for Field Service, National Guard", on account of seventy-six airplanes of the observation type, which shall be transferred from the Regular Army to the National Guard during the fiscal year 1935; and not more than $6,000 may be expended for settlement of claims (not exceeding $250 each) for damages to persons and private property resulting from the operation of aircraft at home and abroad when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Chief of Air Corps and the Secretary of War: *Provided further*, That in addition to the amounts herein provided for the procurement of new airplanes and for the procurement of equipment, spare parts, and accessories for airplanes, the Chief of the Air Corps when authorized by the Secretary of War, may enter into contracts prior to July 1, 1935, for the procurement of new airplanes and for the procurement of equipment, spare parts, and accessories for airplanes to an amount not in excess of $3,000,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof: *Provided further*, That the sum of $101,560 of the appropriation for Air Corps, Army, fiscal year 1932, shall remain available until June 30, 1935, for the payment of obligations incurred under contracts executed prior to July 1, 1932.

Provisos.
Designated allotments.
Civilian employees.
Procurement of helium.
Ante, p. 564.
Experimental and research work.
New airplanes, etc.
Fuel and oil, repairs, etc.
Transfer of funds to National Guard.
Settlement of claims.
Contracts authorized for purchase of airplanes, etc.
Sums for incurred obligations.

For an additional amount for the improvement, development, and augmentation of aviation matériel, and for the training of military aviation personnel, to be immediately available, $5,000,000, of which not less than $3,000,000 shall be expended for the procurement of airplanes and their equipment, spare parts, and accessories for the Regular Army and the National Guard; not to exceed $1,000,000 shall be expended for aviation fuel and oil and for the repair and maintenance of airplanes and their equipment and accessories for the training of military aviation pilots; and not to exceed $1,000,000 shall be available for expenditure in the discretion and under the direction of the President, as follows: For airplane accessories for the Regular Army and National Guard; for the investigation and development of a national aviation program, including the employment of personal services without regard to the Classification Act of 1923, as amended, and all other necessary expenses incident thereto; for the encouragement of development of types of airplanes, airplane engines, and aviation equipment, including the

Additional sums for improvement, etc., of military aviation matériel, etc.
Aviation fuel and oil, repairs, etc.
Other designated expenditures.
Personal services, without regard to Classification Act.
U.S.C., p. 65; Supp. VII, p. 34.

Technical, etc., information.

granting of awards; for compensation (not exceeding $10,000) for information to be obtained from an authoritative source in such form and manner as the President may desire as to geographic, meteorologic and weather conditions in northern latitudes, and for such other purposes related to civil and military aviation as the President may deem proper.

Medical Department.

MEDICAL DEPARTMENT

ARMY

MEDICAL AND HOSPITAL DEPARTMENT

Supplies.

For the manufacture and purchase of medical and hospital supplies, including disinfectants, for military posts, camps, hospitals, hospital ships and transports, for laundry work for enlisted men and Army nurses while patients in a hospital, and supplies required for mosquito destruction in and about military posts in the Canal Zone; for the purchase of veterinary supplies and hire of veterinary surgeons; for expenses of medical supply depots; for medical care

Private treatment.

and treatment not otherwise provided for, including care and subsistence in private hospitals of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when

Proviso.
Not applicable, if on furlough.

entitled thereto by law, regulation, or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for

Contagious, etc., diseases, expenses.

the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for for bedding and clothing injured or

Insane Filipino soldiers.
Vol. 35, p. 122.
U.S.C., p. 681.

destroyed in such prevention; for the care of insane Filipino soldiers in conformity with the Act of Congress approved May 11, 1908, (U.S.C., title 24, sec. 198); for the pay of male and female nurses, not including the Army Nurse Corps, and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignments, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers

Transporting supplies, etc.

employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking

Hot Springs, Ark., hospital.

to the enlisted force of the Medical Department; for the supply of Army and Navy Hospital at Hot Springs, Arkansas; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, $1,105,038.

Canal Zone.

HOSPITAL CARE, CANAL ZONE GARRISONS

Care of troops at hospitals in.

For paying the Panama Canal such reasonable charges, exclusive of subsistence, as may be approved by the Secretary of War for caring in its hospitals for officers, enlisted men, military prisoners, and

Proviso.
Subsistence payments.

civilian employees of the Army admitted thereto upon the request of proper military authority, $40,000: *Provided*, That the subsistence of the said patients, except commissioned officers, shall be paid to said hospitals out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals.

ARMY MEDICAL MUSEUM

Army Medical Museum.

For Army Medical Museum, preservation of specimens, and the preparation and purchase of new specimens, $6,232.

Preservation, etc., of specimens.

LIBRARY, SURGEON GENERAL'S OFFICE

Library.

For the library of the Surgeon General's office, including the purchase of the necessary books of reference and periodicals, $14,300.

Purchase of books, etc.

CORPS OF ENGINEERS

Engineer Corps.

ENGINEER SERVICE, ARMY

For the design, development, procurement, maintenance, alteration, repair, installation, storage, and issue of engineer equipment, instruments, appliances, supplies, materials, tools, and machinery required in the equipment and training of troops and in military operations, including military surveys and the Engineer School; for the operation and maintenance of the Engineer School, including (a) compensation of civilian lecturers, and (b) purchase and binding of scientific and professional books, pamphlets, papers, and periodicals; for the procurement, preparation, and reproduction of maps and similar data for military purposes; for expenses incident to the Engineer service in military operations, including military surveys, and including (a) research and development of improved methods in such operations, (b) the rental of storehouses and grounds within and outside of the District of Columbia, and (c) repair and alteration of buildings; for heat, light, power, water, and communication service, not otherwise provided for; and for the compensation of employees required in these activities, $332,988.

Equipment, instruments, etc.

Engineer School. Maintenance, etc.

Military maps.

Rent.

Operating, etc., expenses.

ORDNANCE DEPARTMENT

Ordnance Department.

ORDNANCE SERVICE AND SUPPLIES, ARMY

Ordnance service and supplies.

For manufacture, procurement, storage and issue, including research, planning, design, development, inspection, test, alteration, maintenance, repair, and handling of ordnance material together with the machinery, supplies, and services necessary thereto; for supplies and services in connection with the general work of the Ordnance Department, comprising police and office duties, rents, tolls, fuel, light, water, advertising, stationery, typewriting, and computing machines, including their exchange, and furniture, tools, and instruments of service; to provide for training and other incidental expenses of the ordnance service; for instruction purposes, other than tuition; for the purchase, completely equipped, of trucks, and for maintenance, repair, and operation of motor-propelled and horse-drawn freight and passenger-carrying vehicles; for ammunition for military salutes at Government establishments and institutions to which the issues of arms for salutes are authorized; for services, material, tools, and appliances for operation of the testing machines and chemical laboratory in connection therewith; for publications for libraries of the Ordnance Department, including the Ordnance Office, including subscriptions to periodicals; for services of not more than four consulting engineers as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed $50 per day for not exceeding fifty days each, and for their necessary traveling expenses, $8,983,936: *Provided*, That of such sum $2,790,000 shall be available exclusively for the procurement of complete combat cars and medium and light tanks, and for the procurement of auto-

Manufacture, issue, etc.

Current expenses.

Ammunition for military salutes.

Publications.

Consulting engineers.

Proviso.
Armored tanks, rifles, etc.

matic rifles, including the purchase or manufacture of gauges, dies, and jigs for use in connection with the production of such rifles, all in addition to such types of procurement as may be made in connection with research and development.

Rock Island, Ill.

ROCK ISLAND BRIDGE, ROCK ISLAND, ILLINOIS

Operating bridges, etc.

For operating, repair, and preservation of Rock Island bridges and viaduct, and maintenance and repair of the arsenal street connecting the bridges, $27,300.

Arsenals.

REPAIRS OF ARSENALS

Repairs, etc.

For repairs and improvements of ordnance establishments, and to meet such unforeseen expenditures as accidents or other contingencies may require, $694,831.

Gauges, dies, and jigs.

GAUGES, DIES, AND JIGS FOR MANUFACTURE

Procuring, for armament manufacture.
Vol. 39, p. 215.
U.S.C., p. 1694.

For the development and procurement of gauges, dies, jigs, and other special aids and appliances, including specifications and detailed drawings, to carry out the purpose of section 123 of the National Defense Act, approved June 3, 1916 (U.S.C., title 50, sec. 78), $70,100.

Chemical Warfare Service.

CHEMICAL WARFARE SERVICE

Purchase, manufacture, etc., of gases.

For purchase, manufacture, and test of chemical warfare gases or other toxic substances, gas masks, or other offensive or defensive materials or appliances required for gas-warfare purposes, including all necessary investigations, research, design, experimentation, and operation connected therewith; purchase of chemicals, special scientific and technical apparatus and instruments; construction, maintenance, and repair of plants, buildings, and equipment, and the machinery therefor; receiving, storing, and issuing of supplies, comprising police and office duties, rents, tolls, fuels, gasoline, lubricants, paints and oils, rope and cordage, light, water, advertising, stationery, typewriting and adding machines, including their exchange, office furniture, tools, and instruments; for incidental expenses; for civilian employees; for libraries of the Chemical Warfare Service and subscriptions to periodicals; for expenses incidental to the organization, training, and equipment of special gas troops not otherwise provided for, including the training of the Army in chemical warfare, both offensive and defensive, together with the necessary schools, tactical demonstrations, and maneuvers, and ten thousand gas masks, appropriate for training purposes, may be transferred, without reimbursement, to the National Guard for distribution as may be determined by the Chief of the National Guard Bureau; for current expenses of chemical projectile filling plants and proving grounds, including construction and maintenance of rail transportation, repairs, alterations, accessories, building and repairing butts and targets, clearing and grading ranges, $1,257,369.

Plants, buildings, machinery, etc.

Organizing, etc., special gas troops.

Current expenses.

CHIEF OF INFANTRY

Infantry school, Fort Benning, Ga.

INFANTRY SCHOOL, FORT BENNING, GEORGIA

Instruction expenses.

For the procurement of books, publications, instruments, and materials, and other necessary expenses for instruction at the Infantry School, and for pay of employees at the Infantry School and in the office of the Chief of Infantry, $59,805.

CHIEF OF CAVALRY

CAVALRY SCHOOL, FORT RILEY, KANSAS

Cavalry School, Fort Riley, Kans.

Instruction expenses.

For the purchase of textbooks, books of reference, scientific and professional papers, instruments, and materials for instruction; employment of temporary, technical, special, and clerical services; and for other necessary expenses of instruction at the Cavalry School, Fort Riley, Kansas, $19,432.

CHIEF OF FIELD ARTILLERY

FIELD ARTILLERY INSTRUCTION ACTIVITIES

Field Artillery activities.

Instruction expenses.

For the pay of employees, the purchase of books, pamphlets, periodicals, and newspapers, procurement of supplies, materials, and equipment for instruction purposes, and other expenses necessary in the operation of the Field Artillery School of the Army, and for the instruction of the Army in Field Artillery activities, $23,718.

CHIEF OF COAST ARTILLERY

COAST ARTILLERY SCHOOL, FORT MONROE, VIRGINIA

Coast Artillery School, Fort Monroe, Va.

Instruction expenses.

For purchase of engines, generators, motors, machines, measuring and nautical instruments, special apparatus, and materials for experimental purposes for the engineering and artillery and military art departments and enlisted specialists division; for purchase and binding of professional books treating of military and scientific subjects for library, for use of school, and for temporary use in coast defense; for incidental expenses of the school, including chemicals, stationery, printing and binding; hardware; materials; cost of special instruction of officers detailed as instructors; employment of temporary, technical, or special services; for office furniture and fixtures; for machinery; for maintenance, operation, and repair of motor trucks; and unforeseen expenses; in all, $27,262.

SEACOAST DEFENSES

Seacoast defenses.

All expenses of, etc., under specified branches.

For all expenses incident to the preparation of plans and the construction, purchase, installation, equipment, maintenance, repair, and operation of fortifications and other works of defense, and their accessories, including personal services, maintenance of channels to submarine mine wharves, purchase of lands and rights-of-way as authorized by law, and experimental, test, and development work, as follows:

United States, $668,766;
Insular departments, $222,648;
Panama Canal, $270,391;
In all, $1,161,805.

UNITED STATES MILITARY ACADEMY

Military Academy.

PAY OF MILITARY ACADEMY

Pay, etc.

Cadets.

Cadets: For pay of cadets, $867,672: *Provided*, That during the fiscal year ending June 30, 1935, no officer of the Army shall be entitled to receive any increase in pay or allowances because of detail or assignment to duty in any capacity at the Military Academy: *Provided*, That the duties of librarian of the United States Military Academy may be performed by an officer of the Regular Army

Provisos.
Army detail, pay restriction.

Retired Army officer as librarian.
R.S., sec. 1251, p. 218.

U.S.C., p. 204.

retired from active service under the provisions of section 1251, Revised Statutes, and detailed on active duty for that purpose.

Civilians: For pay of employees, $235,706.

Maintenance.

MAINTENANCE, UNITED STATES MILITARY ACADEMY

Designated expenses.

For text and reference books for instruction; increase and expense of library (not exceeding $6,000); office equipment and supplies; stationery, blank books, forms, printing and binding, and periodicals; diplomas for graduates (not exceeding $1,100); expense of lectures; apparatus, equipment, supplies, and materials for purpose of instruction and athletics, and maintenance and repair thereof; musical instruments and maintenance of band; care and maintenance of organ; equipment for cadet mess; postage, telephones, and telegrams; freight and expressage; for payment of commutation of rations for the cadets of the United States Military Academy in lieu of the regular established ration; maintenance of children's school (not exceeding $12,200); contingencies for superintendent of the academy, to be expended in his discretion (not to exceed $3,500); expenses of the members of the Board of Visitors (not exceeding $1,500); contingent fund, to be expended under the direction of the Academic Board (not exceeding $500); improvement, repair, and maintenance of buildings and grounds (including roads, walls, and fences); shooting galleries and ranges; cooking, heating, and lighting apparatus and fixtures and operation and maintenance thereof; maintenance of water, sewer, and plumbing systems; maintenance of and repairs to cadet camp; fire-extinguishing apparatus; machinery and tools and repairs of same; maintenance, repair, and operation of motor-propelled vehicles; policing buildings and grounds; furniture, refrigerators, and lockers for Government-owned buildings at the academy and repair and maintenance thereof; fuel for heat, light, and power; and other necessary incidental expenses in the discretion of the superintendent; in all, $1,089,882.

Board of Visitors.

National Guard.

NATIONAL GUARD

Arming, etc.

ARMING, EQUIPPING, AND TRAINING THE NATIONAL GUARD

Forage, etc.

For procurement of forage, bedding, and so forth, for animals used by the National Guard, $585,537.

Care of animals, etc.

For compensation of help for care of materials, animals, and equipment, $1,810,263.

Instruction expenses, etc.

For expenses, camps of instruction, field and supplemental training, and including medical and hospital treatment authorized by law, and the hire (at a rate not to exceed $1 per diem), repair, maintenance, and operation of motor-propelled passenger-carrying vehicles, $8,888,440.

Service schools, instruction, etc.

For expenses, selected officers and enlisted men, military service, schools, including medical and hospital treatment authorized by law, $187,011.

Property, etc., officers.

For pay of property and disbursing officers for the United States, $73,170.

Equipment, etc.

For general expenses, equipment, and instruction, National Guard, including medical and hospital treatment authorized by law, and the hire (at a rate not to exceed $1 per diem), repair, maintenance, and operation of motor-propelled passenger- and non-passenger-carrying vehicles, $660,869.

Travel, Army officers, etc.

For travel of officers, warrant officers, and enlisted men of the Regular Army in connection with the National Guard, $171,880:

Provided, That not to exceed $2,000 of this sum shall be expended for travel of officers of the War Department General Staff in connection with the National Guard.

Proviso. War Department General Staff.

For transportation of equipment and supplies, $175,000.

Transporting supplies.

For expenses of enlisted men of the Regular Army on duty with the National Guard, including the hiring of quarters in kind, $283,498.

Army enlisted men, detail.

For pay of National Guard (armory drills), $11,756,221: *Provided*, That the appropriations contained in the Naval Appropriation Act for the fiscal year 1935 for drills for members of the Naval and Marine Corps reserve forces shall be available for the conduct of 48 drills for each of such forces.

Pay, armory drills. *Proviso.* Use of naval fund. *Ante*, p. 407.

No part of the appropriations made in this Act shall be available for pay, allowances, or traveling or other expenses of any officer or enlisted man of the National Guard who may be drawing a pension, disability allowance, disability compensation, or retired pay (where retirement has been made on account of physical disability or age) from the Government of the United States: *Provided*, That nothing in this provision shall be so construed as to prevent the application of funds herein contained to the pay, allowances, or traveling expenses of any officer or enlisted man of the National Guard who may surrender said pension, disability allowance, disability compensation, or retired pay for the period of his service in the National Guard: *Provided further*, That present adjutants general who may be drawing such emoluments may be continued in a federally recognized status without pay under this Act.

No pay to National Guard officer, etc., drawing pension.

Proviso. Provisions waived if pension surrendered.

Adjutants general continued in present status without pay.

ARMS, UNIFORMS, EQUIPMENT, AND SO FORTH, FOR FIELD SERVICE, NATIONAL GUARD

Field service.

To procure by purchase or manufacture and issue from time to time to the National Guard, upon requisition of the governors of the several States and Territories or the commanding general, National Guard of the District of Columbia, such military equipment and stores of all kinds and reserve supply thereof as are necessary to arm, uniform, and equip for field service the National Guard of the several States, Territories, and the District of Columbia, and to repair such of the aforementioned articles of equipage and military stores as are or may become damaged when, under regulations prescribed by the Secretary of War, such repair may be determined to be an economical measure and as necessary for their proper preservation and use, $3,355,541, and all of the sums appropriated in this Act on account of the National Guard shall be accounted for as one fund and of the total of such sums $3,000,000 shall be available immediately: *Provided*, That funds now and herein made available to the National Guard Bureau may be used for the purchase of motor-propelled trucks and station wagons, and trailers, at a cost per vehicle not to exceed $800, $700, and $525, respectively, and the specifications for such vehicles, which shall be so drawn as to admit of competition, shall to the extent otherwise practicable conform with the requirements of the National Guard as determined by the Chief of the National Guard Bureau: *Provided further*, That the Secretary of War is hereby authorized to issue surplus or reserve stores and material on hand and purchased for the United States Army such articles of clothing and equipment and Field Artillery, Engineer, and Signal material and ammunition as may be needed by the National Guard organized under the provisions of the Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes", approved June 3, 1916

Procuring arms, etc., for issue. Requisitions from governors, etc.

Accounting.

Provisos. Purchase of motor trucks, etc. through competitive bidding.

Clothing, equipment, etc., from Army surplus stores.

Vol. 39, p. 199; Vol. 45, p. 406. U.S.C., p. 1034; Supp. VII, p. 773.

Issue without charge to appropriations.

(U.S.C., title 32, sec. 21), as amended. This issue shall be made without charge against militia appropriations except for actual expenses incident to such issue.

No increase of mounted, etc., units.

No appropriation contained in this Act shall be available for any expense for or on account of a larger number of mounted and medical units, and military police, wagon and service companies of the National Guard than were in existence on June 30, 1932.

Organized Reserves.

ORGANIZED RESERVES

Officers' Reserve Corps.

For pay and allowances of members of the Officers' Reserve Corps on active duty in accordance with law; mileage, reimbursement of actual traveling expenses, or per diem allowances in lieu thereof, as authorized by law: *Provided*, That the mileage allowance to members of the Officers' Reserve Corps when called into active service for training for fifteen days or less shall not exceed 4 cents per mile; pay, transportation, subsistence, clothing, and medical and hospital treatment of members of the Enlisted Reserve Corps; conducting correspondence or extension courses for instruction of members of the Reserve Corps, including necessary supplies, procurement of maps and textbooks, and transportation and traveling expenses of employees; purchase of training manuals, including Government publications and blank forms, subscriptions to magazines and periodicals of a professional or technical nature; establishment, maintenance, and operation of divisional and regimental headquarters and of camps for training of the Organized Reserves; for miscellaneous expenses incident to the administration of the Organized Reserves, including the maintenance and operation of motor-propelled passenger-carrying vehicles; for the actual and necessary expenses, or per diem in lieu thereof, at rates authorized by law, incurred by officers and enlisted men of the Regular Army traveling on duty in connection with the Organized Reserves; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department, except that not to exceed $308,400 of this appropriation shall be available for expenditure by the Chief of the Air Corps for the production and purchase of new airplanes and their equipment, spare parts, and accessories; for transportation of baggage, including packing and crating, of reserve officers ordered to active duty for not less than six months; for the medical and hospital treatment of members of the Officers' Reserve Corps and of the Enlisted Reserve Corps, who suffer personal injury or contract disease in line of duty, as provided by the Act of April 26, 1928 (U.S.C., Supp. VI, title 10, secs. 451, 455), and for such other purposes in connection therewith as are authorized by the said Act, including pay and allowances, subsistence, transportation, and burial expenses; in all, $4,278,859; and no part of such total sum shall be available for any expense incident to giving flight training to any officer of the Officers' Reserve Corps unless he shall be found physically and professionally qualified to perform aviation service as an aviation pilot, by such agency as the Secretary of War may designate: *Provided*, That not to exceed $100,000 of this appropriation may be used for establishment and maintenance of divisional and regimental headquarters.

Provisos.
Mileage allowance.

Enlisted Reserve Corps.

Correspondence, etc., courses.

Training manuals.

Establishment, etc., headquarters and training camps.

Vehicles.

Travel expenses.

Purchase, etc., airplanes.

Medical and hospital treatment, etc., incurred in line of duty.

Vol. 45, p. 461. U.S.C., Supp. VII, p. 109.

Burial expenses.

Flight training restrictions.

Proviso.
Divisional, etc., headquarters.

Other funds not to be used.

None of the funds appropriated elsewhere in this Act, except for printing and binding, field exercises, and for pay and allowances of officers and enlisted men of the Regular Army, and for mileage, reimbursement of actual traveling expenses, or per diem allowances

in lieu thereof, as authorized by law, to Air Corps reserve officers on extended active duty, shall be used for expenses in connection with the Organized Reserves, but available supplies and existing facilities at military posts shall be utilized to the fullest extent possible.

No pay to officer drawing pension, etc.

No appropriation made in this Act shall be available for pay, allowances, or traveling or other expenses of any officer of the Organized Reserves who may be drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States.

Reserve officer on active duty, pay restriction.

General Staff detail. Vol. 41, pp. 760, 765.

Other details.

Air Corps. Vol. 41, p. 776; U.S.C., p. 183.

Proviso. Medical Reserve Corps for Veterans' Administration patients in Army hospitals.

Payments, from Army funds.

No appropriation made in this Act shall be expended for the pay of a reserve officer on active duty for a longer period than fifteen days, except such as may be detailed for duty with the War Department General Staff under section 3a and section 5 (b) of the Army Reorganization Act approved June 4, 1920 (U.S.C., title 10, secs. 26, 37), or who may be detailed for courses of instruction at the general or special service schools of the Army, or who may be detailed for duty as instructors at civilian military training camps, appropriated for in this Act, or who may be detailed for duty with tactical units of the Air Corps, as provided in section 37a of the Army Reorganization Act approved June 4, 1920 (U.S.C., title 10, sec. 369): *Provided*, That the pay and allowances of such additional officers and nurses of the Medical Reserve Corps as are required to supplement the like officers and nurses of the Regular Army in the care of beneficiaries of the United States Veterans' Administration treated in Army hospitals may be paid from the funds allotted to the War Department by that administration under existing law.

CITIZENS' MILITARY TRAINING

Citizens' Military Training.

RESERVE OFFICERS' TRAINING CORPS

Reserve Officers, Training Corps.

Quartermaster supplies for units of.

For the procurement, maintenance, and issue, under such regulations as may be prescribed by the Secretary of War, to institutions at which one or more units of the Reserve Officers' Training Corps are maintained, of such public animals, means of transportation, supplies, tentage, equipment, and uniforms as he may deem necessary, including cleaning and laundering of uniforms and clothing at camps; and to forage, at the expense of the United States, public animals so issued, and to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War; for transporting said animals and other authorized supplies and equipment from place of issue to the several institutions and training camps and return of same to place of issue when necessary; for purchase of training manuals, including Government publications and blank forms; for the establishment and maintenance of camps for the further practical instruction of the members of the Reserve Officers' Training Corps, and for transporting members of such corps to and from such camps, and to subsist them while traveling to and from such camps and while remaining therein so far as appropriations will permit, or, in lieu of transporting them to and from such camps and subsisting them while en route, to pay them travel allowance at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to pay the return travel pay in advance of the actual performance of the travel; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for pay for students attending advanced camps at the

Training Camps.

Travel allowance.

Subsistence commutation to senior division members.

rate prescribed for soldiers of the seventh grade of the Regular Army; for the payment of commutation of subsistence to members of the senior division of the Reserve Officers' Training Corps, at a rate not exceeding the cost of the garrison ration prescribed for the Army, as authorized in the Act approved June 3, 1916, as amended by the Act approved June 4, 1920 (U.S.C., title 10, sec. 387); for medical and hospital treatment until return to their homes and further medical treatment after arrival at their homes, subsistence during hospitalization and until furnished transportation to their homes, and transportation when fit for travel to their homes of members of the Reserve Officers' Training Corps who suffer personal injury or contract disease in line of duty while en route to or from and while at camps of instruction under the provisions of section 47a of the National Defense Act approved June 3, 1916 (U.S.C., title 10, sec. 441), as amended; and for the cost of preparation and transportation to their homes and burial expenses of the remains of members of the Reserve Officers' Training Corps who die while attending camps of instruction as provided in the Act approved April 26, 1928 (U.S.C., Supp. VI, title 10, sec. 455); for mileage, traveling expenses, or transportation, for transportation of dependents, and for packing and transportation of baggage, as authorized by law, for officers, warrant officers, and enlisted men of the Regular Army traveling on duty pertaining to or on detail to or relief from duty with the Reserve Officers' Training Corps; for the maintenance, repair, and operation of motor vehicles, $3,108,701; of which $400,000 shall be available immediately: *Provided*, That the Secretary of War is authorized to issue, without charge, in lieu of purchase, for the use of the Reserve Officers' Training Corps, so many horses now belonging to the Regular Army as he may consider desirable: *Provided*, That uniforms and other equipment or material issued to the Reserve Officers' Training Corps in accordance with law shall be furnished from surplus or reserve stocks of the War Department without payment from this appropriation, except for actual expense incurred in the manufacture or issue: *Provided further*, That in no case shall the amount paid from this appropriation for uniforms, equipment, or material furnished to the Reserve Officers' Training Corps from stocks under the control of the War Department be in excess of the price current at the time the issue is made: *Provided further*, That none of the funds appropriated in this Act shall be used for the organization or maintenance of an additional number of mounted, motor transport, or tank units in the Reserve Officers' Training Corps in excess of the number in existence on January 1, 1928: *Provided further*, That none of the funds appropriated in this Act shall be available for any expense on account of any student in Air Corps, Medical Corps, Dental Corps, or Veterinary units not a member of such units on May 5, 1932, but such stoppage of further enrollments shall not interfere with the maintenance of existing units: *Provided further*, That none of the funds appropriated elsewhere in this Act, except for printing and binding and pay and allowances of officers and enlisted men of the Regular Army, shall be used for expenses in connection with the Reserve Officers' Training Corps.

Vol. 39, p. 193; Vol. 41, p. 779.
U.S.C., p. 184.
Medical, etc., treatment, injured in line of duty.

Vol. 41, p. 778.
U.S.C., p. 185.

Burial expenses.

Vol. 43, p. 365; Vol. 45, p. 462.
U.S.C., p. 186; Supp. VII, p. 109.
Transporting dependents, etc.

Vehicles.

Provisos.
Issue of Army horses.

Uniforms, etc., from Army surplus stock.

Current price to govern.

Additional units forbidden.

No additional students in designated units.

Use of other funds forbidden.

Other schools and colleges.

MILITARY SUPPLIES AND EQUIPMENT FOR SCHOOLS AND COLLEGES

Issue of military supplies, etc., to.
Vol. 41, p. 780.
R.S., sec. 1225, p. 216.

For the procurement and issue as provided in section 55c of the Act approved June 4, 1920 (U.S.C., title 10, sec. 1180), and in section 1225, Revised Statutes, as amended, under such regulations as may

be prescribed by the Secretary of War, to schools and colleges, other than those provided for in section 40 of the Act above referred to, of such arms, tentage, and equipment, and of ammunition, targets, and target materials, including the transporting of same, and the overhauling and repair of articles issued, as the Secretary of War shall deem necessary for proper military training in said schools and colleges, $8,900.

U.S.C., p. 213.
Vol. 41, p. 776.

CITIZENS' MILITARY TRAINING CAMPS

Citizens' military training camps.

Uniforms, transportation expenses, etc., for attending.

For furnishing, at the expense of the United States, to warrant officers, enlisted men, and civilians attending training camps maintained under the provisions of section 47d of the National Defense Act of June 3, 1916, as amended (U.S.C., title 10, sec. 442), uniforms, including altering, fitting, washing, and cleaning when necessary, subsistence, or subsistence allowances and transportation, or transportation allowances, as prescribed in said section 47d, as amended; for such expenditures as are authorized by said section 47d as may be necessary for the establishment and maintenance of said camps, including recruiting and advertising therefor, and the cost of maintenance, repair, and operation of passenger-carrying vehicles; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for gymnasium and athletic supplies (not exceeding $20,000); for mileage, reimbursement of traveling expenses, or allowance in lieu thereof as authorized by law, for officers of the Regular Army and Organized Reserves, and for the travel expenses of enlisted men of the Regular Army, traveling on duty in connection with citizens' military training camps; for purchase of training manuals, including Government publications and blank forms; for medical and hospital treatment, subsistence, and transportation, in case of injury or disease contracted in line of duty, of members of the citizens' military training camps and for transportation and burial of remains of any such members who die while undergoing training or hospital treatment, as provided in the Act of April 26, 1928 (U.S.C., Supp. VI, title 10, secs. 454, 455); in all $1,000,000: *Provided*, That the funds herein appropriated shall not be used for the training of any person in the first year or lowest course, who shall have reached his twenty-fourth birthday before the date of enrollment: *Provided further*, That none of the funds appropriated elsewhere in this Act except for printing and binding and for pay and allowances of officers and enlisted men of the Regular Army shall be used for expenses in connection with citizens' military training camps: *Provided further*, That uniforms and other equipment or matériel furnished in accordance with law for use at citizens' military training camps shall be furnished from surplus or reserve stocks of the War Department without payment from this appropriation, except for actual expense incurred in the manufacture or issue: *Provided further*, That in no case shall the amount paid from this appropriation for uniforms, equipment, or matériel furnished in accordance with law for use at citizens' military training camps from stocks under control of the War Department be in excess of the price current at the time the issue is made.

Vol. 39, p. 193; Vol. 41, p. 779.
U.S.C., p. 185.

Maintenance.

Treatment, etc., in line of duty.

Vol. 45, p. 461.
U.S.C., Supp. VII, p. 109.

Provisos.
Age limitation.

Use of other funds forbidden.

Uniforms, etc., from Army surplus stocks.

Current price to govern.

Under the authorizations contained in this Act no issues of reserve supplies or equipment shall be made where such issues would impair the reserves held by the War Department for two field armies or one million men.

Restriction on use of Army reserve supplies.

Promotion of rifle practice.

NATIONAL BOARD FOR PROMOTION OF RIFLE PRACTICE, ARMY

Civilian instruction.

QUARTERMASTER SUPPLIES AND SERVICES FOR RIFLE RANGES FOR CIVILIAN INSTRUCTION

Quartermaster supplies, etc., for rifle ranges, etc.

To establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War; for the employment of labor in connection with the establishment of outdoor and indoor rifle ranges, including labor in operating targets; for the

Instructors, etc.

employment of instructors; for clerical services, including not exceeding $15,000 in the District of Columbia; for badges and other insignia; for the purchase of materials, supplies, and services, and for expenses incidental to instruction of citizens of the United States in

Participation in matches.

marksmanship, and their participation in national and international matches, to be expended under the direction of the Secretary of War, $17,178.

Rifle contests.

NATIONAL TROPHY AND MEDALS FOR RIFLE CONTESTS

Furnishing national trophy medals, etc.
Vol. 45, p. 786; U.S.C., Supp. VII, p. 780.

For incidental expenses of the National Board for the Promotion of Rifle Practice in accordance with the provisions of the Act approved May 28, 1928 (U.S.C., Supp. VI, title 32, sec. 181c), $3,000.

Ordnance equipment, civilian instruction.

ORDNANCE EQUIPMENT FOR RIFLE RANGES FOR CIVILIAN INSTRUCTION

Arms, ammunition, etc.

For arms, ammunition, targets, and other accessories for target practice, for issue and sale in accordance with rules and regulations prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War, in connection with the encouragement of rifle practice, in pursuance of the provisions of law, $125,000.

No pay to officer, etc., using time-measuring device.

No part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in

Cash reward restricted.

this Act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Nonmilitary activities.

TITLE II—NONMILITARY ACTIVITIES OF THE WAR DEPARTMENT

Quartermaster Corps.

QUARTERMASTER CORPS

CEMETERIAL EXPENSES

National cemeteries. Maintenance, etc.

For maintaining and improving national cemeteries, including fuel for and pay of superintendents and the superintendent at Mexico City, laborers and other employees, purchase of tools and materials; and for the repair, maintenance, and operation of motor vehicles; care and maintenance of the Arlington Memorial Amphi-

Arlington, Va.

theater, chapel, and grounds in the Arlington National Cemetery,

and permanent American cemeteries abroad, including not to exceed $2,250 in the aggregate or $450 for any one person for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U.S.C., Supp. VI, title 5, sec. 118a); for repair to roadways but not to more than a single approach road to any national cemetery constructed under special Act of Congress; for headstones for unmarked graves of soldiers, sailors, and marines under the Acts approved March 3, 1873 (U.S.C., title 24, sec. 279), February 3, 1879 (U.S.C., title 24, sec. 280), March 9, 1906 (34 Stat., p. 56), March 14, 1914 (38 Stat., p. 768), and February 26, 1929 (U.S.C., Supp. VI, title 24, sec. 280a), and civilians interred in post cemeteries; for recovery of bodies and the disposition of remains of military personnel and civilian employees of the Army under Act approved March 9, 1928 (U.S.C., Supp. VI, title 10, sec. 916); for the care, protection, and maintenance of the Confederate Mound in Oakwood Cemetery at Chicago, the Confederate Stockade Cemetery at Johnstons Island, the Confederate burial plats owned by the United States in Confederate Cemetery at North Alton, the Confederate Cemetery, Camp Chase, at Columbus, the Confederate section in Greenlawn Cemetery at Indianapolis, the Confederate Cemetery at Point Lookout, and the Confederate Cemetery at Rock Island, $715,229: *Provided*, That no railroad shall be permitted upon any right-of-way which may have been acquired by the United States leading to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States: *Provided further*, That no part of this appropriation shall be used for repairing any roadway not owned by the United States within the corporate limits of any city, town, or village.

For repairs and preservation of monuments, tablets, roads, fences, and so forth, made and constructed by the United States in Cuba and China to mark the places where American soldiers fell, $698.

Cemeteries abroad.

Living quarters, etc. Vol. 46, p. 818. U.S.C., Supp. VII, p. 20.

Roadways, repair, etc.

Headstones for graves. Vol. 20, p. 281; Vol. 34, p. 56; Vol. 38, p. 768; Vol. 45, p. 1307. U.S.C., p. 687; Supp. VII, p. 488.

Recovery of remains. Vol. 45, p. 251; U.S.C., Supp. VII, p. 118.

Confederate cemeteries, etc.

Provisos.
Encroachments forbidden.

Repairs restricted.

Burial plots in Cuba and China.

SIGNAL CORPS

Signal Corps.

WASHINGTON-ALASKA MILITARY CABLE AND TELEGRAPH SYSTEM

Washington-Alaska cable, etc.

For defraying the cost of such extensions, betterments, operation, and maintenance of the Washington-Alaska Military Cable and Telegraph System as may be approved by the Secretary of War, to be available until the close of the fiscal year 1936, from the receipts of the Washington-Alaska Military Cable and Telegraph System which have been covered into the Treasury of the United States, the extent of such extensions and betterments and the cost thereof to be reported to Congress by the Secretary of War, $146,055.

Operation, extension, etc.

From receipts.

CORPS OF ENGINEERS

Engineer Corps.

RIVERS AND HARBORS

Rivers and harbors.

To be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers:

Immediately available.

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes, and other boundary and connecting waters as heretofore authorized, including the preparation, correction, printing, and issuing of charts and bulletins and the investigation of lake levels; for prevention of obstructive and injurious deposits within the harbor and adjacent waters

Preservation, construction, etc., of authorized projects.

Boundary waters, etc., survey.

New York harbor.

California Débris Commission.
Vol. 27, p. 507.
U.S.C., p. 1086.

of New York City; for expenses of the California Débris Commission in carrying on the work authorized by the Act approved March 1, 1893 (U.S.C., title 33, sec. 661); for examinations, surveys, and contingencies of rivers and harbors; and for printing, including illustrations, as may be authorized by the Committee on Printing of the House of Representatives, either during a recess or session of Congress, of surveys under House Document Numbered 308, Sixty-ninth Congress, first session, and section 10 of the Flood Control Act, approved May 15, 1928 (U.S.C., Supp. VI, title 33, sec. 702j), and such surveys as may be printed during a recess of Congress shall be printed as documents of the next succeeding session of Congress, and for the purchase of motor-propelled passenger-carrying vehicles and motor boats, for official use, not to exceed $122,417: *Provided*, That no funds shall be expended for any preliminary examination, survey, project, or estimate not authorized by law, $23,966,645, of which sum $50,000 shall be available, under the direction of the President, for conducting a survey of Governors Island, New York, to determine its usefulness and adaptability as an airport and the cost of accomplishing all work incidental to effecting the change: *Provided further*, That no appropriation under the Corps of Engineers for the fiscal year 1935 shall be available for any expense incident to operating any power-driven boat or vessel on other than Government business: *Provided further*, That authority is granted for the purchase of motor-propelled passenger-carrying vehicles and motor boats, not to exceed $52,900, to be paid from available funds for "Flood control, Mississippi River and tributaries", and not to exceed $2,250 to be paid from available funds for "Flood control, Sacramento River, California", for official use in connection with such works.

Printing.

Vol. 45, p. 538.
U.S.C., Supp. VII, p. 786.

Provisos.
Unauthorized projects forbidden.

Survey of Governors Island as an airport.

Power-driven boat restriction.

Purchase of motor vehicles.
Vol. 38, p. 508.
U.S.C., p. 33.

Flood control.
Mississippi River, etc.
Vol. 45, p. 534, U.S.C., Supp. VII, p. 784.

Flood control, Mississippi River and tributaries: For prosecuting work of flood control in accordance with the provisions of the Flood Control Act, approved May 15, 1928 (U.S.C., Supp. VII, title 33, sec. 702a), $29,000,000.

Emergency fund for tributaries.
Vol. 45, p. 537; Vol. 46, p. 787.
U.S.C., Supp. VII, p. 786.

Emergency fund for flood control on tributaries of Mississippi River: For rescue work and for repair or maintenance of any flood-control work on any tributaries of the Mississippi River threatened or destroyed by flood, in accordance with section 7 of Flood Control Act, approved May 15, 1928 (U.S.C., Supp. VI, title 33, sec. 702g), $341,291.

Panama Canal.

The Panama Canal

Limitations not applicable to appropriations for.

The limitations on the expenditure of appropriations hereinbefore made in this Act shall not apply to the appropriations for the Panama Canal.

All expenses.
Objects specified.

For every expenditure requisite for and incident to the maintenance and operation, sanitation, and civil government of the Panama Canal and Canal Zone, including the following: Compensation of all officials and employees; foreign and domestic newspapers and periodicals; law books not exceeding $1,000; textbooks and books of reference; printing and binding, including printing of annual report; rent and personal services in the District of Columbia; purchase or exchange of typewriting, adding, and other machines; purchase or exchange, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles, claims for damages to vessels passing through the locks of the Panama Canal, as authorized by the Panama Canal Act; claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages to property arising from the maintenance and

Claims for damages.

operation, sanitation, and civil government of the Panama Canal; acquisition of land and land under water, as authorized in the Panama Canal Act; expenses incurred in assembling, assorting, storing, repairing, and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sales; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein; traveling expenses, when prescribed by the Governor of the Panama Canal to persons engaged in field work or traveling on official business; and for such other expenses not in the United States as the Governor of the Panama Canal may deem necessary best to promote the maintenance and operation, sanitation, and civil government of the Panama Canal, all to be expended under the direction of the Governor of the Panama Canal and accounted for as follows:

Acquisition of land.

Emergencies.

For maintenance and operation of the Panama Canal: Salary of the Governor, $10,000; purchase, inspection, delivery, handling, and storing of materials, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales; payment in lump sums of not exceeding the amounts authorized by the Injury Compensation Act approved September 7, 1916 (U.S.C., title 5, sec. 793), to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal; for continuing the construction of the Madden Dam across the Chagres River at Alhajuela for the storage of water for use in the maintenance and operation of the Panama Canal, together with a hydroelectric plant, roadways, and such other work as in the judgment of the Governor of the Panama Canal may be necessary, to cost in the aggregate not to exceed $15,500,000; in all, $4,971,490, together with all moneys arising from the conduct of business operations authorized by the Panama Canal Act.

Operation, etc.
Governor's salary.
Purchase of supplies, etc.

Payment to alien cripples.
Vol. 39, p. 750.
U.S.C., p. 81.

Madden Dam.
Vol. 45, p. 363.

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, and the purchase of artificial limbs or other appliances for persons who were injured in the service of the Isthmian Canal Commission or the Panama Canal prior to September 7, 1916, and including additional compensation to any officer of the United States Public Health Service detailed with the Panama Canal as chief quarantine officer, $768,501.

Sanitation, etc.
Lepers, etc.

Chief quarantine officers.

For civil government of the Panama Canal and Canal Zone, including gratuities and necessary clothing for indigent discharged prisoners, $792,935.

Civil government, expenses.

Total, Panama Canal, $6,532,926, to be available until expended.

Availability.

In addition to the foregoing sums there is appropriated for the fiscal year 1935 for expenditures and reinvestment under the several heads of appropriation aforesaid, without being covered into the Treasury of the United States, all moneys received by the Panama Canal from services rendered or materials and supplies furnished to the United States, the Panama Railroad Company, the Canal Zone government, or to their employees, respectively, or to the Panama Government, from hotel and hospital supplies and services; from rentals, wharfage, and like service; from labor, materials, and supplies and other services furnished to vessels other than those passing through the canal, and to others unable to obtain the same elsewhere;

Credits allowed.

from the sale of scrap and other by-products of manufacturing and shop operations; from the sale of obsolete and unserviceable materials, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the canal and Canal Zone; and any net profits accruing from such business to the Panama Canal shall annually be covered into the Treasury of the United States.

Water, sewers, pavements, etc. Panama and Colon.

In addition there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year 1935, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

Use of Government-owned automobiles for private purposes prohibited.

SEC. 2. No part of any money appropriated by this Act shall be used for maintaining, driving, or operating any Government-owned motor-propelled passenger-carrying vehicle assigned for the exclusive use of persons other than the Secretary of War and medical officers on out-patient medical service.

Limitation on use of funds for post exchanges.

SEC. 3. No part of any appropriation made by this Act shall be used in any way to pay any expense in connection with the conduct, operation, or management of any post exchange, branch exchange, or subexchange within any State, Territory, or the District of Columbia, save and except for real assistance and convenience to military personnel and civilians employed or serving at military posts in supplying them with articles of ordinary use, wear, and consumption not furnished by the Government.

Approved, April 26, 1934.

[CHAPTER 167.]

AN ACT

April 27, 1934.
[S. 2084.]
[Public, No. 177.]

Granting and confirming to the East Bay Municipal Utility District, a municipal utility district of the State of California and a body corporate and politic, of said State, and a political subdivision thereof, certain lands, and for other purposes.

East Bay Municipal District, Calif. Certain lands granted to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the East Bay Municipal Utility District, a municipal utility district of the State of California and a body corporate and politic of said State and a political subdivision thereof, the following described lands of the United States situate in the counties of Amador and Calaveras, State of California, to wit:

Description.

The southeast quarter southeast quarter section 22; the northeast quarter southwest quarter, and the south half southeast quarter section 23; the northwest quarter northeast quarter, and the north half southeast quarter section 24; the southwest quarter, the south half northwest quarter, and the northwest quarter northwest quarter section 26, all in township 5 north, range 10 east, Mount Diablo base and meridian.

All the unpatented land in the east half northwest quarter section 15, containing approximately forty-seven and thirty-six one hundredths acres; the south half northeast quarter, and the north half southeast quarter section 17; and all the unpatented land in section 18 (the same being a fractional portion of the southeast quarter northeast quarter, and a fractional portion of the northeast quarter southeast quarter, and containing approximately fifteen and fifty-eight one hundredths acres), all in township 5 north, range 11 east, Mount Diablo base and meridian; and the Secretary of the Interior is hereby authorized to issue patent to the said district for the same.

All of the above-described land is now held by said district by virtue of that certain license numbered 567, heretofore issued to said district by the Federal Power Commission. Upon this grant becoming effective said license is terminated and the parties thereto relieved of all obligation by reason thereof, and the fee title of the district to its dams, spillways, conduits, tunnels, power house, power lines, and other structures now constructed in whole or in part on said lands and the right to maintain and operate the same is fully confirmed.

License terminated.

Fee title to structures, etc., confirmed.

SEC. 2. That the grant of the said lands hereinbefore described is made in aid of the water supply of said district for itself and its inhabitants, and the said district shall pay for the said lands the sum of $5 per acre.

Grant made in aid of water supply.

SEC. 3. That the rights hereby granted shall revert to the United States if abandoned or transferred to any person, association, or corporation other than to the State or to another municipal corporation.

Reversionary provision.

Approved, April 27, 1934.

[CHAPTER 168.]

AN ACT

To guarantee the bonds of the Home Owners' Loan Corporation, to amend the Home Owners' Loan Act of 1933, and for other purposes.

April 27, 1934.
[S. 2999.]
[Public, No. 178.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4(c) of the Home Owners' Loan Act of 1933 is amended to read as follows:

Home Owners' Loan Act of 1933, amendments.
Ante, p. 129; *Post*, p. 1264.

"(c) The Corporation is authorized to issue bonds in an aggregate amount not to exceed $2,000,000,000, which may be sold by the Corporation to obtain funds for carrying out the purposes of this section, or exchanged as hereinafter provided. Such bonds shall be in such forms and denominations, shall mature within such periods of not more than eighteen years from the date of their issue, shall bear such rates of interest not exceeding 4 per centum per annum, shall be subject to such terms and conditions, and shall be issued in such manner and sold at such prices, as may be prescribed by the Corporation, with the approval of the Secretary of the Treasury. Such bonds shall be fully and unconditionally guaranteed both as to interest and principal by the United States, and such guaranty shall be expressed on the face thereof, and such bonds shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof. In the event that the Corporation shall be unable to pay upon demand, when due, the principal of, or interest on, such bonds, the Secretary of the Treasury shall pay to the holder the amount thereof which is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such bonds. The Secretary of the Treasury, in his discretion, is authorized to purchase any bonds of the Corporation issued under this subsection which are guaranteed as to interest and principal, and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of the Corporation's bonds hereunder. The Secretary of the Treasury may, at any time, sell any of the bonds of the Corporation acquired by him

Bonds; issue of, authorized.
Aggregate amount.

Character of.

Payment provisions.

Appropriation authorized.

Purchase of bonds by Secretary of the Treasury.

Fund available.
Vol. 40, p. 288.

Sale.

Treatment of, as public-debt transactions.

Tax exemptions.

Exception.

Real property.

Bond issue not to exceed assets.

Open market transactions.

Resale, refund, and exchange.

Interest rate.

Increase of issue to amount refunded.

Existing commitments.

Bonds heretofore issued by Corporation not affected.

Ante, p. 132.

Bond exchange for mortgages or cash loans; when may have.

Proviso.
Waiver of limitations.

under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of the bonds of the Corporation shall be treated as public-debt transactions of the United States. The bonds issued by the Corporation under this subsection shall be exempt, both as to principal and interest, from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States or any District, Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. The Corporation, including its franchise, its capital, reserves and surplus, and its loans and income, shall likewise be exempt from such taxation; except that any real property of the Corporation shall be subject to taxation to the same extent, according to its value, as other real property is taxed. No such bonds shall be issued in excess of the assets of the Corporation, including the assets to be obtained from the proceeds of such bonds, but a failure to comply with this provision shall not invalidate the bonds or the guaranty of the same. The Corporation shall have power to purchase in the open market at any time and at any price not to exceed par any of the bonds issued by it. Any such bonds so purchased may, with the approval of the Secretary of the Treasury, be sold or resold at any time and at any price. For a period of six months after the date this subsection, as amended, takes effect, the Corporation is authorized to refund any of its bonds issued prior to such date or any bonds issued after such date in compliance with commitments of the Corporation outstanding on such date, upon application of the holders thereof, by exchanging therefor bonds of an equal face amount issued by the Corporation under this subsection as amended, and bearing interest at such rate as may be prescribed by the Corporation with the approval of the Secretary of the Treasury; but such rate shall not be less than that first fixed after this subsection, as amended, takes effect on bonds exchanged by the Corporation for home mortgages. For the purpose of such refunding the Corporation is further authorized to increase its total bond issue in an amount equal to the amount of the bonds so refunded. Nothing in this subsection, as amended, shall be construed to prevent the Corporation from issuing bonds in compliance with commitments of the Corporation on the date this subsection, as amended, takes effect."

(b) The amendments made by subsection (a) of this section (except with respect to refunding) shall not apply to any bonds heretofore issued by the Home Owners' Loan Corporation under such section 4 (c), or to any bonds hereafter issued in compliance with commitments of the Corporation outstanding on the date of enactment of this Act.

SEC. 2. Section 4 of the Home Owners' Loan Act is further amended by adding at the end thereof the following new subsections:

"(l) No home mortgage or other obligation or lien shall be acquired by the Corporation under subsection (d), and no cash advance shall be made under subsection (f), unless the applicant was in involuntary default on June 13, 1933, with respect to the indebtedness on his real estate and is unable to carry or refund his present mortgage indebtedness: *Provided*, That the foregoing limitation shall not apply in any case in which it is specifically shown to the satisfaction of the Corporation that a default after such date was due to unemployment or to economic conditions or misfortune beyond the control of the applicant, or in any case in which the home mortgage or other obligation or lien is held by an institution which is in liquidation.

"(m) In all cases where the Corporation is authorized to advance cash to provide for necessary maintenance and to make necessary repairs it is also authorized to advance cash or exchange bonds for the rehabilitation, modernization, rebuilding and enlargement of the homes financed; and in all cases where the Corporation has acquired a home mortgage or other obligation or lien it is authorized to advance cash or exchange bonds to provide for the maintenance, repair, rehabilitation, modernization, rebuilding, and enlargement of the homes financed and to take an additional lien, mortgage, or conveyance to secure such additional advance or to take a new home mortgage for the whole indebtedness; but the total amount advanced shall in no case exceed the respective amounts or percentages of value of the real estate as elsewhere provided in this section. Not to exceed $200,000,000 of the proceeds derived from the sale of bonds of the Corporation shall be used in making cash advances to provide for necessary maintenance and necessary repairs and for the rehabilitation, modernization, rebuilding and enlargement of real estate securing the home mortgages and other obligations and liens acquired by the Corporation under this section.

Cash advances for home maintenance.

Rehabilitation, etc.

Limitation.

Maximum allowance for maintenance of real property.

SEC. 3. The sixth sentence of section 4 (d) of the Home Owners' Loan Act of 1933 is amended to read as follows: "The Corporation may at any time grant an extension of time to any home owner for the payment of any installment of principal or interest owed by him to the Corporation if, in the judgment of the Corporation, the circumstances of the home owner and the condition of the security justify such extension."

Extension to home owner authorized.

Ante, p. 131.

SEC. 4. Subsection (g) of section 4 of the Home Owners' Loan Act of 1933 is hereby amended to read as follows:

"(g) The Corporation is further authorized to exchange bonds and to advance cash to redeem or recover homes lost by the owners by foreclosure or forced sale by a trustee under a deed of trust or under power of attorney, or by voluntary surrender to the mortgagee subsequent to January 1, 1930, subject to the limitations provided in subsection (d) of this section."

Redemption of homes lost since January 1, 1930.

SEC. 5. Section 5 of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following new subsections:

Federal savings and loan associations.

Ante, p. 134.

"(j) In addition to the authority to subscribe for preferred shares in Federal savings and loan associations, the Secretary of the Treasury is authorized on behalf of the United States to subscribe for any amount of full paid income shares in such associations, and it shall be the duty of the Secretary of the Treasury to subscribe for such full paid income shares upon the request of the Federal Home Loan Bank Board. Payment on such shares may be called from time to time by the association, subject to the approval of said Board and the Secretary of the Treasury, and such payments shall be made from the funds appropriated pursuant to subsection (g) of this section; but the amount paid in by the Secretary of the Treasury for shares under this subsection and such subsection (g), together shall at no time exceed 75 per centum of the total investment in the shares of such association by the Secretary of the Treasury and other shareholders. Each such association shall issue receipts for such payments by the Secretary of the Treasury in such form as may be approved by said Board and such receipts shall be evidence of the interest of the United States in such full paid income shares to the extent of the amount so paid. No request for the repurchase of the full paid income shares purchased by the Secretary of the Treasury shall be made for a period of five years from the date of such purchase, and thereafter requests by the Secretary of the

Investment in full paid income shares of, on call of Home Loan Board.

Payments.

Maximum investment.

Receipts.

Retirement, after 5 years, permitted.

Limitation.

Treasury for the repurchase of such shares by such associations shall be made at the discretion of the Board; but no such association shall be requested to repurchase any such shares in any one year in an amount in excess of 10 per centum of the total amount invested in such shares by the Secretary of the Treasury. Such repurchases shall be made in accordance with the rules and regulations prescribed by the Board for such associations.

Employment as fiscal agents.

"(k) When designated for that purpose by the Secretary of the Treasury, any Federal savings and loan association or member of any Federal Home Loan Bank may be employed as fiscal agent of the Government under such regulations as may be prescribed by said Secretary and shall perform all such reasonable duties as fiscal agent of the Government as may be required of it. Any Federal savings and loan association or member of any Federal Home Loan Bank may act as agent for any other instrumentality of the United States when designated for that purpose by such instrumentality of the United States."

Agents for any other Federal instrumentality.

Federal Home Loan Bank.
Ante, p. 134.
Conversion into Federal savings and loan association authorized.

SEC. 6. Section 5(i) of the Home Owners' Loan Act of 1933 is amended to read as follows:

"(i) Any member of a Federal Home Loan Bank may convert itself into a Federal savings and loan association under this Act upon a vote of 51 per centum or more of the votes cast at a legal meeting called to consider such action; but such conversion shall be subject to such rules and regulations as the Board may prescribe, and thereafter the converted association shall be entitled to all the benefits of this section and shall be subject to examination and regulation to the same extent as other associations incorporated pursuant to this Act."

Federal Reserve Act, amendment.
Ante, p. 180.
Advances by reserve banks on Home Owners' Loan Corporation bonds.
Ante, p. 348.

SEC. 7. (a) The first sentence of the eighth paragraph of section 13 of the Federal Reserve Act, as amended, is further amended by inserting before the semicolon, after the words "Federal Farm Mortgage Corporation Act", a comma and the following: "or by the deposit or pledge of bonds issued under the provisions of subsection (c) of section 4 of the Home Owners' Loan Act of 1933, as amended."

Purchase and sale of corporation bonds.
Ante, p. 348.

(b) Paragraph (b) of section 14 of the Federal Reserve Act, as amended, is further amended by inserting after the words "bonds of the Federal Farm Mortgage Corporation having maturities from date of purchase of not exceeding six months", a comma and the following: "bonds issued under the provisions of subsection (c) of section 4 of the Home Owners' Loan Act of 1933, as amended, and having maturities from date of purchase of not exceeding six months."

Reserve bank as fiscal agent for corporation.

SEC. 8. The Federal Reserve banks are authorized, with the approval of the Secretary of the Treasury, to act as depositaries, custodians, and fiscal agents for the Home Owners' Loan Corporation.

Bonds of Federal Home Loan Banks, purchase by corporation.

SEC. 9. The Home Owners' Loan Corporation is authorized to buy bonds or debentures of Federal Home Loan Banks upon such terms as may be agreed upon or to loan money to Federal Home Loan Banks upon such terms as may be agreed upon but not to exceed $50,000,000 shall be invested or advanced under this section.

Home mortgages, acceptance as collateral security.
Vol. 47, p. 732.

SEC. 10. The first sentence of section 10(b) of the Federal Home Loan Bank Act, as amended, is amended by inserting before the period at the end thereof a comma and the following: "unless the amount of the debt secured by such home mortgage is less than 50 per centum of the value of the real estate with respect to which the home mortgage was given, as such real estate was appraised when the home mortgage was made".

Encouragement of home financing and saving.
Appropriation for, allocated.

SEC. 11. Section 6 of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following new sentences: "For the purposes of this section the Secretary of the Treasury is authorized and directed to allocate and make immediately available to the Board, out of the funds appropriated pursuant to section 5 (g), the sum of $500,000. Such sum shall be in addition to the funds appropriated pursuant to this section, and shall be subject to the call of the Board and shall remain available until expended."

Ante, p. 133.

Ante, p. 135.
Soliciting unauthorized charges.

SEC. 12. Subsection (e) of section 8 of the Home Owners' Loan Act of 1933, is hereby amended to read as follows:

"(e) No person, partnership, association, or corporation shall, directly or indirectly, solicit, contract for, charge or receive, or attempt to solicit, contract for, charge or receive any fee, charge, or other consideration from any person applying to the Corporation for a loan, whether bond or cash except ordinary fees authorized and required by the Corporation for services actually rendered for examination and perfection of title, appraisal, and like necessary services. Any person, partnership, association, or corporation violating the provisions of this subsection shall, upon conviction thereof, be fined not more than $10,000, or imprisoned not more than five years or both."

Punishment for.

Administrative rules, etc.
Ante, p. 132.
Application of payments to retirement of bonds.

SEC. 13. Subsection (k) of section 4 of the Home Owners' Loan Act of 1933 is hereby amended by inserting a new sentence after the second sentence of such subsection as follows: "All payments upon principal of loans made by the Corporation shall under regulations made by the Corporation be applied to the retirement of the bonds of the Corporation."

Federal Farm Mortgage Corporation Act.
Bonds of, not to issue in excess of assets.

SEC. 14. The eighth sentence of section 4 (a) of the Act entitled "An Act to provide for the establishment of a Corporation to aid in the refinancing of farm debts, and for other purposes", approved January 31, 1934, is amended to read as follows: "No such bonds shall be issued in excess of the assets of the Corporation, including the assets to be obtained from the proceeds of such bonds, but a failure to comply with this provision shall not invalidate the bonds or the guaranty of the same."

Separability of provisions.

SEC. 15. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Approved, April 27, 1934.

[CHAPTER 169.]

AN ACT

April 30, 1934.
[H.R. 5075.]
[Public, No. 179.]

To amend section 1 of the Act entitled "An Act to provide for determining the heirs of the deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes", approved June 25, 1910, as amended.

Indian trust allotments.
Vol. 36, p. 855; Vol. 45, p. 161.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes" (36 Stat. 855), be, and the same is hereby, amended to read as follows:

Disposal of, to heirs of intestate Indians.

"That when any Indian to whom an allotment of land has been made, or may hereafter be made, dies before the expiration of the trust period and before the issuance of a fee simple patent, without having made a will disposing of said allotment as hereinafter pro-

Ascertainment of legal heirs.
Determination of competency.

vided, the Secretary of the Interior, upon notice and hearing, under such rules as he may prescribe, shall ascertain the legal heirs of such decedent, and his decision thereon shall be final and conclusive. If the Secretary of the Interior decides the heir or heirs of such decedent competent to manage their own affairs, he shall issue to such heir or heirs a patent in fee for the allotment of such decedent; if he shall decide one or more of the heirs to be incompetent, he may, in his discretion, cause such lands to be sold: *Provided*, That if the Secretary of the Interior shall find that the lands of the decedent are capable of partition to the advantage of the heirs, he may cause the shares of such as are competent, upon their petition, to be set aside and patents in fee to be issued to them therefor. All sales of lands allotted to Indians authorized by this or any other Act shall be made under such rules and regulations and upon such terms as the Secretary of the Interior may prescribe, and he shall require a deposit of 10 per centum of the purchase price at the time of the sale. Should the purchaser fail to comply with the terms of sale prescribed by the Secretary of the Interior, the amount so paid shall be forfeited; in case the balance of the purchase price is to be paid on such deferred payments, all payments made, together with all interest paid on such deferred installments, shall be so forfeited for failure to comply with the terms of the sale. All forfeitures shall inure to the benefit of the allottee or his heirs. Upon payment of the purchase price in full the Secretary of the Interior shall cause to be issued to the purchaser patent in fee for such land: *Provided*, That the proceeds of the sale of inherited lands shall be paid to such heir or heirs as may be competent and held in trust subject to use and expenditure during the trust period for such heir or heirs as may be incompetent as their respective interests shall appear: *Provided further*, That the Secretary of the Interior is hereby authorized, in his discretion, to issue a certificate of competency, upon application therefor, to any Indian, or in case of his death to his heirs, to whom a patent in fee containing restrictions on alienation has been or may hereafter be issued, and such certificate shall have the effect of removing the restrictions on alienation contained in such patent: *Provided further*, That hereafter any United States Indian agent, superintendent, or other disbursing agent of the Indian Service may deposit Indian moneys, individual or tribal, coming into his hands as custodian, in such bank or banks as he may select: *Provided*, That the bank or banks so selected by him shall first execute to the said disbursing agent a bond, with approved surety, in such amount as will properly safeguard the funds to be deposited. Such bonds shall be subject to the approval of the Secretary of the Interior."

Provisos.
Partition.

Rules for sales.

Deposit required.

Forfeiture of payments, if terms not met.

Benefit of allottee.
Issue of patents.

Distribution of proceeds.

Competency certificates.

Deposit of Indian funds in banks.
Indemnity bond from bank.

Approved, April 30, 1934.

[CHAPTER 170.]

April 30, 1934.
[H.R. 7748.]
[Public, No. 180.]

AN ACT

Regulating procedure in criminal cases in the courts of the United States.

Criminal procedure, United States courts.
Pleas attacking indictments.
Time for filing, when based on jury irregularities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no plea to abate nor motion to quash any indictment upon the ground of irregularity in the drawing or impaneling of the grand jury or upon the ground of disqualification of a grand juror shall be sustained or granted unless such plea or motion shall have been filed before, or within ten days after, the defendant filing such plea or motion is presented for arraignment; and from the time such plea or motion is filed and until the termination of the first term of said court beginning subsequent to the final judgment on such plea or motion and

during which a grand jury thereof shall be in session, no statute of limitations shall operate to bar another indictment of any defendant filing such plea or motion, or of any other defendant or defendants included in the indictment to which such plea or motion is directed, for the offense or offenses therein charged.

Running of statute of limitations barred.

SEC. 2. No plea to abate nor motion to quash any indictment, upon the ground that one or more unqualified persons served upon the grand jury finding such indictment, shall be sustained if it appears that twelve or more jurors, after deducting the number so disqualified, concurred in the finding of said indictment: *Provided, however,* That no juror shall be permitted to testify, in this connection, as to whether he or any other individual juror voted for or against the finding of such indictment, but it shall be the duty of the foreman of each grand jury to keep a record of the number of grand jurors concurring in the finding of any indictment and to file such record with the clerk of the court at the time the indictment is returned. Such record shall not be made public except on order of the court.

Disqualification of jurors as grounds for invalidating indictment.

Proviso.
Confidential character of juror's vote.

Record of foreman.

SEC. 3. That this Act shall be applicable to the district courts of the United States, including the district courts of Alaska, Hawaii, Puerto Rico, and the Virgin Islands, and to the Supreme Court of the District of Columbia.

Applicability of Act.

Approved, April 30, 1934.

[CHAPTER 171.]

AN ACT

April 30, 1934.
[H.R. 7060.]
[Public, No. 181.]

To extend the times for commencing and completing the construction of a bridge across the Columbia River near The Dalles, Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Columbia River near The Dalles, Oregon, authorized to be built by The Dalles Bridge Company, a Washington corporation, by the Act of Congress approved March 4, 1933, are hereby extended one and three years, respectively, from March 4, 1934.

Columbia River.
Time extended for bridging, near The Dalles, Oreg.
Vol. 47, p. 1552.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, April 30, 1934.

[CHAPTER 172.]

AN ACT

April 30, 1934.
[H.R. 7425.]
[Public, No. 182.]

For the inclusion of certain lands in the national forests in the State of Idaho, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act entitled "An Act to consolidate national forest lands", approved March 20, 1922 (U.S.C., title 16, sec. 485), are extended and made applicable to the following-described lands in the State of Idaho:

National forests.
Certain lands in Idaho to be added to.
Vol. 42, p. 465; U.S.C., p. 420.

Description.

Sections 5, 6, 7, and 8, township 40 north, range 1 west.

Sections 1, 2, 3, 11, and 12; section 10, except the southwest quarter northwest quarter and the west half southwest quarter, township 40 north, range 2 west.

Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 16, 17, and 18; section 15, except the south half southwest quarter; north half northeast quarter, southwest quarter northeast quarter, northwest quarter, and the north half southwest quarter section 19; northeast quarter, east half north-

west quarter, and the southwest quarter section 20, township 40 north, range 3 west.

Sections 1 to 23, inclusive; northeast quarter, east half northwest quarter, northwest quarter northwest quarter, and the north half southeast quarter section 24; northeast quarter, east half northwest quarter, and the northwest quarter northwest quarter section 26; northeast quarter northeast quarter, west half northeast quarter, and the northwest quarter section 27; north half section 28; and the east half northeast quarter section 29, township 40 north, range 4 west.

Sections 9, 11, 12, 13, 14, and the south half section 1; south half section 2; southeast quarter section 3; section 10, except the north half northwest quarter; north half, and the east half southeast quarter, section 15; northeast quarter, and the north half southeast quarter section 16; north half, southeast quarter southwest quarter, and the southeast quarter, section 24, township 40 north, range 5 west.

Sections 29, 30, 31, and 32, township 41 north, range 1 west.

Sections 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 34, 35, 36, and the north half section 33, township 41 north, range 2 west.

Sections 13, 14, 15, 16, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, and section 26 except the southwest quarter southwest quarter, township 41 north, range 3 west.

The southeast quarter section 32; southwest quarter, west half southeast quarter, and the southeast quarter southeast quarter, section 33; east half southeast quarter section 34; south half section 35, and section 36, except the northeast quarter, township 41 north, range 4 west.

All foregoing descriptions relate to Boise base and meridian.

School, etc., lands within, may be exchanged for nonmineral areas.

SEC. 2. Lands within the national forests heretofore granted to the State of Idaho for educational or other purposes may, under such rules and regulations as the legislature of such State shall prescribe, be offered in exchange for any of the lands described in section 1 hereof which are of nonmineral character and approximately equal value and area, in the ownership of the United States or in other ownership, to the end that the State may acquire holdings in a reasonably compact form for economic administration as a forest property, or for use as an experimental, training, and demonstrational area by the School of Forestry of the University of Idaho, or for any other purposes that the legislature of the State may authorize or prescribe, anything in the enabling act of such State to the contrary notwithstanding.

Additions to forests.

SEC. 3. The lands conveyed to the United States under sections 1 and 2 of this Act (together with the land described in section 1 now owned by the United States, subject to all valid existing rights) shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located.

Approved, April 30, 1934.

[CHAPTER 173.]

April 30, 1934.
[H.R. 7801.]
[Public, No. 183.]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Columbia River at or near The Dalles, Oregon.

Columbia River. Time extended for bridging, at The Dalles, Oreg.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Columbia River at or near The Dalles, Oregon, authorized to be built

by Dalles City, by an Act of Congress approved February 20, 1931, heretofore extended by Act of Congress approved February 11, 1932, and further extended by Act of Congress approved February 14, 1933, are hereby further extended one and three years, respectively, from February 20, 1934. Vol. 46, p. 1193; Vol. 47, pp. 48, 806, amended.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved. Amendment.

Approved, April 30, 1934.

[CHAPTER 174.]

AN ACT

Granting the consent of Congress to the Iowa State Highway Commission and the Missouri Highway Department to maintain a free bridge already constructed across the Des Moines River near the city of Keokuk, Iowa.

April 30, 1934.
[H.R. 8040.]
[Public, No. 184.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Iowa State Highway Commission and the Missouri State Highway Department, and its successors and assigns, to maintain and operate, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, a bridge and approaches thereto already constructed across the Des Moines River near the city of Keokuk, Iowa, which bridge is hereby declared to be a lawful structure to the same extent and in the same manner as if it had been constructed in accordance with the provisions of said Act of March 23, 1906. Des Moines River. Operation of bridge across, at Keokuk, Iowa. Vol. 34, p. 84. Structure legalized.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved. Amendment.

Approved, April 30, 1934.

[CHAPTER 175.]

AN ACT

To legalize a bridge across Black River at or near Pocahontas, Arkansas.

April 30, 1934.
[H.R. 8237.]
[Public, No. 185.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bridge now being constructed across Black River at or near Pocahontas, Arkansas, by the Arkansas State Highway Commission, if completed in accordance with the plans accepted by the Chief of Engineers and the Secretary of War as providing suitable facilities for navigation and operated as a free bridge, shall be a lawful structure, and shall be subject to the conditions and limitations of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, other than those requiring the approval of plans by the Secretary of War and the Chief of Engineers before the bridge is commenced. Black River. Bridge across, at Pocahontas, Ark., legalized. Construction. Vol. 34, p. 84.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved. Amendment.

Approved, April 30, 1934.

[CHAPTER 176.]

AN ACT

To legalize a bridge across Saint Francis River at or near Lake City, Arkansas.

April 30, 1934.
[H.R. 8438.]
[Public, No. 186.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bridge now being constructed across Saint Francis River at or near Lake City, Arkansas, by the Arkansas State Highway Commission, if completed in accordance with the plans accepted by the Chief of Saint Francis River. Bridge across, at Lake City, Ark., legalized.

Engineers and the Secretary of War as providing suitable facilities for navigation and operated as a free bridge, shall be a lawful structure, and shall be subject to the conditions and limitations of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Construction. Vol. 34, p. 84.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 30, 1934.

[CHAPTER 177.]

AN ACT

April 30, 1934. [H.R. 8429.] [Public, No. 187.]

To revive and reenact the Act entitled "An Act authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Illinois", approved March 3, 1931.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved March 3, 1931, granting the consent of Congress to D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, at or near the town of New Boston, Illinois, be, and the same is hereby, revived and reenacted: *Provided*, That this Act shall be null and void unless the actual construction of the bridge and approaches thereto herein referred to be commenced within one year and completed within three years from the date of approval hereof.

Mississippi River. Authority to bridge, at New Boston, Ill., revived.

Vol. 46, p. 1503, amended.

Proviso. Time limitation.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 30, 1934.

[CHAPTER 178.]

AN ACT

April 30, 1934. [H.R. 8477.] [Public, No. 188.]

Authorizing the State Road Commission of West Virginia to construct, maintain, and operate a toll bridge across the Potomac River at or near Shepherdstown, Jefferson County, West Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the State Road Commission of West Virginia be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Potomac River, at a point suitable to the interests of navigation, at or near Shepherdstown, Jefferson County, West Virginia, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Potomac River. West Virginia may bridge, at Shepherdstown.

Construction. Vol. 34, p. 84.

SEC. 2. There is hereby conferred upon the State Road Commission of West Virginia all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State,

Right to acquire real estate, etc., for location, approaches, etc.

Condemnation proceedings.

and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Tolls authorized.

SEC. 3. The said State Road Commission of West Virginia is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Vol. 34, p. 85.

Charges to be applied to operation, sinking, etc., fund.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Record of expenditures and receipts to be kept.

Amendment.

SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 30, 1934.

[CHAPTER 179.]

AN ACT

April 30, 1934.
[H.R. 8834.]
[Public, No. 189.]

Authorizing the owners of Cut-Off Island, Posey County, Indiana, to construct, maintain, and operate a free highway bridge or causeway across the old channel of the Wabash River.

Wabash River.
Bridge authorized across, Cut-Off Island, Ind., to White County, Ill.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the owners of Cut-Off Island, Posey County, Indiana, are hereby authorized to construct, maintain, and operate a free highway bridge or causeway (including approaches thereto) across the old channel of the Wabash River, in order to connect such island with the highway system in White County, Illinois, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Construction.
Vol. 34, p. 84.

Right to acquire real estate, etc., for location, approaches, etc.

SEC. 2. There is hereby conferred upon the owners of Cut-Off Island, Indiana, all the rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge or causeway, and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Condemnation proceedings.

Term "owners" defined.

SEC. 3. The term "owners", as used in this Act, means the owners of Cut-Off Island, Indiana, at the date of the enactment of this Act, and any future owners of such island.

Amendment.

SEC. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 30, 1934.

[CHAPTER 180.]

AN ACT

April 30, 1934.
[H.R. 8853.]
[Public, No. 190.]

To extend the time for the construction of a bridge across the Wabash River at a point in Sullivan County, Indiana, to a point opposite on the Illinois shore.

Wabash River.
Time extended for bridging, Sullivan County, Ind.
Vol. 47, p. 44, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge authorized by Act of Congress approved February 10, 1932, to be built by Sullivan County, Indiana, or any board or commission of said county which is or may be created or established for the purpose, across the Wabash River, extending from some point in the county across said river to a point opposite on the Illinois shore, are hereby extended one and three years, respectively, from the date of approval hereof.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 30, 1934.

[CHAPTER 181.]

AN ACT

April 30, 1934.
[H.R. 8854.]
[Public, No. 191.]

To amend the District of Columbia Alcoholic Beverage Control Act by amending sections 11, 22, 23, and 24.

District of Columbia Alcoholic Beverage Control Act, amended.
Ante, p. 325.
Wholesalers', Class A.
Sales to other than licensee modified.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11, subsection (c), of the District of Columbia Alcoholic Beverage Control Act is amended by adding at the end of the first paragraph thereof the following: "It shall not authorize the sale of beverages to any other person except as may be provided by regulations promulgated by the Commissioners under this Act."

Ante, p. 332.
Reports by licensees.

SEC. 2. That section 22 of the said Alcoholic Beverage Control Act be amended by adding at the end thereof a new paragraph to read as follows:

"(c) The Commissioners may at any time suspend or revoke in whole or in part the requirements of this section."

Ante, p. 332.

SEC. 3. That section 23 of the said Alcoholic Beverage Control Act is amended so as to read as follows:

Tax levy.
Post, p. 1014.

"SEC. 23. (a) There shall be levied, collected, and paid on all of the following-named beverages manufactured by a holder of a manufacturer's license, and on all of the said beverages imported or brought into the District of Columbia by a holder of a wholesaler's or retailer's license, a tax at the following rates, to be paid by the licensee in the manner hereinafter provided:

Wine.

"(1) A tax of 35 cents on every wine-gallon of wine containing more than 14 per centum of alcohol by volume, except champagne, or any wine artificially carbonated and a proportionate tax at a like rate on all fractional parts of such gallon; (2) a tax of 50 cents on every wine-gallon of champagne or any wine artificially carbonated, and a proportionate tax at a like rate on all fractional parts of such gallon; (3) a tax of 50 cents on every wine-gallon of spirits, and a proportionate tax at a like rate on all fractional parts of such gal-

Champagne.

Spirits.

lon; (4) and a tax of $1.10 on every wine-gallon of alcohol, and a proportionate tax at a like rate on all fractional parts of such gallon. Alcohol.

"(b) Said taxes shall be collected by and paid to the Collector of Taxes of the District of Columbia and shall be deposited in the Treasury of the United States to the credit of the District of Columbia. Payment to Collector; division of credit.

"(c) Said taxes shall be collected and paid by the affixture of a stamp or stamps secured from the Collector of Taxes of the District of Columbia denoting the payment of the amount of the tax imposed by this Act upon such beverage, such affixture to be upon the immediate container of the beverage, unless the Commissioners shall by regulation permit otherwise. Taxes to be paid by affixture of stamps on container.

"(d) The Collector of Taxes of the District of Columbia shall furnish suitable stamps, to be prescribed by the Commissioners, denoting the payment of the taxes imposed by this Act, and shall by the sale of such stamps at the amounts indicated on the faces thereof cause the said taxes to be collected. Stamps to be furnished by Collector.

"(e) Upon beverages manufactured in the District of Columbia by a manufacturer licensed under this Act, the stamps required by this Act shall be affixed before the removal of the beverage from the place of business or warehouse of the said manufacturer for delivery to a purchaser. Upon beverages except taxable light wines, imported or brought into the District of Columbia by any wholesaler licensed under this Act, the stamps required by this Act shall be affixed before the removal of the beverage from the place of business or warehouse of the said wholesaler for delivery to a purchaser; upon taxable light wines imported or brought into the District of Columbia by any wholesaler licensed under this Act, the said stamps shall be affixed within twenty-four hours (excluding Sunday from the count) after the wines are received at the licensed premises of the wholesaler and before said wines are sold by such wholesaler. Upon beverages purchased outside the District of Columbia by any retailer licensed under this Act, the stamps required by this Act shall be affixed within twenty-four hours (excluding Sunday from the count) after the beverage is received at the licensed premises of said retailer and before said beverage is sold by such retailer. Beverages of local manufacture. Without the District. Stamp requirements. Taxable light wines brought into the District. Outside purchases by local licensees.

"(f) No person shall use or cause to be used for the payment of any tax imposed by this Act a stamp or stamps already theretofore used for the payment of any such tax. Reuse of stamps prohibited.

"(g) No tax shall be levied and collected on any alcohol exempt from tax under the laws of the United States, or on any alcohol sold for nonbeverage purposes by the holder of a manufacturer's or wholesaler's license, in accordance with the regulations promulgated by the Commissioners. Tax-free alcohol or for nonbeverage purposes.

"(h) If any Act of Congress shall hereafter prescribe for a Federal volume tax on alcoholic beverages under which a portion of said tax shall be returned to the District of Columbia, the taxes levied under this section shall not be collected after the effective date of said Act. Local tax withdrawn if revenue otherwise obtained.

"(i) The possession by any licensee of any beverage after its removal from the licensed premises of a manufacturer or wholesaler within the District of Columbia or after twenty-four hours (Sunday being excluded from the count) after its receipt from outside the District of Columbia, upon which the tax required has not been paid, shall render such beverage liable to seizure wherever found, and to forfeiture by the District of Columbia. And the absence of the proper stamps from any container (or wrapper if such be permitted) after the time at which the affixture of the stamp is required by this Act shall be notice to all persons that the tax Enforcement provisions. Absence of stamps prima facie evidence of nonpayment.

Proceedings.

has not been paid thereon and shall be prima facie evidence of the nonpayment thereof. Such beverage so liable to forfeiture shall be proceeded against in the Supreme Court of the District of Columbia by the corporation counsel of the District of Columbia,

Disposition if condemned.

and, if condemned, the said beverage shall be disposed of by destruction or delivered for medicinal, mechanical, or scientific uses to any department or agency of the United States Government or the District of Columbia government or any hospital or other charitable institution in the District of Columbia, or sold at public auction, as the court may direct. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, and all such proceedings shall be at the suit of and in the name of the District of Columbia.

Punishment for counterfeiting, etc.

"(j) Any person who shall counterfeit or forge any stamp required by this Act shall, upon conviction, be subject to a fine not exceeding $5,000 or to imprisonment for a period of not more than two years, or to both such fine and imprisonment."

SEC. 4. That section 24 of said Alcoholic Beverage Control Act is amended so as to read as follows:

Statement of present stock to be made.

"SEC. 24. (a) Every licensed manufacturer, wholesaler, and retailer under this Act shall furnish the Collector of Taxes of the District of Columbia on the day this Act becomes effective a statement under oath, on a form to be prescribed by the Commissioners, showing the amount and kind of taxable beverages held and possessed by him on the day this Act becomes effective, and shall state the number and denomination of stamps necessary for the stamping of such beverages so held and possessed on said date, as required by this Act.

Necessary stamps to be attached to such container.

Stamps to be furnished free and affixed to present tax-paid stock.

"(b) All beverages held or possessed by any licensed manufacturer, wholesaler and retailer under this Act on the effective date of this Act shall have the stamps affixed thereto as required by this Act, but such stamps shall be furnished free and without cost to such licensee by the Collector of Taxes of the District of Columbia upon receipt by him of the statement under oath required by paragraph (a) of this section: *Provided, however*, That such licensee shall on or before the 10th day of the calendar month first occurring after the effective date of this Act, file with the Board the statement under oath required under section 22, paragraphs (a) and (b) of the Alcoholic Beverage Control Act for the District of Columbia as originally enacted and approved, and shall on or before the 15th day of the calendar month first occurring after the effective date of this Act pay to the Collector of Taxes of the District of Columbia all taxes imposed by section 23 of said Act, as originally enacted and approved, on the beverages so reported as herein required."

Proviso.
Sworn statements to be filed by licensees.

Ante, p. 332.

Payment to be made.

Effective date.

SEC. 5. This Act shall become effective on the 1st day of the calendar month first occurring after thirty days from the approval thereof.

Approved, April 30, 1934.

[CHAPTER 182.]

April 30, 1934.
[H.R. 1724.]
[Public, No. 192.]

AN ACT

Providing for settlement of claims of officers and enlisted men for extra pay provided by Act of January 12, 1899.

Volunteer Army.
Claims of officers and enlisted men for extra pay, to be settled.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the General Accounting Office is authorized and directed to receive and settle claims of officers and enlisted men who were appointed or enlisted

in the Army under the Act of March 2, 1899 (30 Stat.L. 979), for one or two months' extra pay provided by the Act of January 12, 1899, as amended (30 Stat.L. 784), notwithstanding the disallowance of their claims for such extra pay by the former accounting officers of the Treasury. Vol. 30, pp. 979, 784.

Approved, April 30, 1934.

[CHAPTER 183.]

AN ACT

Authorizing the Secretary of Commerce to acquire a site for a lighthouse depot at New Orleans, Louisiana, and for other purposes.

April 30, 1934.
[H.R. 7488.]
[Public, No. 193.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is hereby authorized to acquire, by purchase from the Board of Commissioners of the Port of New Orleans, New Orleans, Louisiana, a lease for not exceeding ninety-nine years of a site on which is to be located the New Orleans Lighthouse Depot for a consideration of not exceeding $20,000 for the ninety-nine years, payment thereof to be made upon approval of the lease by the Secretary of Commerce from funds allotted and made available for this project by proper authority. The site shall contain aproximately [1] two and twenty-eight one-hundredths acres, description of which by metes and bounds shall be incorporated in the lease; and the Secretary of Commerce is authorized to erect upon such site such wharves, docks, and other structures as he may determine to be feasible and suitable for the purposes of the lighthouse depot, and to make payment therefor from funds allotted and made available for this project by proper authority.

New Orleans, La. Lease of site for lighthouse at, authorized.

Area.

Structures.

Approved, April 30, 1934.

[CHAPTER 184.]

JOINT RESOLUTION

Requesting the President to proclaim October 12 as Columbus Day for the observance of the anniversary of the discovery of America.

April 30, 1934.
[H.J.Res. 10.]
[Pub. Res., No. 21.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating October 12 of each year as Columbus Day and calling upon officials of the Government to display the flag of the United States on all Government buildings on said date and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies expressive of the public sentiment befitting the anniversary of the discovery of America.

Columbus Day. President requested to issue proclamation commemorating.

Approved, April 30, 1934.

[CHAPTER 191.]

AN ACT

To add certain lands to the Pike National Forest, Colorado.

May 3, 1934.
[H. R. 2858.]
[Public, No. 194.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-described lands be, and the same are hereby, added to and made a part of the Pike National Forest, in the State of Colorado, and are

Pike National Forest, Colo. Lands added to. U.S.C., p. 418; Supp. VII, p. 321.

[1] So in original.

to be hereafter administered under the laws and regulations relating to the national forests:

Description.

Township 9 south, range 77 west, sixth principal meridian: West half northwest quarter and west half southwest quarter section 30; northwest quarter northwest quarter, south half northwest quarter, south half northeast quarter, and south half section 31; south half northwest quarter, south half northeast quarter, and south half section 32.

Township 10 south, range 77 west, sixth principal meridian: North half section 5; north half and southwest quarter section 6; west half section 7; west half and south half southeast quarter section 18; north half northwest quarter and north half northeast quarter section 19; southwest quarter section 30; and west half section 31.

Township 10 south, range 78 west, sixth principal meridian: South half section 35 and south half section 36.

Township 11 south, range 77 west, sixth principal meridian: West half southwest quarter and southeast quarter southwest quarter section 19; west half northwest quarter and west half southwest quarter section 27.

Township 11 south, range 78 west, sixth principal meridian: Sections 3, 10, 15, 22, and the west half southwest quarter section 14; west half northwest quarter and south half section 23; and the south half section 24.

Township 12 south, range 77 west, sixth principal meridian: West half southwest quarter section 11; west half northwest quarter, west half southwest quarter, southeast quarter southwest quarter section 14; northwest quarter section 23; southwest quarter section 26; north half section 34, and northwest quarter section 35.

Township 13 south, range 77 west, sixth principal meridian: West half southwest quarter section 2; south half section 3; all of section 10; west half northwest quarter and west half southwest quarter section 11.

Pending application not affected.

The inclusion of any of the aforesaid land in the Pike National Forest shall not affect adversely any valid application or entry pending at the date of approval of this Act.

Approved, May 3, 1934.

[CHAPTER 192.]

AN ACT

May 3, 1934. [H.R. 2862.] [Public, No. 195.]

To add certain lands to the Cochetopa National Forest in the State of Colorado.

Cochetopa National Forest, Colo. Lands added to. U.S.C., p. 418; Supp. VII, p. 321.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-described lands be, and the same are hereby, added to and made a part of the Cochetopa National Forest in the State of Colorado and are hereafter to be administered under the laws and regulations relating to the national forests:

Description.

Township 12 south, range 79 west, sixth principal meridian: West half and southeast quarter section 16; all of sections 17 and 21; west half and southeast quarter section 22; and all of section 27.

Township 13 south, range 76 west, sixth principal meridian: Northeast quarter section 31; and west half northwest quarter section 32.

Township 13 south, range 77 west, sixth principal meridian: West half and southeast quarter section 14; northeast quarter section 15; east half section 23; west half northwest quarter and west half southwest quarter section 24.

Township 13 south, range 79 west, sixth principal meridian: West half section 22; west half section 27; all of section 34.

Township 14 south, range 79 west, sixth principal meridian: All of sections 3 and 10; west half, west half northeast quarter, and west half southeast quarter section 11; and all of section 35.

Township 15 south, range 76 west, sixth principal meridian: East half and southwest quarter section 10; west half section 11; west half and southeast quarter section 14; all of sections 15, 21, 22, 23, 26, and 27; east half section 28; east half section 33; all of sections 34 and 35; and west half section 36.

Township 15 south, range 78 west, sixth principal meridian: South half southwest quarter section 7; west half section 18; west half section 19; west half section 30; west half and southeast quarter section 31; and southwest quarter section 32.

Township 15 south, range 79 west, sixth principal meridian: South half northeast quarter, south half northwest quarter, and south half section 1; all of section 2; east half section 11; all of sections 12 and 13; northeast quarter section 14; all of section 24; and north half section 25.

Township 44 north, range 4 east, New Mexico principal meridian: North half sections 3 and 4.

Township 44 north, range 6 east, New Mexico principal meridian: Sections 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, and 24.

Township 45 north, range 4 east, New Mexico principal meridian: Sections 2, 11, 14, and 23.

Township 45 north, range 5 east, New Mexico principal meridian: East half section 32; sections 33, 34, 35, and 36.

Township 45 north, range 7 east, New Mexico principal meridian: Section 12.

Township 45 north, range 8 east, New Mexico principal meridian: Sections 17 and 18.

Township 46 north, range 5 east, New Mexico principal meridian: Section 19; west half, north half northeast quarter section 20; west half northwest quarter section 30.

Township 46 north, range 6 east, New Mexico principal meridian: Sections 4, 5, 8, 9, 11, 16, and 17.

Township 46 north, range 8 east, New Mexico principal meridian: Section 1; north half section 12; southwest quarter northwest quarter, west half southwest quarter section 13; northwest quarter southwest quarter, south half southwest quarter section 17; south half northeast quarter, southeast quarter section 18; east half section 19; northwest quarter, south half section 20; north half sections 22 and 23; northwest quarter northwest quarter section 24; section 29; east half section 30; northeast quarter section 31; and north half section 32.

Township 47 north, range 8 east, New Mexico principal meridian: Southwest quarter, west half southeast quarter section 2; west half, west half east half section 11; west half, west half east half section 14; west half section 24; sections 25 and 36.

Township 48 north, range 3 east, New Mexico principal meridian: Southeast quarter section 25; southwest quarter section 26; sections 27 and 28; north half, southeast quarter section 33.

Township 48 north, range 4 east, New Mexico principal meridian: Sections 1, 2, and 3; east half, east half west half, northwest quarter northwest quarter section 10; sections 11, 12, 13, and 14; northeast quarter, north half southeast quarter, southeast quarter southeast quarter section 15; sections 23, 24, 25, and 26; east half, southwest quarter section 27; south half section 28; east half southeast quarter section 29; southwest quarter section 30.

Township 48 north, range 5 east, New Mexico principal meridian: West half section 3; sections 4 and 9; west half section 10; sections 15, 16, 17, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 35, and 36.

Township 48 north, range 7 east, New Mexico principal meridian: Section 1.

Township 48 north, range 8 east, New Mexico principal meridian: Sections 5, 6, 8, and 17.

Township 49 north, range 4 east, New Mexico principal meridian: Sections 25, 26, 27; east half section 28; sections 34, 35, and 36.

Township 49 north, range 5 east, New Mexico principal meridian: Section 16; east half section 17; northeast quarter section 20; section 21; west half sections 22 and 27; sections 28 and 33; west half section 34.

Township 49 north, range 7 east, New Mexico principal meridian: Sections 10, 15, 24, 25, and 36.

Township 49 north, range 8 east, New Mexico principal meridian: Sections 19, 20, 29, 30, 31, and 32.

Township 50 north, range 7 east, New Mexico principal meridian: Sections 1, 12; north half, southwest quarter, west half southeast quarter section 13; sections 14 and 23.

Township 50 north, range 8 east, New Mexico principal meridian: East half section 1; east half section 12.

Township 50 north, range 9 east, New Mexico principal meridian: All of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and east half section 22; sections 23, 24, 25, and 26; east half section 27; section 36.

Township 50 north, range 10 east, New Mexico principal meridian: Entire township.

Township 51 north, range 8 east, New Mexico principal meridian: Section 19; east half section 25; section 30; east half section 36.

Township 51 north, range 9 east, New Mexico principal meridian: Entire township.

Township 51 north, range 10 east, New Mexico principal meridian: Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, and 22; west half section 23; sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36.

Existing rights not affected.

Provided, That the inclusion of any of the aforesaid land in the Cochetopa National Forest shall not affect adversely any right existing under the public-land laws at the date of the approval of this Act.

Approved, May 3, 1934.

[CHAPTER 193.]

May 3, 1934.
[H.R. 6013.]
[Public, No. 196.]

AN ACT

To authorize the sale of land and houses at Anchorage, Alaska.

Anchorage, Alaska. Sale of certain Federal property at, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to sell after appraisement and due advertisement, at public sale or under sealed bids and under such terms and conditions as he may prescribe, such lots with buildings thereon, the property of the United States, at Anchorage, Alaska, as in his judgment should be sold: *Provided*, That a preference right, in the discretion of the Secretary of the Interior, first may be accorded to the occupants of the properties to purchase the property so occupied at the appraised price.

Proviso. Preferential rights to occupants.

Approved, May 3, 1934.

[CHAPTER 194.]

AN ACT

May 3, 1934.
[H.R. 7803.]
[Public, No. 197.]

Authorizing the city of East Saint Louis, Illinois, to construct, maintain, and operate a toll bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of Saint Louis, Missouri, and a point opposite thereto in the city of East Saint Louis, Illinois.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the city of East Saint Louis, Illinois, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near a point between Morgan and Wash Streets in the city of Saint Louis, Missouri, and a point opposite thereto in the city of East Saint Louis, Illinois, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Mississippi River.
East Saint Louis, Ill., may bridge, to Saint Louis, Mo.

Construction.
Vol. 34, p. 84.

SEC. 2. There is hereby conferred upon the city of East Saint Louis, Illinois, all such rights and powers to enter upon land and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Right to acquire realty, etc., for approaches, etc.

Condemnation proceedings.

SEC. 3. The said city of East Saint Louis, Illinois, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Tolls authorized.

Vol. 34, p. 85.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period not to exceed thirty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Tolls to be applied to operation, sinking fund, etc.

Maintenance as free bridge after amortizing costs.

Record of expenditures and receipts.

SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, May 3, 1934.

[CHAPTER 195.]

AN ACT

May 3, 1934.
[H.R. 8516.]
[Public, No. 198.]

Granting the consent of Congress to the Mississippi Highway Commission to construct, maintain, and operate a free highway bridge across the Pearl River in the State of Mississippi.

Pearl River. Mississippi may bridge at Carthage.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Mississippi Highway Commission to construct, maintain, and operate a free highway bridge and approaches thereto across the Pearl River, at a point suitable to the interests of navigation, at or near Carthage, Leake County, Mississippi, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Construction.
Vol. 34, p. 84.

Amendment.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 3, 1934.

[CHAPTER 196.]

JOINT RESOLUTION

May 3, 1934.
[H.J.Res. 315.]
[Pub. Res., No. 22.]

Granting consent of Congress to an agreement or compact entered into by the State of New York with the Dominion of Canada for the establishment of the Buffalo and Fort Erie Public Bridge Authority with power to take over, maintain and operate the present highway bridge over the Niagara River between the city of Buffalo, New York, and the village of Fort Erie, Canada.

Buffalo-Ft. Erie bridge.
Compact for establishing and operating approved.
Vol. 41, p. 400; Vol. 43, p. 355.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress of the United States be, and it is hereby, given to the State of New York to enter into the agreement or compact with the Dominion of Canada set forth in chapter 824 of the Laws of New York, 1933, and an act respecting the Buffalo and Fort Erie Public Bridge Authority passed at the fifth session, Seventeenth Parliament, Dominion of Canada (24 George V 1934), assented to March 28, 1934, for the establishment of the Buffalo and Fort Erie Public Bridge Authority as a municipal corporate instrumentality of said State and with power to take over, maintain, and operate the present highway bridge over the Niagara River between the city of Buffalo, in the State of New York, and the village of Fort Erie, in the Dominion of Canada.

Approved, May 3, 1934.

[CHAPTER 210.]

AN ACT

May 4, 1934.
[H.R. 2828.]
[Public, No. 199.]

To authorize the city of Fernandina, Florida, under certain conditions, to dispose of a portion of the Amelia Island Lighthouse Reservation.

Amelia Island Lighthouse Reservation.
Fernandina, Fla., may convey portion of, under certain conditions.
Vol. 44, p. 624.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the payment of $1,000 by the city of Fernandina, Florida, to the Secretary of Commerce such city is authorized to convey, without regard to the conditions and limitations of paragraph (6) of section 1 and of section 2 of the Act entitled "An Act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and and [1] to increase the efficiency of the Lighthouse Service, and for other purposes", approved May 22, 1926, and without regard to the conditions and limitations of the Act entitled "An Act to authorize the city of Fernandina, Florida, under certain conditions, to dispose of a portion of the Amelia Island Lighthouse Reservation",

Vol. 46, p. 1485.

[1] So in original.

approved March 3, 1931, the land conveyed to such city pursuant to paragraph (6) of section 1 of the Act approved May 22, 1926, a tract bounded on the south by so much of the shell road as crosses section 12, on the east by the eastern boundary of section 12 with a water front nine hundred and sixty feet more or less, on the north by a straight line extending from such eastern boundary for one thousand feet more or less to the western boundary of section 12, and on the west by the western boundary of section 12 extending one thousand feet more or less to the shell road, containing twenty acres more or less. Any conveyance made by such city shall contain express conditions reserving to the United States (1) a perpetual easement for beams of lights from the Amelia Island Lighthouse, and (2) the right to trim any trees and to limit the height of any structures erected on such property that may obstruct the beams of such light.

Rights reserved.

Approved, May 4, 1934.

[CHAPTER 211.]

AN ACT

May 4, 1934.
[H.R. 3843.]
[Public, No. 200.]

To repeal an Act of Congress entitled "An Act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes", approved August 1, 1912.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress entitled "An Act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes" (37 Stat.L. 242–243), approved August 1, 1912, and the amendatory Act of March 3, 1925 (43 Stat.L. 1118), be, and the same are hereby, repealed.

Mining laws of Alaska.
Certain Acts relating to, repealed.
Vol. 37, p. 242; Vol. 43, p. 1118, repealed.

SEC. 2. That the general mining laws of the United States so far as they are applicable to placer mining claims, as heretofore extended to the Territory of Alaska, and amendments thereto, except those repealed by this Act, are declared to be in full force and effect in said Territory: *Provided*, That nothing herein shall be held to change or affect the rights acquired by locators or owners of placer-mining claims heretofore located in said Territory under the Act herein repealed.

Federal mining laws, applicable to placer claims effective in Alaska.
Proviso.
Existing rights.

SEC. 3. This Act shall take effect thirty days subsequent to the date of convening of the first regular session of the Alaska Territorial Legislature which is held after the passage of this Act.

Effective date.

Approved, May 4, 1934.

[CHAPTER 212.]

AN ACT

May 4, 1934.
[H.R. 5038.]
[Public, No. 201.]

Authorizing pursers or licensed deck officers of vessels to perform the duties of the masters of such vessels in relation to entrance and clearance of same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, under any provision or provisions of any statute of the United States, it is made the duty of the masters of vessels to make entry and clearance of same, it shall be lawful for such duties to be performed by any licensed deck officer or purser of such vessel; and when such duties are performed by a licensed deck officer or purser of such vessel, such acts shall have the same force and effect as if performed by masters of such vessels: *Provided*, That nothing herein contained shall relieve the master of any penalty or liability provided by any statute relating to the entry or clearance of vessels.

Navigation.
Master's duties relating to entrance and clearance, may be performed by purser, etc.
Proviso.
Liability of master.

Approved, May 4, 1934.

[CHAPTER 213.]

AN ACT

May 4, 1934.
[H.R. 5397.]
[Public, No. 202.]

To authorize the exchange of the use of certain Government land within the Carlsbad Caverns National Park for certain privately owned land therein.

Carlsbad Caverns National Park, N.Mex. Exchange of certain land within, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to acquire for and on behalf of the United States for park purposes title to the northeast quarter northwest quarter section 31, township 24 south, range 25 east, New Mexico principal meridian, within the Carlsbad Caverns National Park, and to grant to the owner thereof in exchange therefor, under such regulations as may be deemed by said Secretary necessary and in the interest of the United States, the privilege to use a shaft or tunnel located in the northwest quarter northeast quarter section 31, township 24 south, range 25 east, of the same meridian, for the purpose of mining and removing guano from the said northeast quarter northwest quarter section 31, the right to said guano to be reserved to the owner in the transfer of title to said land to the United States pursuant to this Act: *Provided*, That in addition to said privilege the Secretary of the Interior may also authorize the removal, under such terms and conditions as he deems fair, of any guano located within or on Government lands adjacent to said deposit: *Provided further*, That evidence of title to the land to be conveyed to the United States hereunder, satisfactory to the Secretary of the Interior, shall be furnished without cost to the Government.

Privilege to use tunnel to remove guano deposits.

Provisos.
Removing other deposits.

Title without Federal cost.

Approved, May 4, 1934.

[CHAPTER 214.]

AN ACT

May 4, 1934.
[H.R. 6676.]
[Public, No. 203.]

To require postmasters to account for money collected on mail delivered at their respective offices.

Postal Service.
R.S., sec. 3846, p. 752; U.S.C., p. 1237.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3846 of the Revised Statutes (U. S. C., title 39, sec. 46) is hereby amended to read as follows:

Money collected by postmasters. Safekeeping.

"Postmasters shall keep safely without loaning, using, depositing in an unauthorized bank, or exchanging for other funds, all the public money collected by them, or which may come into their possession, until it is ordered by the Postmaster General to be transferred or paid out. All money collected on mail delivered at their respective offices shall be deemed to be public money in the possession of the postmasters within the meaning of this section."

Deemed public money.

Approved, May 4, 1934.

[CHAPTER 215.]

AN ACT

May 4, 1934.
[H.R. 7551.]
[Public, No. 204.]

Authorizing the Secretary of Commerce to dispose of the Pass A'Loutre Lighthouse Reservation, Louisiana.

Pass A'Loutre Lighthouse Reservation, La. Conveyance of, to State, for park purposes, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is hereby authorized to convey by quitclaim deed to the State of Louisiana for State park purposes the Pass A'Loutre Lighthouse Reservation, Louisiana, and all appurtenant structures

located thereon, said reservation being described as follows: A tract of land known as the "Pass A'Loutre Lighthouse Reservation", situated in township 22 south, range 21 east, on the southwest portion of Middle Ground at the confluence of North Pass and Pass A'Loutre, Mississippi River Delta, Louisiana, comprising all that portion of sections 1 and 2 on Middle Ground west of a bayou which runs approximately north and south across Middle Ground, the mouth of said bayou being about seven hundred and sixty yards east of Pass A'Loutre Lighthouse tower, containing approximately two hundred acres: *Provided*, That if the use of the land is discontinued for State park purposes the title shall revert to the United States.

Description.

Proviso.
Reversionary provision.

Approved, May 4, 1934.

[CHAPTER 216.]

AN ACT

To authorize the Secretary of Commerce to transfer to the city of Bridgeport, Connecticut, a certain unused light-station reservation.

May 4, 1934.
[H.R. 7744.]
[Public, No. 205.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized on behalf of the United States to convey to the city of Bridgeport, in the county of Fairfield, State of Connecticut, a certain island known as "Fayerweather Island" which has been used as the Black Rock Light Station Reservation and which has heretofore been leased to said city of Bridgeport by the United States for use as a public park.

Bridgeport, Conn.
Conveyance to, of "Fayerweather Island", authorized.

A portion of Fayerweather Island was conveyed to the United States by deed dated June 17, 1807, from Nicholas Fish to the United States of America, and described as follows:

That certain piece or parcel of land lying in the town of Fairfield in the said State of Connecticut known and called the "Fayerweather Island" and which forms the outer side of the "Black Rock Harbor" so called, and the same is bounded northerly on Black Rock Harbor, westerly on the mouth of said harbor, southeasterly on the sea beach or Long Island Sound, and northeasterly on the beach including the rocky point thereof adjoining the said island and is about eight acres in quantity, be the same more or less, which deed is recorded in volume 32, page 545, and in book B, page 43, of the town of Fairfield.

Description.

And the remaining portion of said island was conveyed to the United States by deed dated July 10, 1807, from Daniel Fayerweather to the United States of America, one undivided half of a certain piece of land in quantity about eight acres in the whole piece, be the same more or less, and which piece of land lies in the town of Fairfield, in said county, and is known and called by the name of "Fayerweather Island", and the whole of said land is bounded northerly on Black Rock Harbor, westerly on the mouth of said harbor, easterly on the sea or Long Island Sound, northeasterly on the beach including the rocky point thereof adjoining said premises, which deed is recorded in volume 32, page 25, and in book B, page 44, of the town of Fairfield.

Said deed from the United States shall convey all of said property to said city in perpetuity and shall provide that it shall always be used and maintained by said city as a public park, and if at any time the city discontinues the maintenance of said property as a public park, then the same shall revert to the Government of the United States.

Use, etc., as public park.

Reversionary provision.

Approved, May 4, 1934.

[CHAPTER 217.]

AN ACT

May 4, 1934.
[H.R. 7793.]
[Public, No. 206.]

Authorizing a preliminary examination of the Ogeechee River in the State of Georgia, with a view to controlling of floods.

Ogeechee River, Ga. Preliminary examination of, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is authorized and directed to cause a preliminary examination to be made of the Ogeechee River, in the State of Georgia, with a view to the control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of the floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917. The cost of such examination shall be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Vol. 39, p. 950.

Payment of expenses.

Approved, May 4, 1934.

[CHAPTER 218.]

AN ACT

May 4, 1934.
[H.R. 7200.]
[Public, No. 207.]

To provide for the addition of certain lands to the Chickamauga and Chattanooga National Military Park in the States of Tennessee and Georgia.

Chickamauga and Chattanooga National Military Park, Tenn.-Ga.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to accept in behalf of the United States lands, easements, and buildings as may be donated for an addition to the Chickamauga and Chattanooga National Military Park lying within what is known as the "Chattanooga-Lookout Mountain Park" (a corporation, Adolph S. Ochs, president) and/or any lands within one mile of said Chattanooga-Lookout Mountain Park in the States of Tennessee and Georgia.

Addition authorized.

Laws extended.
U.S.C., p. 415.

SEC. 2. That all laws affecting the Chickamauga and Chattanooga National Military Park shall be extended and apply to any addition or additions which may be added to said park under the authority of this Act.

Approved, May 4, 1934.

[CHAPTER 219.]

AN ACT

May 7, 1934.
[H.R. 3345.]
[Public, No. 208.]

To authorize the Department of Agriculture to issue a duplicate check in favor of the Mississippi State treasurer, the original check having been lost.

Mississippi State Treasurer.
Issue of duplicate check in favor of, authorized.
No indemnity bond required.
U.S.C., p. 1009.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of sections 3646, as amended, of the Revised Statutes of the United States, the disbursing clerk of the Department of Agriculture is authorized and directed to issue, without the requirement of an indemnity bond, a duplicate of original check numbered 534971 drawn April 3, 1929, in favor of the Mississippi State treasurer for $1,871.02, and lost, stolen, or miscarried in the mails.

Approved, May 7, 1934.

[CHAPTER 220.]

AN ACT

May 7, 1934.
[H.R. 3845.]
[Public, No. 209.]

To amend section 198 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States", approved March 4, 1909, as amended by the Acts of May 18, 1916, and July 28, 1916.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 198 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States", approved March 4, 1909, as amended by the Acts of May 18, 1916, and July 28, 1916 (U.S.C., title 18, sec. 321), be, and the same is hereby, amended to read as follows:

Postal service.
Vol. 35, p. 1126; Vol. 39, pp. 162, 418, amended.
U.S.C., p. 485, amended.

"Whoever shall willfully or maliciously injure, tear down, or destroy any letter box or other receptacle intended or used for the receipt or delivery of mail on any mail route, or shall break open the same, or shall willfully or maliciously injure, deface, or destroy any mail deposited therein, or shall willfully take or steal such mail from or out of such letter box or other receptacle; or shall willfully aid or assist in any of the aforementioned offenses, shall for every such offense be punished by a fine of not more than $1,000 or by imprisonment for not more than three years.

Letter receptacle, etc.
Willfully injuring, etc., or stealing mail therefrom.

Accessory, etc.

Punishment for.

SEC. 2. Whoever shall knowingly or willfully deposit any mailable matter such as statements of accounts, circulars, sale bills, or other like matter, on which no postage has been paid, in any letter box established, approved, or accepted by the Postmaster General for the receipt or delivery of mail matter on any mail route with intent to avoid payment of lawful postage thereon; or shall willfully aid or assist in any of the aforementioned offenses, shall for every such offense be punished by a fine of not more than $300.

Willful deposit of designated matter in such receptacles without postage.

Penalty for.

Approved, May 7, 1934.

[CHAPTER 221.]

AN ACT

May 7, 1934.
[H.R. 4808.]
[Public, No. 210.]

Granting citizenship to the Metlakahtla Indians of Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Indians of the Tsimshian Tribe, and those people known as Metlakahtlans, who emigrated from Metlakahtla, British Columbia, Canada, to Annette Island, in the Alexander Archipelago in southeastern Alaska in the year 1887, and there established a colony known as Metlakahtla, Alaska, and any and all other British Columbia Indians who joined them there not later than January 1, 1900, and have since resided continuously therein, having been faithful and loyal to the Constitution, laws and the Government of the United States, are hereby declared to be citizens of the United States.

Metlakahtla, etc., Indians of Alaska.
Citizenship granted to.

Vol. 26, p. 1101.

SEC. 2. The granting of citizenship to the said Indians shall not in any manner affect the rights, individual or collective, of the said Indians to any property, nor shall it affect the rights of the United States Government to supervise and administer the affairs of the said Metlakahtla Colony. And any reservations heretofore made by any Act of Congress or Executive order or proclamation for the benefit of the said Indians shall continue in full force and effect and shall continue to be subject to modification, alteration, or repeal by the Congress or the President, respectively.

Property rights of Indians.

Supervision, etc., by United States.

Status of laws, orders, etc., concerning.

Approved, May 7, 1934.

[CHAPTER 222.]

AN ACT

May 7, 1934.
[H.R. 8889.]
[Public, No. 211.]

To provide for the custody and maintenance of the United States Supreme Court Building and the equipment and grounds thereof.

United States Supreme Court Building. Care of.
Post, p. 1036.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol shall have charge of the structural and mechanical care of the United States Supreme Court Building, including the care and maintenance of the grounds, and the supplying of all mechanical furnishings and mechanical equipment for the building. The operation and maintenance of the mechanical equipment and repair of the building shall be performed under his direction and he is authorized to enter into all necessary contracts.

Employees.
Appointment, pay, retirement, etc.
Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003.
U.S.C., p. 65, Supp. VII, p. 34.

SEC. 2. Employees required for the performance of the foregoing shall be (a) appointed by the Architect of the Capitol with the approval of the Chief Justice of the United States; (b) compensated in accordance with the provisions of the Classification Act of 1923, as amended (U.S.C., Supp. VI, title 5, ch. 13); and (c) be subject to the provisions of the Act entitled "An Act for the retirement of employees in the classified civil service, and for other purposes", approved May 22, 1920, as amended (U.S.C., Supp. VI, title 5, ch. 14).

Marshal to be superintendent of building.
Other duties, etc.

SEC. 3. All other duties and work required for the operation, domestic care, and custody of the building shall be performed under the direction of the Marshal of the Supreme Court of the United States, who shall be superintendent of the United States Supreme Court Building, and employees (including elevator operators) required for the performance of such duties shall be appointed by the Marshal with the approval of the Chief Justice.

Disbursements.

SEC. 4. Appropriations for the work under the jurisdiction of the Architect of the Capitol shall be disbursed by the Marshal upon certified vouchers submitted by the Architect of the Capitol.

Approved, May 7, 1934.

[CHAPTER 223.]

AN ACT

May 7, 1934.
[H.R. 6166.]
[Public, No. 212.]

Providing for payment of $25 to each enrolled Chippewa Indian of Minnesota from the funds standing to their credit in the Treasury of the United States.

Chippewa Indians of Minnesota.
Per capita payment to, from tribal funds.
Vol. 25, p. 645.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to withdraw from the Treasury so much as may be necessary of the principal fund on deposit to the credit of the Chippewa Indians in the State of Minnesota, under section 7 of the Act entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota", approved January 14, 1889, as amended, and to make therefrom payment of $25 to each enrolled Chippewa Indian of Minnesota, under such regulations as such Secretary shall prescribe. No payments shall be made under this Act until the Chippewa Indians of Minnesota shall, in such manner as such Secretary shall prescribe, have accepted such payments and ratified the provisions of this Act. The money paid to the Indians under this Act shall not be subject to any lien or claim of whatever nature against any of said Indians.

Approved, May 7, 1934.

[CHAPTER 224.]

JOINT RESOLUTION

May 7, 1934.
[H.J.Res. 332.]
[Pub. Res., No. 23.]

To provide appropriations to meet urgent needs in certain public services, and for other purposes.

Appropriations, certain public services.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes hereinafter enumerated:

LEGISLATIVE

Legislative.

SENATE

Senate.

Inquiries and investigations.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1934, $150,000: *Provided*, That except in the case of the Joint Committee on Internal Revenue Taxation no part of this appropriation shall be expended for services, personal, professional, or otherwise, in excess of the rate of $3,600 per annum: *Provided further*, That no part of this appropriation shall be expended for per diem and subsistence expenses except in accordance with the provisions of the Subsistence Expense Act of 1926, approved June 3, 1926, as amended.

Provisos.
Personal services restriction.

Subsistence, etc., limitation.
Vol. 44, p. 688.
U.S.C., Supp. VII, p. 53.

HOUSE OF REPRESENTATIVES

House of Representatives.

Select, etc., committees.

For expenses of special and select committees authorized by the House, fiscal year 1934, $35,000.

TREASURY DEPARTMENT

Treasury Department.

PUBLIC DEBT SERVICE

Public Debt Service.

Distinctive paper.
Price limitation repealed.
Vol. 47, p. 1492.

The limitation on the price per pound permitted to be paid for distinctive paper for United States securities under the appropriation for the purchase of such paper in the Treasury Department Appropriation Act, 1935, is hereby repealed.

PROCUREMENT DIVISION

Procurement Division.

Triangle buildings, Washington, D.C.
Furniture, etc.
Funds available.

Washington, District of Columbia, furniture for triangle buildings: The Secretary of the Treasury is hereby authorized to expend not to exceed the sum of $472,454 out of the aggregate of the unexpended balances under the authorizations for the construction of the new buildings for the Departments of Justice, Post Office, and Labor, and the Interstate Commerce Commission, the connecting wing between the Interstate Commerce Commission and Department of Labor Buildings, and the Archives Building as may be required to provide the necessary furniture and furnishings for said buildings, and the unexpended portion of the appropriations available for the construction of such buildings is hereby made available for that purpose, and the Director of Procurement, Treasury Department, is hereby authorized to make contracts, after advertising and competitive bidding, without regard to section 4 of the Act approved June 17, 1910 (ch. 297, sec. 4, 36 Stat. 531), for the purchase of said furniture and furnishings, and to make expenditures for services, supplies, material, and equipment, including moving services and the reconditioning of old furniture and the temporary rental of space therefor, and necessary travel and subsistence

Contracts authorized.
Vol. 36, p. 531, waived.

Contingent expenses.

in connection with the inspection of commodities to be contracted for or purchased; and, when deemed desirable or advantageous by him, the said Director of Procurement is authorized to employ, by contract or otherwise, without regard to civil-service laws and regulations, such temporary outside professional or technical services as he may find necessary in furnishing those portions of the said buildings requiring special treatment, all within the total amount made available herein: *Provided*, That not to exceed $10,000 may be expended for such temporary outside professional or technical services: *Provided further*, That not to exceed $31,515 may be expended for furniture and furnishings for the auditorium located in the connecting wing between the Interstate Commerce Commission and Department of Labor Buildings: *Provided further*, That the cost of furniture and furnishing for Cabinet officers' suites, Assistant Cabinet officers' suites, executive officers' suites, and conference and hearing rooms for the Interstate Commerce Commission shall be based upon the square-foot area of the rooms to be furnished, and shall not exceed the rates set forth herein, as follows: For Cabinet officers' suites and conference rooms for the Interstate Commerce Commission, $1.75 per square foot; for Assistant Cabinet officers' suites, $1.50 per square foot; and for executive officers' suites. $1 per square foot.

Temporary, etc., services.

Provisos.
Outside technical, etc., services.
Auditorium furnishings.

Rate limitations on furnishing Cabinet, etc., officers' suites.

War Department.

WAR DEPARTMENT

Panama Canal.

PANAMA CANAL

Repatriation of certain unemployed aliens.

For repatriation of unemployed aliens who have been employed in the service of the United States Government or the Panama Railroad Company on the Isthmus of Panama for three or more years at any time, and repatriation of members of families of such alien former employees, including expenses of transportation of such alien former employees and members of their families, and the payment in cash of not to exceed $100 to each such alien former employee for assistance in rehabilitation after repatriation, $150,000, to be expended under the direction of the Governor of the Panama Canal and to be available until expended.

Rehabilitation after repatriation.

Approved, May 7, 1934.

[CHAPTER 263.]

May 9, 1934.
[H. R. 8861.]
[Public, No. 213.]

AN ACT

To include sugar beets and sugarcane as basic agricultural commodities under the Agricultural Adjustment Act, and for other purposes.

Agricultural Adjustment Act amendments.
Basic agricultural commodities.
"Sugar beets and sugarcane" added.
Ante, p. 38.
Definitions.
Ante, p. 36.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the Agricultural Adjustment Act, as amended, is amended by adding after the word "tobacco" a comma and the words "sugar beets and sugarcane", followed by a comma.

SEC. 2. Subsection (d) of section 9 of the Agricultural Adjustment Act, as amended, is amended by adding after paragraph (5) thereof the following:

"(6) In the case of sugar beets and sugarcane—

"First domestic processing."

"(A) The term 'first domestic processing' means each domestic processing, including each processing of successive domestic processings, of sugar beets, sugarcane, or raw sugar, which directly results in direct-consumption sugar.

"Sugar."

"(B) The term 'sugar' means sugar in any form whatsoever, derived from sugar beets or sugarcane, whether raw sugar or direct-

consumption sugar, including also edible molasses, sirups and any mixture containing sugar (except blackstrap molasses and beet molasses).

"(C) The term 'blackstrap molasses' means the commercially so-designated 'byproduct' of the cane-sugar industry, not used for human consumption or for the extraction of sugar. "Blackstrap molasses."

"(D) The term 'beet molasses' means the commercially so-designated 'byproduct' of the beet-sugar industry, not used for human consumption or for the extraction of sugar. "Beet molasses."

"(E) The term 'raw sugar' means any sugar, as defined above, manufactured or marketed in, or brought into, the United States, in any form whatsoever, for the purpose of being, or which shall be, further refined (or improved in quality, or further prepared for distribution or use). "Raw sugar."

"(F) The term 'direct-consumption sugar' means any sugar, as defined above, manufactured or marketed in, or brought into, the United States in any form whatsoever, for any purpose other than to be further refined (or improved in quality, or further prepared for distribution or use). "Direct-consumption sugar."

"(G) The term 'raw value' means a standard unit of sugar testing ninety-six sugar degrees by the polariscope. All taxes shall be imposed and all quotas shall be established in terms of 'raw value' and for purposes of quota and tax measurements all sugar shall be translated into terms of 'raw value' according to regulations to be issued by the Secretary, except that in the case of direct-consumption sugar produced in continental United States from sugar beets the raw value of such sugar shall be one and seven one-hundredths times the weight thereof." "Raw value." Exception.

SEC. 3. (a) The first two sentences of subsection (b) of section 9 of the Agricultural Adjustment Act, as amended, are amended to read as follows: "The processing tax shall be at such rate as equals the difference between the current average farm price for the commodity and the fair exchange value of the commodity; except that if the Secretary has reason to believe that the tax at such rate on the processing of the commodity generally or for any particular use or uses will cause such reduction in the quantity of the commodity or products thereof domestically consumed as to result in the accumulation of surplus stocks of the commodity or products thereof or in the depression of the farm price of the commodity, then he shall cause an appropriate investigation to be made and afford due notice and opportunity for hearing to interested parties. If thereupon the Secretary finds that any such result will occur, then the processing tax on the processing of the commodity generally, or for any designated use or uses, or as to any designated product or products thereof for any designated use or uses, shall be at such rate as will prevent such accumulation of surplus stocks and depression of the farm price of the commodity." *Ante*, p. 36. Processing tax. Determination of rate. If tax results in reduction of domestic consumption, causing surplus stocks. Investigations. Rate reduction authorized.

(b) Subsection (b) of section 9 of the Agricultural Adjustment Act, as amended, is further amended by adding at the end thereof the following: "In the case of sugar beets or sugarcane the rate of tax shall be applied to the direct-consumption sugar, resulting from the first domestic processing, translated into terms of pounds of raw value according to regulations to be issued by the Secretary of Agriculture, and the rate of tax to be so applied shall be the higher of the two following quotients: The difference between the current average farm price and the fair exchange value (1) of a ton of sugar beets and (2) of a ton of sugarcane, divided in the case of each commodity by the average extraction therefrom of sugar in terms of pounds of raw value (which average extraction shall be Sugar beets, etc. Rates to be applied to direct-consumption sugar, etc. Determination of.

Tax rate not to exceed reduction of rate on pound of raw value. Vol. 46, p. 630.

determined from available statistics of the Department of Agriculture); except that such rate shall not exceed the amount of the reduction by the President on a pound of sugar raw value of the rate of duty in effect on January 1, 1934, under paragraph 501 of the Tariff Act of 1930, as adjusted to the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on December 11, 1902, and/or the provisions of the Act of December 17, 1903, chapter 1."

Commodity benefits. *Ante*, p. 35.

SEC. 4. Section 8 of the Agricultural Adjustment Act, as amended, is amended by adding at the end thereof the following new section:

Standards for exercise of powers by Secretary of Agriculture.

"SEC. 8a. (1) Having due regard to the welfare of domestic producers and to the protection of domestic consumers and to a just relation between the prices received by domestic producers and the prices paid by domestic consumers, the Secretary of Agriculture may, in order to effectuate the declared policy of this Act, from time to time, by orders or regulations—

Quotas to be fixed. Orders forbidding importing, processing, etc., in excess of.

"(A) (i) Forbid processors, handlers of sugar, and others from importing sugar into continental United States for consumption, or which shall be consumed, therein, and/or from transporting to, receiving in, processing or marketing in, continental United States, and/or from processing in any area to which the provisions of this title with respect to sugar beets and sugarcane may be made applicable, for consumption in continental United States, sugar from the Virgin Islands, the Philippine Islands, the Canal Zone, American Samoa, the island of Guam, and from foreign countries, including Cuba, respectively, in excess of quotas fixed by the Secretary of Agriculture, for any calendar year, based on average quantities

Determination of quotas.

therefrom brought into or imported into continental United States for consumption, or which was actually consumed, therein, during such three years, respectively, in the years 1925–1933, inclusive, as

Adjustment.

the Secretary of Agriculture may, from time to time, determine to be the most representative respective three years, adjusted, together with the quotas established pursuant to paragraph (ii), (in such manner as the Secretary shall determine) to the remainder of the total estimated consumption requirements of sugar for continental United States, determined pursuant to subsection (2) of this section, after deducting therefrom the quotas for continental United States,

Provisos. Direct-consumption sugar from insular possessions included.

provided for by paragraph (B) of this subsection: *Provided, however*, That in such quotas there may be included, in the case of the Virgin Islands, the Philippine Islands, the Canal Zone, American Samoa, and the island of Guam, direct-consumption sugar up to an amount not exceeding the respective quantities of direct-consumption sugar therefrom brought into or imported into continental United States for consumption, or which was actually consumed, therein during the year 1931, 1932, or 1933, whichever is greater, and in the

From Cuba.

case of Cuba, direct-consumption sugar up to an amount not exceeding 22 per centum of the quota established for Cuba: *And provided further*, That any imported sugar, with respect to which a drawback

Imports where drawback allowed deemed nonquota. Vol. 46, p. 693.

of duty is allowed, under the provisions of section 313 of the Tariff Act of 1930, shall not be charged against the quota established by the Secretary of Agriculture hereunder for the country from which such sugar was imported, and the Secretary of Agriculture may,

Readjustments permitted.

by orders or regulations, readjust any quota subject to the provisions of this section, except quotas fixed by paragraph (B) of this subsection; and may allot (or appoint an officer, including the Governor

Allotments; delegation of authority.

General of the Philippine Islands for that area, in his name to allot) any quota, and readjust any such allotment, from time to time, among the processors, handlers of sugar and others; and/or

"(ii) Forbid processors, handlers of sugar, and others from transporting to, receiving in, processing or marketing in, continental United States, and/or from processing in the Territory of Hawaii or Puerto Rico for consumption in continental United States, sugar from the Territory of Hawaii or Puerto Rico, in excess of quotas fixed by the Secretary of Agriculture, for any calendar year, based on average quantities therefrom brought into continental United States for consumption, or which was actually consumed, therein during such three years, respectively, in the years 1925–1933, inclusive, as the Secretary of Agriculture may, from time to time, determine to be the most representative respective three years, adjusted, together with the quotas established pursuant to paragraph (i), (in such manner as the Secretary shall determine) to the remainder of the total estimated consumption requirements of sugar for continental United States, determined pursuant to subsection (2) of this section, after deducting therefrom the quotas for continental United States, provided for by paragraph (B) of this subsection: *Provided, however*, That in such quotas there may be included direct-consumption sugar up to an amount not exceeding the respective quantities of direct-consumption sugar therefrom brought into continental United States for consumption, or which was actually consumed, therein during the year 1931, 1932, or 1933, whichever is greater, and the Secretary of Agriculture may, by orders or regulations, allot such quotas and readjust any such allotment, from time to time, among the processors, handlers of sugar, and others; and/or

Hawaii and Puerto Rico.

Quotas of; importing in excess of, forbidden.

Determination of quotas.

Adjustment.

Proviso. Direct-consumption sugar included.

"(B) Forbid processors, handlers of sugar, and others from marketing in, or in the current of, or in competition with, or so as to burden, obstruct, or in any way affect, interstate or foreign commerce, sugar manufactured from sugar beets and/or sugarcane, produced in the continental United States beet-sugar-producing area, the States of Louisiana and Florida, and any other State or States in excess of the following quotas, for any calendar year, except as provided for in subsection (2) of this section: United States beet-sugar area, one million five hundred and fifty thousand short tons raw value; the States of Louisiana and Florida, except as may be provided under paragraph (C) of this subsection, two hundred and sixty thousand short tons raw value; and the Secretary of Agriculture may, by orders or regulations, allot such quotas and readjust any such allotment, from time to time, among the processors, handlers of sugar, and others; and/or

Sugar from continentally produced beets or cane.

Orders forbidding interference in commerce in excess of quotas.

Quotas.

Beet-sugar area.

Louisiana and Florida.

Allotments and readjustments.

"(C) For any calendar year, determine the quota, but not less than the quota provided in paragraph (B), for any area producing less than two hundred and fifty thousand long tons of sugar raw value during the next preceding calendar year; and/or

Quotas for small areas; raw value basis.

"(D) Establish a separate quota or quotas for edible molasses and/or sirup of cane juice produced in continental United States, in addition to, and/or for edible molasses, sirups, and sugar mixtures produced in any other area or areas to which this title relates, as part of or in addition to, the quotas established pursuant to paragraphs (A) to (C), inclusive, of this subsection, for use as such and not for the extraction of sugar.

Separate quotas for sirups and for sugar mixtures.

Deemed part of, or addition to other designated quotas.

"(2) (A) The consumption requirements of sugar for continental United States, for the calendar year 1934, and for each succeeding calendar year, shall be determined by the Secretary of Agriculture from available statistics of the Department of Agriculture. The consumption requirements so determined shall, at such intervals as the Secretary finds necessary to effectuate the declared policy and

Consumption requirements; adjusting quotas in relation thereto.

the purposes of this Act, be adjusted by him to meet the actual requirements of the consumer as determined by the Secretary.

Proration of excess if consumption requirements exceed estimate.

"(B) In the event that available statistics of the Department of Agriculture during the course of any calendar year indicate that the consumption requirements of sugar for continental United States for such calendar year will exceed the amount of the consumption requirements determined for that year, the Secretary of Agriculture may prorate such estimated excess amount on the basis of the respective quotas determined by and pursuant to subsection (1) of this section: *Provided, however*, That for each calendar year there shall be allotted to continental United States not less than 30 per centum of any amount of consumption requirements therefor above six million four hundred and fifty-two thousand short tons raw value.

Proviso. Allotment to continental United States.

Proration of consumption requirements, when found less than estimate.

"(C) In the event that available statistics of the Department of Agriculture during the course of any calendar year indicate that the consumption requirements of sugar for continental United States for such year will be less than the amount of the consumption requirements determined for that year, the amount of such deficiency may be proportionately deducted from the respective quotas determined by and pursuant to paragraph (A) of subsection (1) of this section.

Proration when deficiency in producing area.

"(D) If, during any calendar year, any producing area is unable to produce and deliver its full quota of sugar, the Secretary of Agriculture may prorate this deficiency among the other areas on the basis of their respective quotas and ability to supply the deficiency.

Deduction of surplus stock from quota.

"(E) Notwithstanding the provisions of paragraphs (A) to (C), inclusive, of subsection (1) of this section, the Secretary of Agriculture may, in order to effectuate the declared policy of this Act, from time to time, by orders or regulations, deduct from the quotas for production, importing, receiving, and/or marketing, and/or from the allotments thereof, established pursuant to said paragraphs, in any given year, an amount for each year, respectively, representing the surplus stocks of sugar produced in that area, or a portion of the total surplus stocks of sugar produced in that area, in whole or in part, which may have accumulated in the year next preceding, over and above the quotas established for such year.

Child labor. Agreements to limit or regulate.

"(3) In order more fully to effectuate the declared policy of this Act, as set forth in its declaration of policy, and to insure the equitable division between producers and/or growers and/or the processors of sugar beets or sugarcane of any of the proceeds which may be derived from the growing, processing and/or marketing of such sugar beets or sugarcane, and the processing and/or marketing of the products and byproducts thereof, all agreements authorized by this Act relating to sugar beets, sugarcane, or the products thereof may contain provisions which will limit or regulate child labor, and

Minimum wage provisions.

will fix minimum wages for workers or growers employed by the producers and/or processors of sugar beets and/or sugarcane who are parties to such agreements; and the Secretary, upon the request of any producer, or grower, or worker, or of any association of producers, or growers, or workers, or of any processor, of sugar beets

Adjudicating disputes.

or sugarcane, is hereby authorized to adjudicate any dispute as to any of the terms under which sugar beets or sugarcane are grown or are to be grown and/or marketed, and the sugar and byproducts

Secretary's decision final.

thereof are to be marketed. The decision and any determination of the Secretary shall be final.

Penalties, etc. Violating Secretary's orders, etc.

"(4) Any person willfully violating any order or regulation of the Secretary of Agriculture issued under this section shall, upon conviction, be punished by a fine of not more than $100.

Willfully exceeding quota, etc.

"(5) Any person willfully exceeding any quota or allotment fixed for him under this title by the Secretary of Agriculture, and any

other person knowingly participating, or aiding, in the exceeding of said quota or allotment, shall forfeit to the United States a sum equal to three times the current market value of such excess, which forfeiture shall be recoverable in a civil suit brought in the name of the United States.

Jurisdiction vested in district courts.

"(6) The several district courts of the United States are hereby vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, the provisions of this section, or of any order, regulation, agreement, or license heretofore or hereafter made or issued pursuant to this title, in any proceeding now pending or hereafter brought in said courts.

District attorneys to institute enforcement proceedings.

"(7) Upon the request of the Secretary of Agriculture, it shall be the duty of the several district attorneys of the United States, in their respective districts, under the directions of the Attorney General, to institute proceedings to enforce the remedies and to collect the forfeitures provided for in, or pursuant to, this title.

Remedies.

"(8) The remedies provided for in this section shall be in addition to, and not exclusive of, any of the remedies or penalties provided for elsewhere in this title or now or hereafter existing at law or in equity.

"Person" defined.

"(9) The term 'person' as used in this title includes an individual, partnership, corporation, association, and any other business unit."

Ante, pp. 528, 670.

SEC. 5. Paragraph (6) of subsection (d) of section 9 of the Agricultural Adjustment Act, as amended, is hereby renumbered (7).

Ante, p. 37. *Post*, p. 1242.

SEC. 6. Section 9 of the Agricultural Adjustment Act, as amended, is amended, by adding after subsection (e) thereof the following new subsection:

"Processing" includes manufacturing.

"(f) For the purposes of part 2 of this title, processing shall be held to include manufacturing."

Ante, p. 37. Application of title to possession of U.S.

SEC. 7. Subsection (f) of section 10 of the Agricultural Adjustment Act, as amended, is amended by striking out the period at the end of such subsection and adding a semicolon and the following: "except that, in the case of sugar beets and sugarcane, the President, if he finds it necessary in order to effectuate the declared policy of this Act, is authorized by proclamation to make the provisions of this title applicable to the Philippine Islands, the Virgin Islands, American Samoa, the Canal Zone, and/or the island of Guam."

Ante, p. 39.

SEC. 8. Section 15 of the Agricultural Adjustment Act, as amended, is amended by adding at the end thereof the following new subsection:

Processing tax collected in insular possessions, etc.

"(f) The President, in his discretion, is authorized by proclamation to decree that all or part of the taxes collected from the processing of sugar beets or sugarcane in Puerto Rico, the Territory of Hawaii, the Philippine Islands, the Virgin Islands, American Samoa, the Canal Zone, and/or the island of Guam (if the provisions of this title are made applicable thereto), and/or upon the processing in continental United States of sugar produced in, or coming from, said areas, shall not be covered into the general fund of the Treasury of the United States but shall be held as a separate fund, in the name of the respective area to which related, to be used and expended for the benefit of agriculture and/or paid as rental or benefit payments in connection with the reduction in the acreage, or reduction in the production for market, or both, of sugar beets and/or sugarcane, and/or used and expended for expansion of markets and for removal of surplus agricultural products in such areas, respectively, as the Secretary of Agriculture, with the approval of the President, shall direct."

Discretionary maintenance as separate fund.

Expenditure for benefit of local agriculture.

Processing tax; rental and benefit payments. *Ante*, p. 35.

SEC. 9. Subsection (a) of section 9 of the Agricultural Adjustment Act, as amended, is further amended by striking out the period after the word "proclamation", in line 8, and inserting in lieu thereof a semicolon and the following: "except that, in the case of sugar beets and sugarcane, the Secretary of Agriculture shall, on or before the thirtieth day after the adoption of this amendment, proclaim that rental or benefit payments with respect to said commodities are to be made, and the processing tax shall be in effect on and after the thirtieth day after the date of the adoption of this amendment. In the case of sugar beets and sugarcane, the calendar year shall be considered to be the marketing year and for the year 1934 the marketing year shall begin January 1, 1934."

Effective date.

Marketing year.

Ante, p. 40.

Floor stocks. Tax payments on, before release from customs. Payments in case of sugar.

SEC. 10. Section 16 (a) (1) of the Agricultural Adjustment Act, as amended, is amended by inserting at the end thereof the following: "Such tax upon articles imported prior to, but in customs custody or control on, the effective date, shall be paid prior to release therefrom. In the case of sugar, the tax on floor stocks, except the retail stocks of persons engaged in retail trade, shall be paid for the month in which the stocks are sold, or used in the manufacture of other articles, under rules and regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury."

Ante, p. 40. Equalizing tax on imports.

SEC. 11. Section 15 (e) of the Agricultural Adjustment Act, as amended, is amended by striking out in lines 3 and 4 the words "in chief value", and inserting in lieu thereof the word "partly"; by inserting in line 7, after the comma following the word "apply", the words "whether imported as merchandise, or as a container of merchandise, or otherwise" followed by a comma; and by inserting in line 9, after the word "processing", the words "of such commodity".

Ante, p. 40.

SEC. 12. Section 17 (a) of the Agricultural Adjustment Act, as amended, is amended, effective as of the date of the enactment of the said Act, to read as follows:

Exportation of tax-paid product. Refunds authorized.

"(a) Upon the exportation to any foreign country (and/or to the Philippine Islands, the Virgin Islands, American Samoa, the Canal Zone, and the island of Guam) of any product with respect to which a tax has been paid under this title, or of any product processed wholly or partly from a commodity with respect to which product or commodity a tax has been paid under this title, the tax due and paid shall be refunded. The refund shall be paid to the exporter or to the consignor named in the bill of lading under which the product is exported, as determined under regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. In the case of sugar beets and sugarcane, this subsection shall be applicable to exports of products thereof to the Philippine Islands, the Virgin Islands, American Samoa, the Canal Zone, and/or the island of Guam only if this title with respect to sugar beets and sugarcane is not made applicable thereto. The term 'product' includes any product exported as merchandise, or as a container for merchandise, or otherwise."

Applicability to exports to certain U.S. possessions.

"Product" defined.

Processing for exportation. *Ante*, p. 41.

SEC. 13. Section 17 (b) of the Agricultural Adjustment Act, as amended, is amended by striking out in line 6 the words "in chief value" and inserting in lieu thereof the word "partly".

Commodity benefits. *Ante*, p. 34.

SEC. 14. Subsection (1) of section 8 of the Agricultural Adjustment Act, as amended, is amended by striking out the period at the end of the first sentence, and inserting in lieu thereof a semicolon and the following: "and, in the case of sugar beets or sugarcane, in the event that it shall be established to the satisfaction of the Secretary of Agriculture that returns to growers or producers, under the contracts for the 1933–1934 crop of sugar beets or sugar-

Payments in case of sugar beets or sugarcane.

cane, entered into by and between the processors and producers and/or growers thereof, were reduced by reason of the payment of the processing tax, and/or the corresponding floor-stocks tax, on sugar beets or sugarcane, in addition to the foregoing rental or benefit payments, to make such payments, representing in whole or in part such tax, as the Secretary deems fair and reasonable, to producers who agree, or have agreed, to participate in the program for reduction in the acreage or reduction in the production for market, or both, of sugar beets or sugarcane."

Producers agreeing to acreage reduction.

Duration of tax; termination of powers.

SEC. 15. Section 13 of the Agricultural Adjustment Act, as amended, is amended by inserting after the first sentence thereof the following: "In the case of sugar beets and sugarcane, the taxes provided by this title shall cease to be in effect, and the powers vested in the President or in the Secretary of Agriculture shall terminate at the end of three years after the adoption of this amendment unless this title ceases to be in effect at an earlier date, as hereinabove provided."

Ante, p. 39.

Ante, p. 41, amended.

SEC. 16. The Agricultural Adjustment Act, as amended, is amended by the addition of the following new section numbered "20":

Penalty provisions. False representations.

"SEC. 20. (a) Whoever in connection with the purchase of, or offer to purchase, any commodity, subject to any tax under this title, or which is to be subjected to any tax under this title, makes any statement, written or oral, (1) intended or calculated to lead any person to believe that any amount deducted from the market price or the agreed price of the commodity consists of a tax imposed under this title, or (2) ascribing a particular part of the deduction from the market price or the agreed price of the commodity, to a tax imposed under this title, knowing that such statement is false or that the tax is not so great as the amount deducted from the market price or the agreed price of the commodity, ascribed to such tax, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $1,000 or by imprisonment for not exceeding six months, or both.

Deductions in market price.

Punishment for.

Statements concerning processing.

"(b) Whoever in connection with the processing of any commodity subject to any tax under this title, whether commercially, for toll, upon an exchange, or otherwise, makes any statement, written or oral, (1) intended or calculated to lead any person to believe that any part of the charge for said processing, whether commercially, for toll, upon an exchange, or otherwise, consists of a tax imposed under this title, or (2) ascribing a particular part of the charge for processing, whether commercially, for toll, upon an exchange, or otherwise, to a tax imposed under this title, knowing that such statement is false, or that the tax is not so great as the amount charged for said processing ascribed to such tax, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than $1,000 or by imprisonment for not exceeding six months, or both.

Misstatements concerning gross sales.

"(c) Whoever in connection with any settlement, under a contract to buy any commodity, and/or to sell such commodity, or any product or byproduct thereof, subject to any tax under this title, makes any statement, written or oral, (1) intended or calculated to lead any person to believe that any amount deducted from the gross sales price, in arriving at the basis of settlement under the contract, consists of a tax under this title, or (2) ascribing a particular amount deducted from the gross sales price, in arriving at the basis of settlement under the contract, to a tax imposed under this title, knowing that such statement is false, or that the tax is not so great as the amount so deducted and/or ascribed to such tax, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a

fine of not more than $1,000 or by imprisonment for not exceeding six months, or both."

Floor stocks.

SEC. 17. Section 16 of the Agricultural Adjustment Act, as amended, is amended by adding the following new subsections:

Ante, p. 40.
Prior imports, duty paid.

"(c) (1) Any sugar, imported prior to the effective date of a processing tax on sugar beets and sugarcane, with respect to which it is established (under regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury) that there was paid at the time of importation a duty at the rate in effect on January 1, 1934, and (2) any sugar held on April 25, 1934, by, or to be delivered under a bona fide contract of sale entered into prior to April 25, 1934, to, any manufacturer or converter, for use in the production of any article (except sugar) and not for ultimate consumption as sugar, and (3) any article (except sugar) processed wholly or in chief value from sugar beets, sugarcane, or any product thereof, shall be exempt from taxation under subsection (a) of this section, but sugar held in customs custody or control on April 25, 1934, shall not be exempt from taxation under subsection (a) of this section, unless the rate of duty paid upon the withdrawal thereof was the rate of duty in effect on January 1, 1934. The provisions of paragraph (2) of subsection (a) of this section shall not apply in the case of sugar beets or sugarcane or the products thereof.

Sugar held under contract.

Processed from sugar beets, cane, etc.

Certain tax refunds not to apply.

Secretary authorized to make purchases from surplus stocks.

"(d) The Secretary of Agriculture is authorized to purchase, out of such proceeds of taxes as are available therefor, during the period this Act is in effect with respect to sugar beets and sugarcane, not in excess of three hundred thousand tons of sugar raw value from the surplus stocks of direct-consumption sugar produced in the United States beet-sugar area, at a price not in excess of the market price for direct consumption sugar on the date of purchase, and to dispose of such sugar by sale or otherwise, including distribution to any organization for the relief of the unemployed, under such conditions and at such times as will tend to effectuate the declared policy of section 8a of this Act. The sugar so purchased shall not be included in the quota for the United States beet-sugar area. All proceeds received by the Secretary of Agriculture, in the exercise of the powers granted hereby, are appropriated to be available to the Secretary of Agriculture for the purposes described in subsections (a) and (b) of section 12 of this Act."

Price; disposal of, etc.

Ante, p. 672.
Not included in quota.
Use of receipts.
Ante, p. 38.

Approved, May 9, 1934, 11.23 a.m.

[CHAPTER 264.]

May 9, 1934.
[S. 2922.]
[Public, No. 214.]

AN ACT

To amend the Act entitled "An Act to promote the circulation of reading matter among the blind", approved April 27, 1904, and Acts supplemental thereto.

Promoting circulation of reading matter for the blind.

Vol. 33, p. 313; Vol. 37, p. 551; Vol. 43, p. 668.

U.S.C., p. 1257.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to promote the circulation of reading matter among the blind", approved April 27, 1904 (33 Stat. 313), the supplemental provision in section 1 of the Post Office Appropriation Act for 1913, approved August 24, 1912 (37 Stat. 551), and the joint resolution entitled "Joint resolution to provide for the free transmission through the mails of certain publications for the blind", approved June 7, 1924 (43 Stat. 668; U.S.C., title 39, ch. 8, sec. 331), be, and the same are hereby, amended to read as follows:

Franking privilege extended to sound production records.

"Books, pamphlets, and other reading matter published either in raised characters, whether prepared by hand or printed, or in the form of sound reproduction records for the use of the blind, in pack-

ages not exceeding twelve pounds in weight, and containing no advertising or other matter whatever, unsealed, and when sent by public institutions for the blind, or by any public libraries, as a loan to blind readers, or when returned by the latter to such institutions or public libraries; magazines, periodicals, and other regularly issued publications in such raised characters, whether prepared by hand or printed, or on sound reproduction records (for the use of the blind), which contain no advertisements and for which no subscription fee is charged, shall be transmitted in the United States mails free of postage and under such regulations as the Postmaster General may prescribe. Regulations.

"Volumes of the Holy Scriptures, or any part thereof, published either in raised characters, whether prepared by hand or printed, or in the form of sound reproduction records for the use of the blind, which do not contain advertisements (a) when furnished by an organization, institution, or association not conducted for private profit, to a blind person without charge, shall be transmitted in the United States mails free of postage; (b) when furnished by an organization, institution, or association not conducted for private profit to a blind person at a price not greater than the cost price thereof, shall be transmitted in the United States mails at the postage rate of 1 cent for each pound or fraction thereof; under such regulations as the Postmaster General may prescribe. Bibles. Postage rate. Regulations.

"All letters written in point print or raised characters or on sound reproduction records used by the blind, when unsealed, shall be transmitted through the mails as third-class matter." Transmission of letters.

Approved, May 9, 1934.

[CHAPTER 265.]

AN ACT

May 9, 1934.
[S. 2966.]
[Public, No. 215.]

To authorize the coinage of 50-cent pieces in commemoration of the three-hundredth anniversary of the founding of the Province of Maryland.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the three-hundredth anniversary of the founding of the Province of Maryland, there shall be coined by the Director of the Mint twenty-five thousand silver 50-cent pieces of standard size, weight, and fineness and of a special appropriate design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, but the United States shall not be subject to the expense of making the models for master dies or other preparations for this coinage. Maryland. Coinage of 50-cent pieces commemorating founding of, authorized. Expenses.

SEC. 2. That the coins herein authorized shall be issued at par and only upon the request of the chairman or secretary of the Maryland Tercentenary Commission. Issued at par.

SEC. 3. Such coins may be disposed of at par or at a premium by said Commission and all proceeds shall be used in furtherance of the Maryland Tercentenary Commission projects. Disposition.

SEC. 4. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same; regulating and guarding the process of coinage; providing for the purchase of material, and for the transportation, distribution, and redemption of the coins; for the prevention of debasement or counterfeiting; for security of the coin; or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein directed. Laws applicable.

Approved, May 9, 1934.

[CHAPTER 277.]

AN ACT

May 10, 1934.
[H.R. 7835.]
[Public, No. 216.]

To provide revenue, equalize taxation, and for other purposes.

REVENUE ACT OF 1934.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles and sections according to the following Table of Contents, may be cited as the "Revenue Act of 1934":

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TITLE I—INCOME TAX

INCOME TAX.

SUBTITLE A—INTRODUCTORY PROVISIONS

INTRODUCTORY PROVISIONS.

SEC. 1. APPLICATION OF TITLE.

Application of title.

The provisions of this title shall apply only to taxable years beginning after December 31, 1933. Income, war-profits, and excess-profits taxes for taxable years beginning prior to January 1, 1934, shall not be affected by the provisions of this title, but shall remain subject to the applicable provisions of prior revenue Acts, except as such provisions are modified by Title III of this Act or by legislation enacted subsequent to this Act.

To 1934, and succeeding years.

Prior years not affected.

Exceptions.

Post, p. 755.

INCOME TAX. Cross references.

SEC. 2. CROSS REFERENCES.

The cross references in this title to other portions of the title, where the word "see" is used, are made only for convenience, and shall be given no legal effect.

Classification of provisions.

SEC. 3. CLASSIFICATION OF PROVISIONS.

Designations.

The provisions of this title are herein classified and designated as—
Subtitle A—Introductory provisions,
Subtitle B—General provisions, divided into Parts and sections,
Subtitle C—Supplemental provisions, divided into Supplements and sections.

Special classes of taxpayers.

SEC. 4. SPECIAL CLASSES OF TAXPAYERS.

Application of general provisions and of supplements.

The application of the General Provisions and of Supplements A to D, inclusive, to each of the following special classes of taxpayers, shall be subject to the exceptions and additional provisions found in the Supplement applicable to such class, as follows:

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(a) Estates and trusts and the beneficiaries thereof,—Supplement E.

Partnerships, p. 730.

(b) Members of partnerships,—Supplement F.

Insurance companies, p. 731.

(c) Insurance companies,—Supplement G.

Nonresident aliens, p. 735.

(d) Nonresident alien individuals,—Supplement H.

Foreign corporations, p. 737.

(e) Foreign corporations,—Supplement I.

Citizens of possessions of United States, p. 738.

(f) Individual citizens of any possession of the United States who are not otherwise citizens of the United States and who are not residents of the United States,—Supplement J.

Citizens deriving large portion of income from U.S. possessions, p. 738.

(g) Individual citizens of the United States or domestic corporations, satisfying the conditions of section 251 by reason of deriving a large portion of their gross income from sources within a possession of the United States,—Supplement J.

China Trade Act corporations, p. 739.

(h) China Trade Act corporations,—Supplement K.

GENERAL PROVISIONS.

SUBTITLE B—GENERAL PROVISIONS

TAX RATES.

Part I—Rates of Tax

Normal tax on individuals.

SEC. 11. NORMAL TAX ON INDIVIDUALS.

Rates upon net income.

There shall be levied, collected, and paid for each taxable year upon the net income of every individual a normal tax of 4 per centum of the amount of the net income in excess of the credits against net income provided in section 25.

Post, p. 692.

Surtax on individuals.

SEC. 12. SURTAX ON INDIVIDUALS.

Definition.

(a) DEFINITION OF "SURTAX NET INCOME".—As used in this section the term "surtax net income" means the amount of the net income in excess of the credits against net income provided in section 25 (b).

Rates.

(b) RATES OF SURTAX.—There shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual a surtax as follows:

Upon a surtax net income of $4,000 there shall be no surtax; upon surtax net incomes in excess of $4,000 and not in excess of $6,000, 4 per centum of such excess.

$80 upon surtax net incomes of $6,000; and upon surtax net incomes in excess of $6,000 and not in excess of $8,000, 5 per centum in addition of such excess.

$180 upon surtax net incomes of $8,000; and upon surtax net incomes in excess of $8,000 and not in excess of $10,000, 6 per centum in addition of such excess.

INCOME TAX. Surtax on individuals—Contd. Rates—Contd.

$300 upon surtax net incomes of $10,000; and upon surtax net incomes in excess of $10,000 and not in excess of $12,000, 7 per centum in addition of such excess.

$440 upon surtax net incomes of $12,000; and upon surtax net incomes in excess of $12,000 and not in excess of $14,000, 8 per centum in addition of such excess.

$600 upon surtax net incomes of $14,000; and upon surtax net incomes in excess of $14,000 and not in excess of $16,000, 9 per centum in addition of such excess.

$780 upon surtax net incomes of $16,000; and upon surtax net incomes in excess of $16,000 and not in excess of $18,000, 11 per centum in addition of such excess.

$1,000 upon surtax net incomes of $18,000; and upon surtax net incomes in excess of $18,000 and not in excess of $20,000, 13 per centum in addition of such excess.

$1,260 upon surtax net incomes of $20,000; and upon surtax net incomes in excess of $20,000 and not in excess of $22,000, 15 per centum in addition of such excess.

$1,560 upon surtax net incomes of $22,000; and upon surtax net incomes in excess of $22,000 and not in excess of $26,000, 17 per centum in addition of such excess.

$2,240 upon surtax net incomes of $26,000; and upon surtax net incomes in excess of $26,000 and not in excess of $32,000, 19 per centum in addition of such excess.

$3,380 upon surtax net incomes of $32,000; and upon surtax net incomes in excess of $32,000 and not in excess of $38,000, 21 per centum in addition of such excess.

$4,640 upon surtax net incomes of $38,000; and upon surtax net incomes in excess of $38,000 and not in excess of $44,000, 24 per centum in addition of such excess.

$6,080 upon surtax net incomes of $44,000; and upon surtax net incomes in excess of $44,000 and not in excess of $50,000, 27 per centum in addition of such excess.

$7,700 upon surtax net incomes of $50,000; and upon surtax net incomes in excess of $50,000 and not in excess of $56,000, 30 per centum in addition of such excess.

$9,500 upon surtax net incomes of $56,000; and upon surtax net incomes in excess of $56,000 and not in excess of $62,000, 33 per centum in addition of such excess.

$11,480 upon surtax net incomes of $62,000; and upon surtax net incomes in excess of $62,000 and not in excess of $68,000, 36 per centum in addition of such excess.

$13,640 upon surtax net incomes of $68,000; and upon surtax net incomes in excess of $68,000 and not in excess of $74,000, 39 per centum in addition of such excess.

$15,980 upon surtax net incomes of $74,000; and upon surtax net incomes in excess of $74,000 and not in excess of $80,000, 42 per centum in addition of such excess.

$18,500 upon surtax net incomes of $80,000; and upon surtax net incomes in excess of $80,000 and not in excess of $90,000, 45 per centum in addition of such excess.

$23,000 upon surtax net incomes of $90,000; and upon surtax net incomes in excess of $90,000 and not in excess of $100,000, 50 per centum in addition of such excess.

$28,000 upon surtax net incomes of $100,000; and upon surtax net incomes in excess of $100,000 and not in excess of $150,000, 52 per centum in addition of such excess.

INCOME TAX. Surtax on individuals—Contd. Rates—Contd.

$54,000 upon surtax net incomes of $150,000; and upon surtax net incomes in excess of $150,000 and not in excess of $200,000, 53 per centum in addition of such excess.

$80,500 upon surtax net incomes of $200,000; and upon surtax net incomes in excess of $200,000 and not in excess of $300,000, 54 per centum in addition of such excess.

$134,500 upon surtax net incomes of $300,000; and upon surtax net incomes in excess of $300,000 and not in excess of $400,000, 55 per centum in addition of such excess.

$189,500 upon surtax net incomes of $400,000; and upon surtax net incomes in excess of $400,000 and not in excess of $500,000, 56 per centum in addition of such excess.

$245,500 upon surtax net incomes of $500,000; and upon surtax net incomes in excess of $500,000 and not in excess of $750,000, 57 per centum in addition of such excess.

$388,000 upon surtax net incomes of $750,000; and upon surtax net incomes in excess of $750,000 and not in excess of $1,000,000, 58 per centum in addition of such excess.

$533,000 upon surtax net incomes of $1,000,000; and upon surtax net incomes in excess of $1,000,000, 59 per centum in addition of such excess.

Personal holding companies. *Post*, p. 751.

(c) TAX ON PERSONAL HOLDING COMPANIES.—For surtax on personal holding companies, see section 351.

Evasion by corporations. *Post*, p. 702.

(d) AVOIDANCE OF SURTAXES BY INCORPORATION.—For surtax on corporations which accumulate surplus to avoid surtax on stockholders, see section 102.

Tax on corporations.

SEC. 13. TAX ON CORPORATIONS.

Rate.

(a) RATE OF TAX.—There shall be levied, collected, and paid for each taxable year upon the net income of every corporation, a tax of 13¾ per centum of the amount of the net income in excess of the credit against net income provided in section 26.

Exempt corporations. *Post*, p. 700.

(b) EXEMPT CORPORATIONS.—For corporations exempt from tax, see section 101.

Personal holding companies. *Post*, p. 751.

(c) TAX ON PERSONAL HOLDING COMPANIES.—For surtax on personal holding companies, see section 351.

Accumulating surplus to avoid surtax. *Post*, p. 702.

(d) IMPROPER ACCUMULATION OF SURPLUS.—For surtax on corporations which accumulate surplus to avoid surtax on stockholders, see section 102.

COMPUTATION OF NET INCOME.

Part II—Computation of Net Income

SEC. 21. NET INCOME.

Net income, defined.

"Net income" means the gross income computed under section 22, less the deductions allowed by section 23.

Gross income.

SEC. 22. GROSS INCOME.

General definition.

(a) GENERAL DEFINITION.—"Gross income" includes gains, profits, and income derived from salaries, wages, or compensation for personal service, of whatever kind and in whatever form paid, or from professions, vocations, trades, businesses, commerce, or sales, or dealings in property, whether real or personal, growing out of the ownership or use of or interest in such property; also from interest, rent, dividends, securities, or the transaction of any business carried on for gain or profit, or gains or profits and income derived from any source whatever. In the case of Presidents of the United States and judges of courts of the United States taking office after June 6, 1932, the compensation received as such shall be included

Compensation of President, United States judges.

in gross income; and all Acts fixing the compensation of such Presidents and judges are hereby amended accordingly.

INCOME TAX. COMPUTATION OF NET INCOME—Contd.

(b) EXCLUSIONS FROM GROSS INCOME.—The following items shall not be included in gross income and shall be exempt from taxation under this title:

Exclusions from gross income.

(1) LIFE INSURANCE.—Amounts received under a life insurance contract paid by reason of the death of the insured, whether in a single sum or otherwise (but if such amounts are held by the insurer under an agreement to pay interest thereon, the interest payments shall be included in gross income);

Life insurance.

(2) ANNUITIES, ETC.—Amounts received (other than amounts paid by reason of the death of the insured and interest payments on such amounts and other than amounts received as annuities) under a life insurance or endowment contract, but if such amounts (when added to amounts received before the taxable year under such contract) exceed the aggregate premiums or consideration paid (whether or not paid during the taxable year) then the excess shall be included in gross income. Amounts received as an annuity under an annuity or endowment contract shall be included in gross income; except that there shall be excluded from gross income the excess of the amount received in the taxable year over an amount equal to 3 per centum of the aggregate premiums or consideration paid for such annuity (whether or not paid during such year), until the aggregate amount excluded from gross income under this title or prior income tax laws in respect of such annuity equals the aggregate premiums or consideration paid for such annuity. In the case of a transfer for a valuable consideration, by assignment or otherwise, of a life insurance, endowment, or annuity contract, or any interest therein, only the actual value of such consideration and the amount of the premiums and other sums subsequently paid by the transferee shall be exempt from taxation under paragraph (1) or this paragraph;

Annuities, etc.

Portion to be included in gross income.

Transfers for value.

(3) GIFTS, BEQUESTS, AND DEVISES.—The value of property acquired by gift, bequest, devise, or inheritance (but the income from such property shall be included in gross income);

Value of gifts, etc.

(4) TAX-FREE INTEREST.—Interest upon (A) the obligations of a State, Territory, or any political subdivision thereof, or the District of Columbia; or (B) obligations of a corporation organized under Act of Congress, if such corporation is an instrumentality of the United States; or (C) the obligations of the United States or its possessions. Every person owning any of the obligations enumerated in clause (A), (B), or (C) shall, in the return required by this title, submit a statement showing the number and amount of such obligations owned by him and the income received therefrom, in such form and with such information as the Commissioner may require. In the case of obligations of the United States issued after September 1, 1917 (other than postal savings certificates of deposit) and in the case of obligations of a corporation organized under Act of Congress, the interest shall be exempt only if and to the extent provided in the respective Acts authorizing the issue thereof as amended and supplemented, and shall be excluded from gross income only if and to the extent it is wholly exempt from the taxes imposed by this title;

Tax-free interest.

State, etc., bonds.

Federal instrumentalities.

Federal obligations, etc.

Statement required in returns.

Federal obligations issued after September 1, 1917.

(5) COMPENSATION FOR INJURIES OR SICKNESS.—Amounts received, through accident or health insurance or under workmen's compensation acts, as compensation for personal injuries or sickness, plus the amount of any damages received whether by suit or agreement on account of such injuries or sickness;

Payment for personal injuries or sickness.

INCOME TAX. COMPUTATION OF NET INCOME—Contd.

Minister's dwelling.

(6) MINISTERS.—The rental value of a dwelling house and appurtenances thereof furnished to a minister of the gospel as part of his compensation;

Miscellaneous items.

(7) MISCELLANEOUS ITEMS.—The following items, to the extent provided in section 116:

Post, p. 712.

Earned income from sources without the United States;

Salaries of certain Territorial employees;

The income of foreign governments;

Income of States, municipalities, and other political subdivisions;

Receipts of shipowners' mutual protection and indemnity associations;

Dividends from China Trade Act corporations.

Inventories, to determine income.

(c) INVENTORIES.—Whenever in the opinion of the Commissioner the use of inventories is necessary in order clearly to determine the income of any taxpayer, inventories shall be taken by such taxpayer upon such basis as the Commissioner, with the approval of the Secretary, may prescribe as conforming as nearly as may be to the best accounting practice in the trade or business and as most clearly reflecting the income.

Distributions by corporations.

Post, p. 711.

(d) DISTRIBUTIONS BY CORPORATIONS.—Distributions by corporations shall be taxable to the shareholders as provided in section 115.

Determination of gain or loss in sale of property.

Post, p. 703.

(e) DETERMINATION OF GAIN OR LOSS.—In the case of a sale or other disposition of property, the gain or loss shall be computed as provided in section 111.

Sources within and without United States.

Post, p. 716.

(f) GROSS INCOME FROM SOURCES WITHIN AND WITHOUT UNITED STATES.—For computation of gross income from sources within and without the United States, see section 119.

Deductions from gross income.

SEC. 23. DEDUCTIONS FROM GROSS INCOME.

In computing net income there shall be allowed as deductions:

Business expenses.

(a) EXPENSES.—All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered; traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business; and rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

Traveling included.

Interest on debts. Exceptions.

(b) INTEREST.—All interest paid or accrued within the taxable year on indebtedness, except on indebtedness incurred or continued to purchase or carry obligations (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest upon which is wholly exempt from the taxes imposed by this title.

Taxes generally.

Exceptions.

(c) TAXES GENERALLY.—Taxes paid or accrued within the taxable year, except—

(1) Federal income, war-profits, and excess-profits taxes;

(2) income, war-profits, and excess-profits taxes imposed by the authority of any foreign country or possession of the United States; but this deduction shall be allowed in the case of a taxpayer who does not signify in his return his desire to have to any extent the benefits of section 131 (relating to credit for taxes of foreign countries and possessions of the United States);

(3) estate, inheritance, legacy, succession, and gift taxes; and

(4) taxes assessed against local benefits of a kind tending to increase the value of the property assessed; but this paragraph shall not exclude the allowance as a deduction of so much of such taxes as is properly allocable to maintenance or interest charges.

Taxes of shareholder paid by corporation.

(d) TAXES OF SHAREHOLDER PAID BY CORPORATION.—The deduction for taxes allowed by subsection (c) shall be allowed to a corporation in the case of taxes imposed upon a shareholder of the corporation upon his interest as shareholder which are paid by the corporation without reimbursement from the shareholder, but in such cases no deduction shall be allowed the shareholder for the amount of such taxes.

Losses by individuals.

(e) LOSSES BY INDIVIDUALS.—In the case of an individual, losses sustained during the taxable year and not compensated for by insurance or otherwise—

Business.

(1) if incurred in trade or business; or

Not connected with trade or business.

(2) if incurred in any transaction entered into for profit, though not connected with the trade or business; or

Casualty losses not connected with business.

Disallowed, if deducted for estate tax purposes.

(3) of property not connected with the trade or business, if the loss arises from fires, storms, shipwreck, or other casualty, or from theft. No loss shall be allowed as a deduction under this paragraph if at the time of the filing of the return such loss has been claimed as a deduction for estate tax purposes in the estate tax return.

Losses by corporations

(f) LOSSES BY CORPORATIONS.—In the case of a corporation, losses sustained during the taxable year and not compensated for by insurance or otherwise.

Wagering losses.

(g) WAGERING LOSSES.—Losses from wagering transactions shall be allowed only to the extent of the gains from such transactions.

Basis for determining loss.
Post, p. 709.

(h) BASIS FOR DETERMINING LOSS.—The basis for determining the amount of deduction for losses sustained, to be allowed under subsection (e) or (f), shall be the adjusted basis provided in section 113(b) for determining the loss from the sale or other disposition of property.

Disallowance of loss on wash sales of stock, etc.
Post, p. 715.

(i) LOSS ON WASH SALES OF STOCK OR SECURITIES.—For disallowance of loss deduction in the case of sales of stock or securities where within thirty days before or after the date of the sale the taxpayer has acquired substantially identical property, see section 118.

Capital losses.
Post, p. 715.

(j) CAPITAL LOSSES.—Losses from sales or exchanges of capital assets shall be allowed only to the extent provided in section 117(d).

Bad debts.

(k) BAD DEBTS.—Debts ascertained to be worthless and charged off within the taxable year (or, in the discretion of the Commissioner, a reasonable addition to a reserve for bad debts); and when satisfied that a debt is recoverable only in part, the Commissioner may allow such debt, in an amount not in excess of the part charged off within the taxable year, as a deduction.

Exhaustion, etc., of business property.

(l) DEPRECIATION.—A reasonable allowance for the exhaustion, wear and tear of property used in the trade or business, including a reasonable allowance for obsolescence. In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each.

Life estates.

Property in trust.

Mines, oil and gas wells, timber, etc.
Reasonable allowance for depletion, etc.

(m) DEPLETION.—In the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar con-

INCOME TAX. COMPUTATION OF NET INCOME—Contd.

Revision of estimates allowed.

ditions in each case; such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the Commissioner, with the approval of the Secretary. In any case in which it is ascertained as a result of operations or of development work that the recoverable units are greater or less than the prior estimate thereof, then such prior estimate (but not the basis for depletion) shall be revised and the allowance under this subsection for subsequent taxable years shall be based upon such revised estimate. In the case of leases the deductions shall be equitably apportioned between the lessor and lessee. In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each. (For percentage depletion allowable under this subsection, see section 114(b), (3) and (4).)

Leases.

Life estates.

Property in trust.

Post, p. 710.

Basis for depletion, etc.

(n) BASIS FOR DEPRECIATION AND DEPLETION.—The basis upon which depletion, exhaustion, wear and tear, and obsolescence are to be allowed in respect of any property shall be as provided in section 114.

Post, p. 710.

Charitable, etc., contributions. Gifts.

(o) CHARITABLE AND OTHER CONTRIBUTIONS.—In the case of an individual, contributions or gifts made within the taxable year to or for the use of:

Public uses.

(1) the United States, any State, Territory, or any political subdivision thereof, or the District of Columbia, for exclusively public purposes;

Religious, scientific, etc., organizations.

(2) a corporation, or trust, or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

Vocational rehabilitation. Vol. 43, p. 611.

(3) the special fund for vocational rehabilitation authorized by section 12 of the World War Veterans' Act, 1924;

War veterans' organizations, etc.

(4) posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual; or

Fraternal society.

(5) a fraternal society, order, or association, operating under the lodge system, but only if such contributions or gifts are to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals;

Limit.

to an amount which in all the above cases combined does not exceed 15 per centum of the taxpayer's net income as computed without the benefit of this subsection. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the Commissioner, with the approval of the Secretary. (For unlimited deduction if contributions and gifts exceed 90 per centum of the net income, see section 120.)

Unlimited deduction.

Post, p. 718.

Dividends received by corporations. Domestic.

(p) DIVIDENDS RECEIVED BY CORPORATIONS.—In the case of a corporation, the amount received as dividends from a domestic corporation which is subject to taxation under this title. The deduc-

INCOME TAX. COMPUTATION OF NET INCOME—Contd.

tion allowed by this subsection shall not be allowed in respect of dividends received from a corporation organized under the China Trade Act, 1922, or from a corporation which under section 251 is taxable only on its gross income from sources within the United States by reason of its receiving a large percentage of its gross income from sources within a possession of the United States.

China Trade Act corporation.
Vol. 42, p. 849.
Post, p. 738.

(q) PENSION TRUSTS.—An employer establishing or maintaining a pension trust to provide for the payment of reasonable pensions to his employees (if such trust is exempt from tax under section 165, relating to trusts created for the exclusive benefit of employees) shall be allowed as a deduction (in addition to the contributions to such trust during the taxable year to cover the pension liability accruing during the year, allowed as a deduction under subsection (a) of this section) a reasonable amount transferred or paid into such trust during the taxable year in excess of such contributions, but only if such amount (1) has not theretofore been allowable as a deduction, and (2) is apportioned in equal parts over a period of ten consecutive years beginning with the year in which the transfer or payment is made. Any deduction allowable under section 23(q) of the Revenue Act of 1928 or the Revenue Act of 1932 which under such section was apportioned to any taxable year beginning after December 31, 1933, shall be allowed as a deduction in the years to which so apportioned to the extent allowable under such section if it had remained in force with respect to such year.

Maintenance of pension trusts.

Post, p. 729.

Allowance under previous laws.
Vol. 45, p. 802; Vol. 47, p. 182.

SEC. 24. ITEMS NOT DEDUCTIBLE.

Items not deductible.

(a) GENERAL RULE.—In computing net income no deduction shall in any case be allowed in respect of—

Personal, etc., expenses.

(1) Personal, living, or family expenses;

Property improvements.

(2) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate;

Restoring property.

(3) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made;

Life insurance premiums for employees.

(4) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy;

Deductions allocable to tax-exempt incomes.

(5) Any amount otherwise allowable as a deduction which is allocable to one or more classes of income other than interest (whether or not any amount of income of that class or classes is received or accrued) wholly exempt from the taxes imposed by this title; or

Property losses from sales, etc.
Exchanges between members of family.
Shareholder and corporation.

(6) Loss from sales or exchanges of property, directly or indirectly, (A) between members of a family, or (B) except in the case of distributions in liquidation, between an individual and a corporation in which such individual owns, directly or indirectly, more than 50 per centum in value of the outstanding stock. For the purpose of this paragraph—(C) an individual shall be considered as owning the stock owned, directly or indirectly, by his family; and (D) the family of an individual shall include only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

Definitions.

Holders of life or terminable interest.
Deductions on income acquired by gift, etc.

(b) HOLDERS OF LIFE OR TERMINABLE INTEREST.—Amounts paid under the laws of any State, Territory, District of Columbia, possession of the United States, or foreign country as income to the holder of a life or terminable interest acquired by gift, bequest, or

INCOME TAX. COMPUTATION OF NET INCOME—Contd.
Ante, p. 689.

inheritance shall not be reduced or diminished by any deduction for shrinkage (by whatever name called) in the value of such interest due to the lapse of time, nor by any deduction allowed by this Act (except the deductions provided for in subsections (l) and (m) of section 23) for the purpose of computing the net income of an estate or trust but not allowed under the laws of such State, Territory, District of Columbia, possession of the United States, or foreign country for the purpose of computing the income to which such holder is entitled.

Tax-free covenant bonds.
Post, p. 723.

(c) TAX WITHHELD ON TAX-FREE COVENANT BONDS.—For non-deductibility of tax withheld on tax-free covenant bonds, see section 143 (a) (3).

Credits allowed individuals.

SEC. 25. CREDITS OF INDIVIDUAL AGAINST NET INCOME.

Normal tax only.

(a) CREDITS FOR NORMAL TAX ONLY.—There shall be allowed for the purpose of the normal tax, but not for the surtax, the following credits against the net income:

Dividends from domestic corporations subject to tax herein.

(1) DIVIDENDS.—The amount received as dividends from a domestic corporation which is subject to taxation under this title. The credit allowed by this paragraph shall not be allowed in respect of dividends received from a corporation organized under the China Trade Act, 1922, or from a corporation which under section 251 is taxable only on its gross income from sources within the United States by reason of its receiving a large percentage of its gross income from sources within a possession of the United States.

China Trade Act corporations, etc., excepted.
Post, p. 738.

Interest on Federal securities.
Ante, p. 686.

(2) INTEREST ON UNITED STATES OBLIGATIONS.—The amount received as interest upon obligations of the United States which is included in gross income under section 22.

Interest on obligations of Federal instrumentalities.

Ante, p. 686.

(3) INTEREST ON OBLIGATIONS OF INSTRUMENTALITIES OF THE UNITED STATES.—The amount received as interest on obligations of a corporation organized under Act of Congress, if (A) such corporation is an instrumentality of the United States; and (B) such interest is included in gross income under section 22; and (C) under the Act authorizing the issue thereof, as amended and supplemented, such interest is exempt from normal tax.

Earned income credit.

(4) EARNED INCOME CREDIT.—10 per centum of the amount of the earned net income, but not in excess of 10 per centum of the amount of the net income.

Earned income definitions.

(5) EARNED INCOME DEFINITIONS.—For the purposes of this section—

"Earned income."

(A) "Earned income" means wages, salaries, professional fees, and other amounts received as compensation for personal services actually rendered, but does not include any amount not included in gross income, nor that part of the compensation derived by the taxpayer for personal services rendered by him to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered. In the case of a taxpayer engaged in a trade or business in which both personal services and capital are material income producing factors, a reasonable allowance as compensation for the personal services actually rendered by the taxpayer, not in excess of 20 per centum of his share of the net profits of such trade or business, shall be considered as earned income.

"Earned income deductions."

(B) "Earned income deductions" means such deductions as are allowed by section 23 for the purpose of computing net income, and are properly allocable to or chargeable against earned income.

INCOME TAX. COMPUTATION OF NET INCOME—Contd.

(C) "Earned net income" means the excess of the amount of the earned income over the sum of the earned income deductions. If the taxpayer's net income is not more than $3,000, his entire net income shall be considered to be earned net income, and if his net income is more than $3,000, his earned net income shall not be considered to be less than $3,000. In no case shall the earned net income be considered to be more than $14,000. "Earned net income."

(b) CREDITS FOR BOTH NORMAL TAX AND SURTAX.—There shall be allowed for the purposes of the normal tax and the surtax the following credits against net income: Credits for both normal tax and surtax.

(1) PERSONAL EXEMPTION.—In the case of a single person, a personal exemption of $1,000; or in the case of the head of a family or a married person living with husband or wife, a personal exemption of $2,500. A husband and wife living together shall receive but one personal exemption. The amount of such personal exemption shall be $2,500. If such husband and wife make separate returns, the personal exemption may be taken by either or divided between them. Personal exemption. Single person. Husband and wife living together. Separate returns.

(2) CREDIT FOR DEPENDENTS.—$400 for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer if such dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective. Credit for dependents.

(3) CHANGE OF STATUS.—If the status of the taxpayer, insofar as it affects the personal exemption or credit for dependents, changes during the taxable year, the personal exemption and credit shall be apportioned, under rules and regulations prescribed by the Commissioner with the approval of the Secretary, in accordance with the number of months before and after such change. For the purpose of such apportionment a fractional part of a month shall be disregarded unless it amounts to more than half a month in which case it shall be considered as a month. Change of status during taxable year. Apportionment.

SEC. 26. CREDITS OF CORPORATION AGAINST NET INCOME. Credits allowed corporations.

For the purpose only of the tax imposed by section 13 there shall be allowed as a credit against net income the amount received as interest upon obligations of the United States or of corporations organized under Act of Congress which is allowed to an individual as a credit for purposes of normal tax by section 25 (a) (2) or (3). Interest on United States securities. *Ante*, p. 692.

Part III—Credits Against Tax

CREDITS AGAINST TAX.

SEC. 31. TAXES OF FOREIGN COUNTRIES AND POSSESSIONS OF UNITED STATES. Taxes of foreign countries and U.S. possessions.

The amount of income, war-profits, and excess-profits taxes imposed by foreign countries or possessions of the United States shall be allowed as a credit against the tax, to the extent provided in section 131. Extent of credit for. *Post*, p. 718.

SEC. 32. TAXES WITHHELD AT SOURCE.

The amount of tax withheld at the source under section 143 shall be allowed as a credit against the tax. Taxes withheld at source. *Post*, p. 723.

SEC. 33. CREDIT FOR OVERPAYMENTS.

For credit against the tax of overpayments of taxes imposed by this title for other taxable years, see section 322. Overpayments. *Post*, p. 750.

INCOME TAX. ACCOUNTING PERIODS AND METHODS.

Part IV—Accounting Periods and Methods of Accounting

General rule.

SEC. 41. GENERAL RULE.

Net income on basis of annual accounting period.

The net income shall be computed upon the basis of the taxpayer's annual accounting period (fiscal year or calendar year, as the case may be) in accordance with the method of accounting regularly employed in keeping the books of such taxpayer; but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income, the computation shall be made in accordance with such method as in the opinion of the Commissioner does clearly reflect the income. If the taxpayer's annual accounting period is other than a fiscal year as defined in section 48 or if the taxpayer has no annual accounting period or does not keep books, the net income shall be computed on the basis of the calendar year. (For use of inventories, see section 22 (c).)

If accounting is other than fiscal year. *Post*, p. 696.

Inventories, p. 688.

Gross income.

SEC. 42. PERIOD IN WHICH ITEMS OF GROSS INCOME INCLUDED.

Items for taxable year in which received.

The amount of all items of gross income shall be included in the gross income for the taxable year in which received by the taxpayer, unless, under methods of accounting permitted under section 41, any such amounts are to be properly accounted for as of a different period. In the case of the death of a taxpayer there shall be included in computing net income for the taxable period in which falls the date of his death, amounts accrued up to the date of his death if not otherwise properly includible in respect of such period or a prior period.

Portion, in case of death.

Deductions and credits.

SEC. 43. PERIOD FOR WHICH DEDUCTIONS AND CREDITS TAKEN.

For taxable year in which "paid or accrued" or "paid or incurred."

The deductions and credits provided for in this title shall be taken for the taxable year in which "paid or accrued" or "paid or incurred", dependent upon the method of accounting upon the basis of which the net income is computed, unless in order to clearly reflect the income the deductions or credits should be taken as of a different period. In the case of the death of a taxpayer there shall be allowed as deductions and credits for the taxable period in which falls the date of his death, amounts accrued up to the date of his death if not otherwise properly allowable in respect of such period or a prior period.

Allowance on death of taxpayer.

Installment basis.

SEC. 44. INSTALLMENT BASIS.

Dealers in personal property.

(a) DEALERS IN PERSONAL PROPERTY.—Under regulations prescribed by the Commissioner with the approval of the Secretary, a person who regularly sells or otherwise disposes of personal property on the installment plan may return as income therefrom in any taxable year that proportion of the installment payments actually received in that year which the gross profit realized or to be realized when payment is completed, bears to the total contract price.

Sales of realty and casual sales of personalty.

(b) SALES OF REALTY AND CASUAL SALES OF PERSONALTY.—In the case (1) of a casual sale or other casual disposition of personal property (other than property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year), for a price exceeding $1,000, or (2) of a sale or other disposition of real property, if in either case the initial payments do not exceed 30 per centum of the selling price (or, in case the sale or other disposition was in a taxable year beginning prior to January 1, 1934, the percentage of the selling price prescribed in the law applicable to such year), the income may, under regulations prescribed by the Commissioner with the approval of the Secretary, be returned on the basis and in the manner above prescribed in this

section. As used in this section the term "initial payments" means the payments received in cash or property other than evidences of indebtedness of the purchaser during the taxable period in which the sale or other disposition is made.

Computation on change to installment basis.

(c) CHANGE FROM ACCRUAL TO INSTALLMENT BASIS.—If a taxpayer entitled to the benefits of subsection (a) elects for any taxable year to report his net income on the installment basis, then in computing his income for the year of change or any subsequent year, amounts actually received during any such year on account of sales or other dispositions of property made in any prior year shall not be excluded.

Gain or loss upon disposition of installment obligations.

(d) GAIN OR LOSS UPON DISPOSITION OF INSTALLMENT OBLIGATIONS.—If an installment obligation is satisfied at other than its face value or distributed, transmitted, sold, or otherwise disposed of, gain or loss shall result to the extent of the difference between the basis of the obligation and (1) in the case of satisfaction at other than face value or a sale or exchange—the amount realized, or (2) in case of a distribution, transmission, or disposition otherwise than by sale or exchange—the fair market value of the obligation at the time of such distribution, transmission, or disposition. Any gain or loss so resulting shall be considered as resulting from the sale or exchange of the property in respect of which the installment obligation was received. The basis of the obligation shall be the excess of the face value of the obligation over an amount equal to the income which would be returnable were the obligation satisfied in full. This subsection shall not apply to the transmission at death of installment obligations if there is filed with the Commissioner, at such time as he may by regulation prescribe, a bond in such amount and with such sureties as he may deem necessary, conditioned upon the return as income, by the person receiving any payment on such obligations, of the same proportion of such payment as would be returnable as income by the decedent if he had lived and had received such payment.

Transmission at death of installment obligations.

Allocation of income and deductions.

Provisions, if same interests control two or more businesses.

SEC. 45. ALLOCATION OF INCOME AND DEDUCTIONS.

In any case of two or more organizations, trades, or businesses (whether or not incorporated, whether or not organized in the United States, and whether or not affiliated) owned or controlled directly or indirectly by the same interests, the Commissioner is authorized to distribute, apportion, or allocate gross income or deductions between or among such organizations, trades, or businesses, if he determines that such distribution, apportionment, or allocation is necessary in order to prevent evasion of taxes or clearly to reflect the income of any of such organizations, trades, or businesses.

Change of accounting period.

Net income computed on basis of new period.

SEC. 46. CHANGE OF ACCOUNTING PERIOD.

If a taxpayer changes his accounting period from fiscal year to calendar year, from calendar year to fiscal year, or from one fiscal year to another, the net income shall, with the approval of the Commissioner, be computed on the basis of such new accounting period, subject to the provisions of section 47.

Returns for less than a year.

Basis of computing when accounting period changes.

SEC. 47. RETURNS FOR A PERIOD OF LESS THAN TWELVE MONTHS.

(a) RETURNS FOR SHORT PERIOD RESULTING FROM CHANGE OF ACCOUNTING PERIOD.—If a taxpayer, with the approval of the Commissioner, changes the basis of computing net income from fiscal year to calendar year a separate return shall be made for the period between the close of the last fiscal year for which return was made

INCOME TAX. ACCOUNTING PERIODS AND METHODS—Contd.

and the following December 31. If the change is from calendar year to fiscal year, a separate return shall be made for the period between the close of the last calendar year for which return was made and the date designated as the close of the fiscal year. If the change is from one fiscal year to another fiscal year a separate return shall be made for the period between the close of the former fiscal year and the date designated as the close of the new fiscal year.

Computation on basis of short period; where separate return made.

(b) INCOME COMPUTED ON BASIS OF SHORT PERIOD.—Where a separate return is made under subsection (a) on account of a change in the accounting period, and in all other cases where a separate return is required or permitted, by regulations prescribed by the Commissioner with the approval of the Secretary, to be made for a fractional part of a year, then the income shall be computed on the basis of the period for which separate return is made.

Income placed on annual basis.

(c) INCOME PLACED ON ANNUAL BASIS.—If a separate return is made under subsection (a) on account of a change in the accounting period, the net income, computed on the basis of the period for which separate return is made, shall be placed on an annual basis by multiplying the amount thereof by twelve and dividing by the number of months included in the period for which the separate return is made. The tax shall be such part of the tax computed on such annual basis as the number of months in such period is of twelve months.

Computing earned income.

(d) EARNED INCOME.—The Commissioner with the approval of the Secretary shall by regulations prescribe the method of applying the provisions of subsections (b) and (c) (relating to computing income on the basis of a short period, and placing such income on an annual basis) to cases where the taxpayer makes a separate return under subsection (a) on account of a change in the accounting period, and it appears that for the period for which the return is so made he has received earned income.

Reduction of personal credits for fractions of a year.

(e) REDUCTION OF CREDITS AGAINST NET INCOME.—In the case of a return made for a fractional part of a year, except a return made under subsection (a), on account of a change in the accounting period, the personal exemption and credit for dependents shall be reduced respectively to amounts which bear the same ratio to the full credits provided as the number of months in the period for which return is made bears to twelve months.

Taxable year in case of jeopardy.
Post, p. 725.

(f) CLOSING OF TAXABLE YEAR IN CASE OF JEOPARDY.—For closing of taxable year in case of jeopardy, see section 146.

Definitions.

SEC. 48. DEFINITIONS.

When used in this title—

Taxable year.

(a) TAXABLE YEAR.—"Taxable year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed under this Part. "Taxable year" includes, in the case of a return made for a fractional part of a year under the provisions of this title or under regulations prescribed by the Commissioner with the approval of the Secretary, the period for which such return is made.

Fiscal year.

(b) FISCAL YEAR.—"Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

"Paid or incurred" and "paid or accrued."

(c) PAID, INCURRED, ACCRUED.—The terms "paid or incurred" and "paid or accrued" shall be construed according to the method of accounting upon the basis of which the net income is computed under this Part.

Trade or business.

(d) TRADE OR BUSINESS.—The term "trade or business" includes the performance of the functions of a public office.

Part V—Returns and Payment of Tax

INCOME TAX. RETURNS AND PAYMENT.

SEC. 51. INDIVIDUAL RETURNS.

Individual returns.

(a) REQUIREMENT.—The following individuals shall each make under oath a return stating specifically the items of his gross income and the deductions and credits allowed under this title—

Requirement.

(1) Every individual having a net income for the taxable year of $1,000 or over, if single, or if married and not living with husband or wife;

Net income $1,000 or over, if single, etc.

(2) Every individual having a net income for the taxable year of $2,500 or over, if married and living with husband or wife; and

Net income $2,500 or over, if married and living with husband or wife.

(3) Every individual having a gross income for the taxable year of $5,000 or over, regardless of the amount of his net income.

Gross income $5,000 or over.

(b) HUSBAND AND WIFE.—If a husband and wife living together have an aggregate net income for the taxable year of $2,500 or over, or an aggregate gross income for such year of $5,000 or over—

Husband and wife living together.

(1) Each shall make such a return, or

Separate return.

(2) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income.

Joint.

(c) PERSONS UNDER DISABILITY.—If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

Persons under disability.
By agent.

(d) FIDUCIARIES.—For returns to be made by fiduciaries, see section 142.

Fiduciaries.
Post, p. 722.

SEC. 52. CORPORATION RETURNS.

Corporation returns.

Every corporation subject to taxation under this title shall make a return, stating specifically the items of its gross income and the deductions and credits allowed by this title. The return shall be sworn to by the president, vice president, or other principal officer and by the treasurer, assistant treasurer, or chief accounting officer. In cases where receivers, trustees in bankruptcy, or assignees are operating the property or business of corporations, such receivers, trustees, or assignees shall make returns for such corporations in the same manner and form as corporations are required to make returns. Any tax due on the basis of such returns made by receivers, trustees, or assignees shall be collected in the same manner as if collected from the corporations of whose business or property they have custody and control.

Requirement for making.

Receivers, trustees, etc.

Tax collection.

SEC. 53. TIME AND PLACE FOR FILING RETURNS.

Filing returns.

(a) TIME FOR FILING.—

Time designated.

(1) GENERAL RULE.—Returns made on the basis of the calendar year shall be made on or before the 15th day of March following the close of the calendar year. Returns made on the basis of a fiscal year shall be made on or before the 15th day of the third month following the close of the fiscal year.

Extension permitted.

(2) EXTENSION OF TIME.—The Commissioner may grant a reasonable extension of time for filing returns, under such rules and regulations as he shall prescribe with the approval of the Secretary. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

Limitation.

(b) TO WHOM RETURN MADE.—

To whom made.

(1) INDIVIDUALS.—Returns (other than corporation returns) shall be made to the collector for the district in which is located the legal residence or principal place of business of the person making the return, or, if he has no legal residence or principal

Individuals.

INCOME TAX. RETURNS AND PAYMENT—Contd.

place of business in the United States, then to the collector at Baltimore, Maryland.

Corporations.

(2) CORPORATIONS.—Returns of corporations shall be made to the collector of the district in which is located the principal place of business or principal office or agency of the corporation, or, if it has no principal place of business or principal office or agency in the United States, then to the collector at Baltimore, Maryland.

Records and special returns.

SEC. 54. RECORDS AND SPECIAL RETURNS.

Required of taxpayer.

(a) BY TAXPAYER.—Every person liable to any tax imposed by this title or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

Statement to determine liability to tax.

(b) TO DETERMINE LIABILITY TO TAX.—Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records, as the Commissioner deems sufficient to show whether or not such person is liable to tax under this title.

Information at source. *Post*, p. 726.

(c) INFORMATION AT THE SOURCE.—For requirement of statements and returns by one person to assist in determining the tax liability of another person, see sections 147 to 150.

Publicity of returns.

SEC. 55. PUBLICITY OF RETURNS.

(a) Returns made under this title shall be open to inspection in the same manner, to the same extent, and subject to the same provisions of law, including penalties, as returns made under Title II of the Revenue Act of 1926; and all returns made under this Act shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President.

Vol. 44, p. 51.

Returns to constitute public records.

Items to be covered.

(b) Every person required to file an income return shall file with his return, upon a form prescribed by the Commissioner, a correct statement of the following items shown upon the return: (1) name and address, (2) total gross income, (3) total deductions, (4) net income, (5) total credits against net income for purposes of normal tax, and (6) tax payable. In case of any failure to file with the return the statement required by this subsection, the collector shall prepare it from the return, and $5 shall be added to the tax. The amount so added to the tax shall be collected at the same time and in the same manner as amounts added under section 291. Such statements or copies thereof shall as soon as practicable be made available to public examination and inspection in such manner as the Commissioner, with the approval of the Secretary, may determine, in the office of the collector with which they are filed, for a period of not less than three years from the date they are required to be filed.

Payment of tax.

SEC. 56. PAYMENT OF TAX.

Time designated.

(a) TIME OF PAYMENT.—The total amount of tax imposed by this title shall be paid on the fifteenth day of March following the close of the calendar year, or, if the return should be made on the basis of a fiscal year, then on the fifteenth day of the third month following the close of the fiscal year.

Allowed, in four installments.

(b) INSTALLMENT PAYMENTS.—The taxpayer may elect to pay the tax in four equal installments, in which case the first installment shall be paid on the date prescribed for the payment of the tax by the taxpayer, the second installment shall be paid on the fifteenth

INCOME TAX. RETURNS AND PAYMENT—Contd.

day of the third month, the third installment on the fifteenth day of the sixth month, and the fourth installment on the fifteenth day of the ninth month, after such date. If any installment is not paid on or before the date fixed for its payment, the whole amount of the tax unpaid shall be paid upon notice and demand from the collector.

Whole amount, on default.

(c) EXTENSION OF TIME FOR PAYMENT.—At the request of the taxpayer, the Commissioner may extend the time for payment of the amount determined as the tax by the taxpayer, or any installment thereof, for a period not to exceed six months from the date prescribed for the payment of the tax or an installment thereof. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension.

Extending time upon request.

Payment on expiration.

(d) VOLUNTARY ADVANCE PAYMENT.—A tax imposed by this title, or any installment thereof, may be paid, at the election of the taxpayer, prior to the date prescribed for its payment.

Voluntary advance payment.

(e) ADVANCE PAYMENT IN CASE OF JEOPARDY.—For advance payment in case of jeopardy, see section 146.

Jeopardy payment. *Post*, p. 725.

(f) TAX WITHHELD AT SOURCE.—For requirement of withholding tax at the source in the case of nonresident aliens and foreign corporations, and in the case of so-called "tax-free covenant bonds", see sections 143 and 144.

Tax withheld at source. *Post*, p. 723.

(g) FRACTIONAL PARTS OF CENT.—In the payment of any tax under this title a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

Fractions of cent disregarded.

(h) RECEIPTS.—Every collector to whom any payment of any income tax is made shall upon request give to the person making such payment a full written or printed receipt therefor.

Receipt on request.

SEC. 57. EXAMINATION OF RETURN AND DETERMINATION OF TAX.

Return and determination of tax.

Examination of.

As soon as practicable after the return is filed the Commissioner shall examine it and shall determine the correct amount of the tax.

SEC. 58. ADDITIONS TO TAX AND PENALTIES.

Additions to tax and penalties.

(a) For additions to the tax in case of negligence or fraud in the nonpayment of tax or failure to file return therefor, see Supplement M.

Negligence, etc. *Post*, p. 746.

(b) For criminal penalties for nonpayment of tax or failure to file return therefor, see section 145.

Criminal penalties, p. 721.

SEC. 59. ADMINISTRATIVE PROCEEDINGS.

Administrative proceedings.

For administrative proceedings in respect of the nonpayment or overpayment of a tax imposed by this title, see as follows:

Nonpayments, or overpayments.

(a) Supplement L, relating to assessment and collection of deficiencies.

Deficiencies, p. 740.

(b) Supplement M, relating to interest and additions to tax.

Interest and additions, p. 746.

(c) Supplement N, relating to claims against transferees and fiduciaries.

Transferees and fiduciaries, p. 748.

(d) Supplement O, relating to overpayments.

Overpayments, p. 750.

Part VI—Miscellaneous Provisions

MISCELLANEOUS PROVISIONS.

SEC. 61. LAWS MADE APPLICABLE.

Laws made applicable.

Administrative, etc., provisions extended to.

All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, are hereby extended to and made a part of this title.

INCOME TAX. MISCELLANEOUS PROVISIONS—Contd.

Rules and regulations to be prescribed.

SEC. 62. RULES AND REGULATIONS.

The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

Taxes in lieu of 1932 Act.

SEC. 63. TAXES IN LIEU OF TAXES UNDER 1932 ACT.

The taxes imposed by this title shall be in lieu of the corresponding taxes imposed by the Revenue Act of 1932.

Short title.

SEC. 64. SHORT TITLE.

"Income Tax Act of 1934."

This title may be cited as the "Income Tax Act of 1934."

SUPPLEMENTAL PROVISIONS.

SUBTITLE C—SUPPLEMENTAL PROVISIONS

RATES OF TAX.

Supplement A—Rates of Tax

[Supplementary to Subtitle B, Part I]

Exemptions from tax on corporations.

SEC. 101. EXEMPTIONS FROM TAX ON CORPORATIONS.

The following organizations shall be exempt from taxation under this title—

Labor, agricultural, etc.

(1) Labor, agricultural, or horticultural organizations;

Mutual savings banks.

(2) Mutual savings banks not having a capital stock represented by shares;

Fraternal beneficiary societies, etc.

(3) Fraternal beneficiary societies, orders, or associations, (A) operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system; and (B) providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association or their dependents;

Domestic building and loan associations.

(4) Domestic building and loan associations substantially all the business of which is confined to making loans to members; and cooperative banks without capital stock organized and operated for mutual purposes and without profit;

Mutual cemetery companies.

(5) Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit; and any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

Corporations, community chests, religious foundations, etc.

(6) Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

Business leagues, etc.

(7) Business leagues, chambers of commerce, real-estate boards, or boards of trade, not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

Civic leagues, employees' associations, etc.

(8) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes;

INCOME TAX. RATES OF TAX—Contd.

(9) Clubs organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder; Pleasure, etc., clubs.

(10) Benevolent life insurance associations of a purely local character, mutual ditch or irrigation companies, mutual or cooperative telephone companies, or like organizations; but only if 85 per centum or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses; Local life insurance, mutual ditch, etc., companies.

(11) Farmers' or other mutual hail, cyclone, casualty, or fire insurance companies or associations (including interinsurers and reciprocal underwriters) the income of which is used or held for the purpose of paying losses or expenses; Farmers' mutual casualty insurance companies.

(12) Farmers', fruit growers', or like associations organized and operated on a cooperative basis (a) for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses, on the basis of either the quantity or the value of the products furnished by them, or (b) for the purpose of purchasing supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost, plus necessary expenses. Exemption shall not be denied any such association because it has capital stock, if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the State of incorporation or 8 per centum per annum, whichever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than nonvoting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the association, upon dissolution or otherwise, beyond the fixed dividends) is owned by producers who market their products or purchase their supplies and equipment through the association; nor shall exemption be denied any such association because there is accumulated and maintained by it a reserve required by State law or a reasonable reserve for any necessary purpose. Such an association may market the products of nonmembers in an amount the value of which does not exceed the value of the products marketed for members, and may purchase supplies and equipment for nonmembers in an amount the value of which does not exceed the value of the supplies and equipment purchased for members, provided the value of the purchases made for persons who are neither members nor producers does not exceed 15 per centum of the value of all its purchases. Business done for the United States or any of its agencies shall be disregarded in determining the right to exemption under this paragraph; Farmers' cooperative associations. Marketing products of nonmembers and making purchases for. Limit. Federal business disregarded.

(13) Corporations organized by an association exempt under the provisions of paragraph (12), or members thereof, for the purpose of financing the ordinary crop operations of such members or other producers, and operated in conjunction with such association. Exemption shall not be denied any such corporation because it has capital stock, if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the State of incorporation or 8 per centum per annum, whichever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than nonvoting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the corporation, upon dissolution or otherwise, beyond the fixed dividends) is owned by such association, or members thereof; nor shall exemption be Exempt corporations financing crop operations of members.

INCOME TAX. RATES OF TAX—Contd.

denied any such corporation because there is accumulated and maintained by it a reserve required by State law or a reasonable reserve for any necessary purpose;

Corporations as trustees for exempted organizations.

(14) Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this title;

Corporations if instrumentalities of United States.

(15) Corporations organized under Act of Congress, if such corporations are instrumentalities of the United States and if, under such Act, as amended and supplemented, such corporations are exempt from Federal income taxes;

Voluntary employees' beneficiary associations.

(16) Voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if (A) no part of their net earnings inures (other than through such payments) to the benefit of any private shareholder or individual, and (B) 85 per centum or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses;

Local teachers' retirement fund associations.

(17) Teachers' retirement fund associations of a purely local character, if (A) no part of their net earnings inures (other than through payment of retirement benefits) to the benefit of any private shareholder or individual, and (B) the income consists solely of amounts received from public taxation, amounts received from assessments upon the teaching salaries of members, and income in respect of investments.

Surtax on corporations improperly accumulating surplus.

SEC. 102. SURTAX ON CORPORATIONS IMPROPERLY ACCUMULATING SURPLUS.

Tax imposed.

(a) IMPOSITION OF TAX.—There shall be levied, collected, and paid for each taxable year upon the adjusted net income of every corporation (other than a personal holding company as defined in section 351) if such corporation, however created or organized, is formed or availed of for the purpose of preventing the imposition of the surtax upon its shareholders or the shareholders of any other corporation, through the medium of permitting gains and profits to accumulate instead of being divided or distributed, a surtax equal to the sum of the following:

Post, p. 751.

Surtax rates.

(1) 25 per centum of the amount of the adjusted net income not in excess of $100,000, plus

(2) 35 per centum of the amount of the adjusted net income in excess of $100,000.

Evidence of purpose of evasion.

(b) PRIMA FACIE EVIDENCE.—The fact that any corporation is a mere holding or investment company, or that the gains or profits are permitted to accumulate beyond the reasonable needs of the business, shall be prima facie evidence of a purpose to avoid surtax.

Definition of "adjusted net income."

(c) DEFINITION OF "ADJUSTED NET INCOME".—As used in this section, the term "adjusted net income" means the net income computed without the allowance of the dividend deduction otherwise allowable, but diminished by the amount of dividends paid during the taxable year.

Surtax on pro rata shares.

(d) PAYMENT OF SURTAX ON PRO RATA SHARES.—The tax imposed by this section shall not apply if all the shareholders of the corporation include (at the time of filing their returns) in their gross income their entire pro rata shares, whether distributed or not, of the "adjusted net income" of the corporation for such year. Any amount so included in the gross income of a shareholder shall be

treated as a dividend received. Any subsequent distribution made by the corporation out of earnings or profits for such taxable year shall, if distributed to any shareholder who has so included in his gross income his pro rata share, be exempt from tax in the amount of the share so included.

Subsequent distribution.

(e) TAX ON PERSONAL HOLDING COMPANIES.—For surtax on personal holding companies, see section 351.

Personal holding companies.
Post, p. 751.

SEC. 103. RATES OF TAX ON CITIZENS AND CORPORATIONS OF CERTAIN FOREIGN COUNTRIES.

Discriminatory or extraterritorial taxes.

Whenever the President finds that, under the laws of any foreign country, citizens or corporations of the United States are being subjected to discriminatory or extraterritorial taxes, the President shall so proclaim and the rates of tax imposed by sections 11, 12, 13, 201(b), and 204(a) shall, for the taxable year during which such proclamation is made and for each taxable year thereafter, be doubled in the case of each citizen and corporation of such foreign country; but the tax at such doubled rate shall be considered as imposed by section 11, 12, 13, 201(b), or 204(a), as the case may be. In no case shall this section operate to increase the taxes imposed by such sections (computed without regard to this section) to an amount in excess of 80 per centum of the net income of the taxpayer. Whenever the President finds that the laws of any foreign country with respect to which the President has made a proclamation under the preceding provisions of this section have been modified so that discriminatory and extraterritorial taxes applicable to citizens and corporations of the United States have been removed, he shall so proclaim, and the provisions of this section providing for doubled rates of tax shall not apply to any citizen or corporation of such foreign country with respect to any taxable year beginning after such proclamation is made.

Rates when citizens are subjected by foreign countries to.

Ante, p. 684.

Limitation.
Post, pp., 731, 733.

When foreign laws modified.

Supplement B—Computation of Net Income

COMPUTATION OF NET INCOME.

[Supplementary to Subtitle B, Part II]

SEC. 111. DETERMINATION OF AMOUNT OF, AND RECOGNITION OF, GAIN OR LOSS.

Gain or loss.

(a) COMPUTATION OF GAIN OR LOSS.—The gain from the sale or other disposition of property shall be the excess of the amount realized therefrom over the adjusted basis provided in section 113(b) for determining gain, and the loss shall be the excess of the adjusted basis provided in such section for determining loss over the amount realized.

Basis for determining, on disposal of property.
Post, p. 709.

Adjusted basis.

(b) AMOUNT REALIZED.—The amount realized from the sale or other disposition of property shall be the sum of any money received plus the fair market value of the property (other than money) received.

Computation of sums from disposition of property.

(c) RECOGNITION OF GAIN OR LOSS.—In the case of a sale or exchange, the extent to which the gain or loss determined under this section shall be recognized for the purposes of this title, shall be determined under the provisions of section 112.

Recognition of gain or loss.

(d) INSTALLMENT SALES.—Nothing in this section shall be construed to prevent (in the case of property sold under contract providing for payment in installments) the taxation of that portion of any installment payment representing gain or profit in the year in which such payment is received.

Installment sales taxable.

INCOME TAX. COMPUTATION OF NET INCOME—Contd.

SEC. 112. RECOGNITION OF GAIN OR LOSS.

Entire amount recognized. Exceptions.

(a) GENERAL RULE.—Upon the sale or exchange of property the entire amount of the gain or loss, determined under section 111, shall be recognized, except as hereinafter provided in this section.

(b) EXCHANGES SOLELY IN KIND.—

No gain or loss on exchanging for similar uses.

(1) PROPERTY HELD FOR PRODUCTIVE USE OR INVESTMENT.—No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale, nor stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment.

Stock for stock of same corporation.

(2) STOCK FOR STOCK OF SAME CORPORATION.—No gain or loss shall be recognized if common stock in a corporation is exchanged solely for common stock in the same corporation, or if preferred stock in a corporation is exchanged solely for preferred stock in the same corporation.

Stock for stock on reorganization.

(3) STOCK FOR STOCK ON REORGANIZATION.—No gain or loss shall be recognized if stock or securities in a corporation a party to a reorganization are, in pursuance of the plan of reorganization, exchanged solely for stock or securities in such corporation or in another corporation a party to the reorganization.

Property for stock of party to reorganization.

(4) SAME—GAIN OF CORPORATION.—No gain or loss shall be recognized if a corporation a party to a reorganization exchanges property, in pursuance of the plan of reorganization, solely for stock or securities in another corporation a party to the reorganization.

Transfers for stock of corporation under same control.

(5) TRANSFER TO CORPORATION CONTROLLED BY TRANSFEROR.—No gain or loss shall be recognized if property is transferred to a corporation by one or more persons solely in exchange for stock or securities in such corporation, and immediately after the exchange such person or persons are in control of the corporation; but in the case of an exchange by two or more persons this paragraph shall apply only if the amount of the stock and securities received by each is substantially in proportion to his interest in the property prior to the exchange.

Limitation.

Gain from exchanges not solely in kind. Recognition of.

(c) GAIN FROM EXCHANGES NOT SOLELY IN KIND.—

(1) If an exchange would be within the provisions of subsection (b) (1), (2), (3), or (5) of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

Reorganization distribution construed as a taxable dividend.

(2) If a distribution made in pursuance of a plan of reorganization is within the provisions of paragraph (1) of this subsection but has the effect of the distribution of a taxable dividend, then there shall be taxed as a dividend to each distributee such an amount of the gain recognized under paragraph (1) as is not in excess of his ratable share of the undistributed earnings and profits of the corporation accumulated after February 28, 1913. The remainder, if any, of the gain recognized under paragraph (1) shall be taxed as a gain from the exchange of property.

Accumulations after February 1913.

Tax on gain from property exchange.

Gain of corporation.

(d) SAME—GAIN OF CORPORATION.—If an exchange would be within the provisions of subsection (b) (4) of this section if it were not for the fact that the property received in exchange consists not

INCOME TAX. COMPUTATION OF NET INCOME—Contd.

only of stock or securities permitted by such paragraph to be received without the recognition of gain, but also of other property or money, then—

No gain if distributed on reorganization.

(1) If the corporation receiving such other property or money distributes it in pursuance of the plan of reorganization, no gain to the corporation shall be recognized from the exchange, but

Gain recognized.

(2) If the corporation receiving such other property or money does not distribute it in pursuance of the plan of reorganization, the gain, if any, to the corporation shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property so received, which is not so distributed.

Loss from exchanges not solely in kind.

(e) LOSS FROM EXCHANGES NOT SOLELY IN KIND.—If an exchange would be within the provisions of subsection (b)(1) to (5), inclusive, of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

Involuntary conversions.

(f) INVOLUNTARY CONVERSIONS.—If property (as a result of its destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation, or the threat or imminence thereof) is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted, or into money which is forthwith in good faith, under regulations prescribed by the Commissioner with the approval of the Secretary, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund, no gain or loss shall be recognized. If any part of the money is not so expended, the gain, if any, shall be recognized, but in an amount not in excess of the money which is not so expended.

No gain or loss, if involuntarily converted into similar property, etc.

Gain recognized on part not used.

Reorganization.

Definition of.

(g) DEFINITION OF REORGANIZATION.—As used in this section and section 113—

(1) The term "reorganization" means (A) a statutory merger or consolidation, or (B) the acquisition by one corporation in exchange solely for all or a part of its voting stock: of at least 80 per centum of the voting stock and at least 80 per centum of the total number of shares of all other classes of stock of another corporation; or of substantially all the properties of another corporation, or (C) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor or its stockholders or both are in control of the corporation to which the assets are transferred, or (D) a recapitalization, or (E) a mere change in identity, form, or place of organization, however effected.

"Party to a reorganization".

(2) The term "a party to a reorganization" includes a corporation resulting from a reorganization and includes both corporations in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another.

"Control" defined.

(h) DEFINITION OF CONTROL.—As used in this section the term "control" means the ownership of at least 80 per centum of the voting stock and at least 80 per centum of the total number of shares of all other classes of stock of the corporation.

Foreign corporations.

Not recognized if purpose is to evade Federal income taxes.

(i) FOREIGN CORPORATIONS.—In determining the extent to which gain shall be recognized in the case of any of the exchanges (made after the date of the enactment of this Act) described in subsection (b) (3), (4), or (5), or described in so much of subsection (c) as

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refers to subsection (b) (3) or (5), or described in subsection (d), a foreign corporation shall not be considered as a corporation unless, prior to such exchange, it has been established to the satisfaction of the Commissioner that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

Basis for determining gain or loss.

SEC. 113. ADJUSTED BASIS FOR DETERMINING GAIN OR LOSS.

Cost value; exceptions.

(a) BASIS (UNADJUSTED) OF PROPERTY.—The basis of property shall be the cost of such property; except that—

Inventory value.

(1) INVENTORY VALUE.—If the property should have been included in the last inventory, the basis shall be the last inventory value thereof.

Gifts after December 1920.

(2) GIFTS AFTER DECEMBER 31, 1920.—If the property was acquired by gift after December 31, 1920, the basis shall be the same as it would be in the hands of the donor or the last preceding owner by whom it was not acquired by gift, except that for the purpose of determining loss the basis shall be the basis so determined or the fair market value of the property at the time of the gift, whichever is lower. If the facts necessary to determine the basis in the hands of the donor or the last preceding owner are unknown to the donee, the Commissioner shall, if possible, obtain such facts from such donor or last preceding owner, or any other person cognizant thereof. If the Commissioner finds it impossible to obtain such facts, the basis in the hands of such donor or last preceding owner shall be the fair market value of such property as found by the Commissioner as of the date or approximate date at which, according to the best information that the Commissioner is able to obtain, such property was acquired by such donor or last preceding owner.

Determination.

Fair market value.

Trust property acquired after December 1920.

(3) TRANSFER IN TRUST AFTER DECEMBER 31, 1920.—If the property was acquired after December 31, 1920, by a transfer in trust (other than by a transfer in trust by a bequest or devise) the basis shall be the same as it would be in the hands of the grantor, increased in the amount of gain or decreased in the amount of loss recognized to the grantor upon such transfer under the law applicable to the year in which the transfer was made.

As in hands of grantor.

Gift or transfer in trust before January 1, 1921.

(4) GIFT OR TRANSFER IN TRUST BEFORE JANUARY 1, 1921.—If the property was acquired by gift or transfer in trust on or before December 31, 1920, the basis shall be the fair market value of such property at the time of such acquisition.

Property transmitted at death.

(5) PROPERTY TRANSMITTED AT DEATH.—If the property was acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent, the basis shall be the fair market value of such property at the time of such acquisition. In the case of property transferred in trust to pay the income for life to or upon the order or direction of the grantor, with the right reserved to the grantor at all times prior to his death to revoke the trust, the basis of such property in the hands of the persons entitled under the terms of the trust instrument to the property after the grantor's death shall, after such death, be the same as if the trust instrument had been a will executed on the day of the grantor's death. For the purpose of this paragraph property passing without full and adequate consideration under a general power of appointment exercised by will shall be deemed to be property passing from the individual exercising such power by bequest or devise.

Transfer in trust with right to revoke.

Without full consideration, under general power of appointment.

Acquired on exchange.

Ante, p. 704.

(6) TAX-FREE EXCHANGES GENERALLY.—If the property was acquired, after February 28, 1913, upon an exchange described in section 112(b) to (e), inclusive, the basis shall be the same as in

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the case of the property exchanged, decreased in the amount of any money received by the taxpayer and increased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized upon such exchange under the law applicable to the year in which the exchange was made. If the property so acquired consisted in part of the type of property permitted by section 112(b) to be received without the recognition of gain or loss, and in part of other property, the basis provided in this paragraph shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. This paragraph shall not apply to property acquired by a corporation by the issuance of its stock or securities as the consideration in whole or in part for the transfer of the property to it.

Partly on exchange and partly by other property.

Stock issued as consideration excepted.

(7) TRANSFERS TO CORPORATION WHERE CONTROL OF PROPERTY REMAINS IN SAME PERSONS.—If the property was acquired after December 31, 1917, by a corporation in connection with a reorganization, and immediately after the transfer an interest or control in such property of 50 per centum or more remained in the same persons or any of them, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor upon such transfer under the law applicable to the year in which the transfer was made. This paragraph shall not apply if the property acquired consists of stock or securities in a corporation a party to the reorganization, unless acquired by the issuance of stock or securities of the transferee as the consideration in whole or in part for the transfer.

Transfers to corporation where control of property remains in same persons.

By a corporation a party to reorganization.

(8) PROPERTY ACQUIRED BY ISSUANCE OF STOCK OR AS PAID-IN SURPLUS.—If the property was acquired after December 31, 1920, by a corporation—

Property acquired by issuance of stock or as paid-in surplus, by a corporation after 1920.

(A) by the issuance of its stock or securities in connection with a transaction described in section 112(b)(5) (including, also, cases where part of the consideration for the transfer of such property to the corporation was property or money, in addition to such stock or securities), or

Issuance of stock controlled by transferor. *Ante*, p. 704.

(B) as paid-in surplus or as a contribution to capital,

Paid-in surplus, etc.

then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor upon such transfer under the law applicable to the year in which the transfer was made.

(9) INVOLUNTARY CONVERSION.—If the property was acquired, after February 28, 1913, as the result of a compulsory or involuntary conversion described in section 112(f), the basis shall be the same as in the case of the property so converted, decreased in the amount of any money received by the taxpayer which was not expended in accordance with the provisions of law (applicable to the year in which such conversion was made) determining the taxable status of the gain or loss upon such conversion, and increased in the amount of gain or decreased in the amount of loss to the taxpayer recognized upon such conversion under the law applicable to the year in which such conversion was made.

Acquired by involuntary conversion.

(10) WASH SALES OF STOCK.—If the property consists of stock or securities the acquisition of which (or the contract or option to acquire which) resulted in the nondeductibility (under section 118 of this Act or corresponding provisions of prior income tax

Wash sales of stock on which loss not allowed. *Post*, p. 715.

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laws, relating to wash sales) of the loss from the sale or other disposition of substantially identical stock or securities, then the basis shall be the basis of the stock or securities so sold or disposed of, increased or decreased, as the case may be, by the difference, if any, between the price at which the property was acquired and the price at which such substantially identical stock or securities were sold or otherwise disposed of.

Property acquired during affiliation.

(11) PROPERTY ACQUIRED DURING AFFILIATION.—In the case of property acquired by a corporation, during a period of affiliation, from a corporation with which it was affiliated, the basis of such property, after such period of affiliation, shall be determined, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, without regard to inter-company transactions in respect of which gain or loss was not recognized.

Adjustment and determination of basis.

"Period of affiliation" defined.

For the purposes of this paragraph, the term "period of affiliation" means the period during which such corporations were affiliated (determined in accordance with the law applicable thereto) but does not include any taxable year beginning on or after January 1, 1922, unless a consolidated return was made, nor any taxable year after the taxable year 1928. The basis in case of property acquired by a corporation during any period, in the taxable year 1929 or any subsequent taxable year, in respect of which a consolidated return is made by such corporation under section 141 of this Act or the Revenue Act of 1928 or the Revenue Act of 1932, shall be determined in accordance with regulations prescribed under section 141 (b) of this Act or the Revenue Act of 1928 or the Revenue Act of 1932. The basis in the case of property held by a corporation during any period, in the taxable year 1929 or any subsequent taxable year, in respect of which a consolidated return is made by such corporation under section 141 of this Act or the Revenue Act of 1928 or the Revenue Act of 1932, shall be adjusted in respect of any items relating to such period, in accordance with regulations prescribed under section 141 (b) of this Act or the Revenue Act of 1928 or the Revenue Act of 1932, applicable to such period.

Basis in subsequent years.

Vol. 45, p. 831

Post, p. 721.

Basis established by Revenue Act of 1932.

(12) BASIS ESTABLISHED BY REVENUE ACT OF 1932.—If the property was acquired, after February 28, 1913, in any taxable year beginning prior to January 1, 1934, and the basis thereof, for the purposes of the Revenue Act of 1932 was prescribed by section 113(a) (6), (7), or (9) of such Act, then for the purposes of this Act the basis shall be the same as the basis therein prescribed in the Revenue Act of 1932.

Basis for partnership property, acquired after February 28, 1913.

(13) PARTNERSHIPS.—If the property was acquired, after February 28, 1913, by a partnership and the basis is not otherwise determined under any of the paragraphs (1) to (12), inclusive, of this subsection, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor upon such transfer under the law applicable to the year in which the transfer was made. If the property was distributed in kind by a partnership to any partner, the basis of such property in the hands of the partner shall be such part of the basis in his hands of his partnership interest as is properly allocable to such property.

Property acquired before March 1913.

(14) PROPERTY ACQUIRED BEFORE MARCH 1, 1913.—In the case of property acquired before March 1, 1913, if the basis otherwise determined under this subsection, adjusted (for the period prior to March 1, 1913) as provided in subsection (b), is less than the fair market value of the property as of March 1, 1913, then the

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basis for determining gain shall be such fair market value. In determining the fair market value of stock in a corporation as of March 1, 1913, due regard shall be given to the fair market value of the assets of the corporation as of that date.

Assets based on fair market value.

(b) ADJUSTED BASIS.—The adjusted basis for determining the gain or loss from the sale or other disposition of property, whenever acquired, shall be the basis determined under subsection (a), adjusted as hereinafter provided.

Adjusted basis for determining gain or loss.

(1) GENERAL RULE.—Proper adjustment in respect of the property shall in all cases be made—

General rule.

(A) for expenditures, receipts, losses, or other items, properly chargeable to capital account, including taxes and other carrying charges on unimproved and unproductive real property, but no such adjustment shall be made for taxes or other carrying charges for which deductions have been taken by the taxpayer in determining net income for the taxable year or prior taxable years;

Adjustment to capital account.

Carrying charges on unimproved real property.

(B) in respect of any period since February 28, 1913, for exhaustion, wear and tear, obsolescence, amortization, and depletion, to the extent allowed (but not less than the amount allowable) under this Act or prior income tax laws. Where for any taxable year prior to the taxable year 1932 the depletion allowance was based on discovery value or a percentage of income, then the adjustment for depletion for such year shall be based on the depletion which would have been allowable for such year if computed without reference to discovery value or a percentage of income;

Depletion, etc., since February 1913.

Maximum allowance.

Based on discovery value or percentage of income.

(C) in respect of any period prior to March 1, 1913, for exhaustion, wear and tear, obsolescence, amortization, and depletion, to the extent sustained;

Any period prior to March 1, 1913.

(D) in the case of stock (to the extent not provided for in the foregoing subparagraphs) for the amount of distributions previously made which, under the law applicable to the year in which the distribution was made, either were tax-free or were applicable in reduction of basis (not including distributions made by a corporation, which was classified as a personal service corporation under the provisions of the Revenue Act of 1918 or 1921, out of its earnings or profits which were taxable in accordance with the provisions of section 218 of the Revenue Act of 1918 or 1921).

Basis reduced by tax-free distributions.

Vol. 40, p. 1070; Vol. 42, p. 245.

(2) SUBSTITUTED BASIS.—The term "substituted basis" as used in this subsection means a basis determined under any provision of subsection (a) of this section or under any corresponding provision of a prior income tax law, providing that the basis shall be determined—

Substituted basis.

Determination of.

(A) by reference to the basis in the hands of a transferor, donor, or grantor, or

(B) by reference to other property held at any time by the person for whom the basis is to be determined.

Whenever it appears that the basis of property in the hands of the taxpayer is a substituted basis, then the adjustments provided in paragraph (1) of this subsection shall be made after first making in respect of such substituted basis proper adjustments of a similar nature in respect of the period during which the property was held by the transferor, donor, or grantor, or during which the other property was held by the person for whom the basis is to be determined. A similar rule shall be applied in the case of a series of substituted bases.

Adjustments.

INCOME TAX. COMPUTATION OF NET INCOME—Contd.

SEC. 114. BASIS FOR DEPRECIATION AND DEPLETION.

Basis for depreciation and depletion. *Ante*, p. 709.

(a) BASIS FOR DEPRECIATION.—The basis upon which exhaustion, wear and tear, and obsolescence are to be allowed in respect of any property shall be the adjusted basis provided in section 113(b) for the purpose of determining the gain upon the sale or other disposition of such property.

(b) BASIS FOR DEPLETION.—

General rule.

(1) GENERAL RULE.—The basis upon which depletion is to be allowed in respect of any property shall be the adjusted basis provided in section 113(b) for the purpose of determining the gain upon the sale or other disposition of such property, except as provided in paragraphs (2), (3), and (4) of this subsection.

Discovery value in case of mines.

(2) DISCOVERY VALUE IN CASE OF MINES.—In the case of mines (other than metal, coal or sulphur mines) discovered by the taxpayer after February 28, 1913, the basis for depletion shall be the fair market value of the property at the date of discovery or within thirty days thereafter, if such mines were not acquired as the result of purchase of a proven tract or lease, and if the fair market value of the property is materially disproportionate to the cost. The depletion allowance under section 23(m) based on discovery value provided in this paragraph shall not exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property upon which the discovery was made, except that in no case shall the depletion allowance under section 23(m) be less than it would be if computed without reference to discovery value. Discoveries shall include minerals in commercial quantities contained within a vein or deposit discovered in an existing mine or mining tract by the taxpayer after February 28, 1913, if the vein or deposit thus discovered was not merely the uninterrupted extension of a continuing commercial vein or deposit already known to exist, and if the discovered minerals are of sufficient value and quantity that they could be separately mined and marketed at a profit.

Ante, p. 689.

Depletion allowance without reference to discovery value.

Minerals included.

Oil and gas allowance.

(3) PERCENTAGE DEPLETION FOR OIL AND GAS WELLS.—In the case of oil and gas wells the allowance for depletion under section 23(m) shall be 27½ per centum of the gross income from the property during the taxable year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. Such allowance shall not exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property, except that in no case shall the depletion allowance under section 23(m) be less than it would be if computed without reference to this paragraph.

Maximum.

Percentage depletion for coal and metal mines and sulphur.

(4) PERCENTAGE DEPLETION FOR COAL AND METAL MINES AND SULPHUR.—The allowance for depletion under section 23(m) shall be, in the case of coal mines, 5 per centum, in the case of metal mines, 15 per centum, and, in the case of sulphur mines or deposits, 23 per centum, of the gross income from the property during the taxable year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. Such allowance shall not exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property. A taxpayer making his first return under this title in respect of a property shall state whether he elects to have the depletion allowance for such property for the taxable year for which the return is made computed with or without regard to percentage depletion, and the depletion allow-

Maximum.

Taxpayer's election as to computation to govern future years.

ance in respect of such property for such year shall be computed according to the election thus made. If the taxpayer fails to make such statement in the return, the depletion allowance for such property for such year shall be computed without reference to percentage depletion. The method, determined as above, of computing the depletion allowance shall be applied in the case of the property for all taxable years in which it is in the hands of such taxpayer, or of any other person if the basis of the property (for determining gain) in his hands is, under section 113, determined by reference to the basis in the hands of such taxpayer, either directly or through one or more substituted bases, as defined in that section.

INCOME TAX. COMPUTATION OF NET INCOME—Contd.
If no statement is made.

SEC. 115. DISTRIBUTIONS BY CORPORATIONS.

Distributions by corporations.

(a) DEFINITION OF DIVIDEND.—The term "dividend" when used in this title (except in section 203(a)(4) and section 207(c)(1), relating to insurance companies) means any distribution made by a corporation to its shareholders, whether in money or in other property, out of its earnings or profits accumulated after February 28, 1913.

"Dividend" defined.
Post, pp., 732, 735.

Earnings after February 28, 1913, deemed dividends.

(b) SOURCE OF DISTRIBUTIONS.—For the purposes of this Act every distribution is made out of earnings or profits to the extent thereof, and from the most recently accumulated earnings or profits. Any earnings or profits accumulated, or increase in value of property accrued, before March 1, 1913, may be distributed exempt from tax, after the earnings and profits accumulated after February 28, 1913, have been distributed, but any such tax-free distribution shall be applied against and reduce the adjusted basis of the stock provided in section 113.

Sources.

Accumulations, etc., before March 1, 1913, tax free.

Ante, p. 706.

(c) DISTRIBUTIONS IN LIQUIDATION.—Amounts distributed in complete liquidation of a corporation shall be treated as in full payment in exchange for the stock, and amounts distributed in partial liquidation of a corporation shall be treated as in part or full payment in exchange for the stock. The gain or loss to the distributee resulting from such exchange shall be determined under section 111, but shall be recognized only to the extent provided in section 112. Despite the provisions of section 117(a), 100 per centum of the gain so recognized shall be taken into account in computing net income. In the case of amounts distributed (whether before January 1, 1934, or on or after such date) in partial liquidation (other than a distribution within the provisions of subsection (h) of this section of stock or securities in connection with a reorganization) the part of such distribution which is properly chargeable to capital account shall not be considered a distribution of earnings or profits within the meaning of subsection (b) of this section for the purpose of determining the taxability of subsequent distributions by the corporation.

Distributions in liquidation, to be in full payment for stock.

Gain or loss to distributee.
Post, p. 714.

Partial liquidation distribution.

(d) OTHER DISTRIBUTIONS FROM CAPITAL.—If any distribution (not in partial or complete liquidation) made by a corporation to its shareholders is not out of increase in value of property accrued before March 1, 1913, and is not out of earnings or profits, then the amount of such distribution shall be applied against and reduce the adjusted basis of the stock provided in section 113, and if in excess of such basis, such excess shall be taxable in the same manner as a gain from the sale or exchange of property.

Distributions not out of increase in value before March 1, 1913, nor from earnings or profits.

Ante, p. 706.

(e) DISTRIBUTIONS BY PERSONAL SERVICE CORPORATIONS.—Any distribution made by a corporation, which was classified as a personal service corporation under the provisions of the Revenue Act of 1918 or the Revenue Act of 1921, out of its earnings or profits which

Distributions by personal service corporations; exemptions.
Vol. 40, p. 1070; Vol. 42, p. 245.

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were taxable in accordance with the provisions of section 218 of the Revenue Act of 1918 or section 218 of the Revenue Act of 1921, shall be exempt from tax to the distributees.

Stock dividends not taxable.

(f) STOCK DIVIDENDS.—A stock dividend shall not be subject to tax.

Redemption of stock; proceeds.

(g) REDEMPTION OF STOCK.—If a corporation cancels or redeems its stock (whether or not such stock was issued as a stock dividend) at such time and in such manner as to make the distribution and cancellation or redemption in whole or in part essentially equivalent to the distribution of a taxable dividend, the amount so distributed in redemption or cancellation of the stock, to the extent that its [1] represents a distribution of earnings or profits accumulated after February 28, 1913, shall be treated as a taxable dividend.

Distribution of stock on reorganization.
Effect on future distributions.

(h) DISTRIBUTION OF STOCK ON REORGANIZATION—EFFECT ON FUTURE DISTRIBUTIONS.—The distribution before January 1, 1934, in pursuance of a plan of reorganization, by or on behalf of a corporation a party to the reorganization, of its stock or securities or stock or securities in a corporation a party to the reorganization, if no gain to the distributee from the receipt of such stock or securities was recognized by law, shall not be considered a distribution of earnings or profits within the meaning of this section for the purpose of determining the taxability of subsequent distributions by the corporation. As used in this subsection, the terms "reorganization" and "party to the reorganization" shall have the meanings assigned to such terms in section 112 of the Revenue Act of 1932.

Vol. 47, p. 196.

Definition of partial liquidation.

(i) DEFINITION OF PARTIAL LIQUIDATION.—As used in this section the term "amounts distributed in partial liquidation" means a distribution by a corporation in complete cancellation or redemption of a part of its stock, or one of a series of distributions in complete cancellation or redemption of all or a portion of its stock.

Exclusions from gross income.

SEC. 116. EXCLUSIONS FROM GROSS INCOME.

Additional items exempt from tax.
Ante, p. 687.

In addition to the items specified in section 22(b), the following items shall not be included in gross income and shall be exempt from taxation under this title:

Earned income from sources without United States.

(a) EARNED INCOME FROM SOURCES WITHOUT UNITED STATES.—In the case of an individual citizen of the United States, a bona fide nonresident of the United States for more than six months during the taxable year, amounts received from sources without the United States (except amounts paid by the United States or any agency thereof) if such amounts would constitute earned income as defined in section 25(a) if received from sources within the United States; but such individual shall not be allowed as a deduction from his gross income any deductions properly allocable to or chargeable against amounts excluded from gross income under this subsection.

Ante, p. 692.

Teachers in Alaska and Hawaii.

(b) TEACHERS IN ALASKA AND HAWAII.—In the case of an individual employed by Alaska or Hawaii or any political subdivision thereof as a teacher in any educational institution, the compensation received as such. This subsection shall not exempt compensation paid directly or indirectly by the Government of the United States.

Income of foreign governments from investments in United States, etc.

(c) INCOME OF FOREIGN GOVERNMENTS.—The income of foreign governments received from investments in the United States in stocks, bonds, or other domestic securities, owned by such foreign governments, or from interest on deposits in banks in the United States of moneys belonging to such foreign governments, or from any other source within the United States.

Income of States, etc., from public utilities.

(d) INCOME OF STATES, MUNICIPALITIES, ETC.—Income derived from any public utility or the exercise of any essential governmental function and accruing to any State, Territory, or the District of

[1] So in original.

INCOME TAX. COMPUTATION OF NET INCOME—Contd.

Columbia, or any political subdivision of a State or Territory, or income accruing to the government of any possession of the United States, or any political subdivision thereof.

If under prior contracts for operation thereof.

Whenever any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, prior to September 8, 1916, entered in good faith into a contract with any person, the object and purpose of which is to acquire, construct, operate, or maintain a public utility—

Levy on proceeds prior to division thereof with State, etc.

(1) If by the terms of such contract the tax imposed by this title is to be paid out of the proceeds from the operation of such public utility, prior to any division of such proceeds between the person and the State, Territory, political subdivision, or the District of Columbia, and if, but for the imposition of the tax imposed by this title, a part of such proceeds for the taxable year would accrue directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, then a tax upon the net income from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title, but there shall be refunded to such State, Territory, political subdivision, or the District of Columbia (under rules and regulations to be prescribed by the Commissioner with the approval of the Secretary) an amount which bears the same relation to the amount of the tax as the amount which (but for the imposition of the tax imposed by this title) would have accrued directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, bears to the amount of the net income from the operation of such public utility for such taxable year.

Refunds.

If no part accruing in State, etc., the net income of persons taxable.

(2) If by the terms of such contract no part of the proceeds from the operation of the public utility for the taxable year would, irrespective of the tax imposed by this title, accrue directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, then the tax upon the net income of such person from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title.

Bridges to be acquired by State, etc.

(e) BRIDGES TO BE ACQUIRED BY STATE OR POLITICAL SUBDIVISION.—Whenever any State or political subdivision thereof, in pursuance of a contract to which it is not a party entered into before the enactment of the Revenue Act of 1928, is to acquire a bridge—

Levy on operation proceeds, prior to division thereof.

(1) If by the terms of such contract the tax imposed by this title is to be paid out of the proceeds from the operation of such bridge prior to any division of such proceeds, and if, but for the imposition of the tax imposed by this title, a part of such proceeds for the taxable year would accrue directly to or for the use of or would be applied for the benefit of such State or political subdivision, then a tax upon the net income from the operation of such bridge shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title, but there shall be refunded to such State or political subdivision (under rules and regulations to be prescribed by the Commissioner with the approval of the Secretary) an amount which bears the same relation to the amount of the tax as the amount which (but for the imposition of the tax imposed by this title) would have accrued directly to or for the use of or would be applied for the benefit of such State or political subdivision, bears to the amount of the net income from the operation of such bridge for such taxable year. No such refund shall be made unless the entire amount of

Refund to State, etc.

Restriction.

INCOME TAX. COMPUTATION OF NET INCOME—Contd.

the refund is to be applied in part payment for the acquisition of such bridge.

If no part accruing to such State, etc., net income from operation to be taxable.

(2) If by the terms of such contract no part of the proceeds from the operation of the bridge for the taxable year would, irrespective of the tax imposed by this title, accrue directly to or for the use of or be applied for the benefit of such State or political subdivision, then the tax upon the net income from the operation of such bridge shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title.

Dividends from "China Trade Act" corporations.

(f) DIVIDEND FROM "CHINA TRADE ACT" CORPORATION.—In the case of a person, amounts distributed as dividends to or for his benefit by a corporation organized under the China Trade Act, 1922, if, at the time of such distribution, he is a resident of China, and the equitable right to the income of the shares of stock of the corporation is in good faith vested in him.

Shipowners' mutual associations. Receipts.

(g) SHIPOWNERS' PROTECTION AND INDEMNITY ASSOCIATIONS.—The receipts of shipowners' mutual protection and indemnity associations not organized for profit, and no part of the net earnings of which inures to the benefit of any private shareholder; but such corporations shall be subject as other persons to the tax upon their net income from interest, dividends, and rents.

Capital gains and losses.

SEC. 117. CAPITAL GAINS AND LOSSES.

Computation of tax.

(a) GENERAL RULE.—In the case of a taxpayer, other than a corporation, only the following percentages of the gain or loss recognized upon the sale or exchange of a capital asset shall be taken into account in computing net income:

100 per centum if the capital asset has been held for not more than 1 year;

80 per centum if the capital asset has been held for more than 1 year but not for more than 2 years;

60 per centum if the capital asset has been held for more than 2 years but not for more than 5 years;

40 per centum if the capital asset has been held for more than 5 years but not for more than 10 years;

30 per centum if the capital asset has been held for more than 10 years.

Definition of "capital assets."

(b) DEFINITION OF CAPITAL ASSETS.—For the purposes of this title, "capital assets" means property held by the taxpayer (whether or not connected with his trade or business), but does not include stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business.

Determination of period for which held.

(c) DETERMINATION OF PERIOD FOR WHICH HELD.—For the purpose of subsection (a)—

Property received on an exchange.

(1) In determining the period for which the taxpayer has held property received on an exchange there shall be included the period for which he held the property exchanged, if under the provisions of section 113, the property received has, for the purpose of determining gain or loss from a sale or exchange, the same basis in whole or in part in his hands as the property exchanged.

Ante, p. 706.

Period of property holding.

(2) In determining the period for which the taxpayer has held property however acquired there shall be included the period for which such property was held by any other person, if under the provisions of section 113, such property has, for the purpose of determining gain or loss from a sale or exchange, the same basis

in whole or in part in his hands as it would have in the hands of such other person.

INCOME TAX. COMPUTATION OF NET INCOME—Contd.

(3) In determining the period for which the taxpayer has held stock or securities received upon a distribution where no gain was recognized to the distributee under the provisions of section 112(g) of the Revenue Act of 1928 or the Revenue Act of 1932, there shall be included the period for which he held the stock or securities in the distributing corporation prior to the receipt of the stock or securities upon such distribution.

Stock, etc., received on a distribution.

Vol. 45, p. 818.

(4) In determining the period for which the taxpayer has held stock or securities the acquisition of which (or the contract or option to acquire which) resulted in the nondeductibility (under section 118 of this Act or section 118 of the Revenue Act of 1928 or the Revenue Act of 1932, relating to wash sales) of the loss from the sale or other disposition of substantially identical stock or securities, there shall be included the period for which he held the stock or securities the loss from the sale or other disposition of which was not deductible.

Computing period stock has been held.

Vol. 45, p. 826.

(d) LIMITATION ON CAPITAL LOSSES.—Losses from sales or exchanges of capital assets shall be allowed only to the extent of $2,000 plus the gains from such sales or exchanges. If a bank or trust company incorporated under the laws of the United States or of any State or Territory, a substantial part of whose business is the receipt of deposits, sells any bond, debenture, note, or certificate or other evidence of indebtedness issued by any corporation (including one issued by a government or political subdivision thereof), with interest coupons or in registered form, any loss resulting from such sale (except such portion of the loss as does not exceed the amount, if any, by which the adjusted basis of such instrument exceeds the par or face value thereof) shall not be subject to the foregoing limitation and shall not be included in determining the applicability of such limitation to other losses.

Capital losses allowed only to extent of gains, etc.

(e) GAINS AND LOSSES FROM SHORT SALES, ETC.—For the purpose of this title—

Gains and losses from short sales, etc.

Transactions considered as.

(1) gains or losses from short sales of property shall be considered as gains or losses from sales or exchanges of capital assets; and

(2) gains or losses attributable to the failure to exercise privileges or options to buy or sell property shall be considered as gains or losses from sales or exchanges of capital assets held for one year or less.

(f) RETIREMENT OF BONDS, ETC.—For the purposes of this title, amounts received by the holder upon the retirement of bonds, debentures, notes, or certificates or other evidences of indebtedness issued by any corporation (including those issued by a government or political subdivision thereof), with interest coupons or in registered form, shall be considered as amounts received in exchange therefor.

Retirement of bonds, etc.

SEC. 118. LOSS FROM WASH SALES OF STOCK OR SECURITIES.

Loss from wash sales of stock, etc.

(a) In the case of any loss claimed to have been sustained from any sale or other disposition of shares of stock or securities where it appears that, within a period beginning 30 days before the date of such sale or disposition and ending 30 days after such date, the taxpayer has acquired (by purchase or by an exchange upon which the entire amount of gain or loss was recognized by law), or has entered into a contract or option so to acquire, substantially identical stock or securities, then no deduction for the loss shall be allowed under section 23(e)(2); nor shall such deduction be allowed under section 23(f) unless the claim is made by a corporation, a dealer

Restriction on claim for, if taxpayer has acquired substantially identical stock within 30 days.

Ante, p. 688.

Allowance to a corporation.

INCOME TAX. COMPUTATION OF NET INCOME—Contd.

in stocks or securities, and with respect to a transaction made in the ordinary course of its business.

Computation where property acquired is less than sold.

(b) If the amount of stock or securities acquired (or covered by the contract or option to acquire) is less than the amount of stock or securities sold or otherwise disposed of, then the particular shares of stock or securities the loss from the sale or other disposition of which is not deductible shall be determined under rules and regulations prescribed by the Commissioner with the approval of the Secretary.

Computation where property acquired is not less than sold.

(c) If the amount of stock or securities acquired (or covered by the contract or option to acquire) is not less than the amount of stock or securities sold or otherwise disposed of, then the particular shares of stock or securities the acquisition of which (or the contract or option to acquire which) resulted in the nondeductibility of the loss shall be determined under rules and regulations prescribed by the Commissioner with the approval of the Secretary.

Income from sources within United States.

SEC. 119. INCOME FROM SOURCES WITHIN UNITED STATES.

Items treated as.

(a) GROSS INCOME FROM SOURCES IN UNITED STATES.—The following items of gross income shall be treated as income from sources within the United States:

Interest, etc.

(1) INTEREST.—Interest from the United States, any Territory, any political subdivision of a Territory, or the District of Columbia, and interest on bonds, notes, or other interest-bearing obligations of residents, corporate or otherwise, not including—

Paid to persons not in business in United States.

(A) interest on deposits with persons carrying on the banking business paid to persons not engaged in business within the United States and not having an office or place of business therein, or

If less than 20 per cent from United States sources.

(B) interest received from a resident alien individual, a resident foreign corporation, or a domestic corporation, when it is shown to the satisfaction of the Commissioner that less than 20 per centum of the gross income of such resident payor or domestic corporation has been derived from sources within the United States, as determined under the provisions of this section, for the three-year period ending with the close of the taxable year of such payor preceding the payment of such interest, or for such part of such period as may be applicable, or

From bankers' acceptances.

(C) income derived by a foreign central bank of issue from bankers' acceptances;

Dividends. Domestic corporations.

(2) DIVIDENDS.—The amount received as dividends—

(A) from a domestic corporation other than a corporation entitled to the benefits of section 251, and other than a corporation less than 20 per centum of whose gross income is shown to the satisfaction of the Commissioner to have been derived from sources within the United States, as determined under the provisions of this section, for the three-year period ending with the close of the taxable year of such corporation preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence), or

Foreign corporations.

(B) from a foreign corporation unless less than 50 per centum of the gross income of such foreign corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the United States as determined under the provisions of this section; but dividends from a foreign

INCOME TAX. COMPUTATION OF NET INCOME—Contd.

corporation shall, for the purposes of section 131 (relating to foreign tax credit), be treated as income from sources without the United States;

Personal services.

(3) PERSONAL SERVICES.—Compensation for labor or personal services performed in the United States;

Rentals, royalties, etc., from United States sources.

(4) RENTALS AND ROYALTIES.—Rentals or royalties from property located in the United States or from any interest in such property, including rentals or royalties for the use of or for the privilege of using in the United States, patents, copyrights, secret processes and formulas, good will, trade-marks, trade brands, franchises, and other like property; and

Real property sales.

(5) SALE OF REAL PROPERTY.—Gains, profits, and income from the sale of real property located in the United States.

Sale of personal property.

(6) SALE OF PERSONAL PROPERTY.—For gains, profits, and income from the sale of personal property, see subsection (e).

Net income from sources in United States.

(b) NET INCOME FROM SOURCES IN UNITED STATES.—From the items of gross income specified in subsection (a) of this section there shall be deducted the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of any expenses, losses, or other deductions which can not definitely be allocated to some item or class of gross income. The remainder, if any, shall be included in full as net income from sources within the United States.

Gross income from without United States.

(c) GROSS INCOME FROM SOURCES WITHOUT UNITED STATES.—The following items of gross income shall be treated as income from sources without the United States:

Other sources of interest.

(1) Interest other than that derived from sources within the United States as provided in subsection (a) (1) of this section;

Other dividends.

(2) Dividends other than those derived from sources within the United States as provided in subsection (a) (2) of this section;

Compensation for services without United States.

(3) Compensation for labor or personal services performed without the United States;

Rentals, royalties, etc., without United States.

(4) Rentals or royalties from property located without the United States or from any interest in such property, including rentals or royalties for the use of or for the privilege of using without the United States, patents, copyrights, secret processes and formulas, good will, trade-marks, trade brands, franchises, and other like properties; and

Real estate sale without United States.

(5) Gains, profits, and income from the sale of real property located without the United States.

Net income from sources without the United States.

(d) NET INCOME FROM SOURCES WITHOUT UNITED STATES.—From the items of gross income specified in subsection (c) of this section there shall be deducted the expenses, losses, and other deductions properly apportioned or allocated thereto, and a ratable part of any expenses, losses, or other deductions which can not definitely be allocated to some item or class of gross income. The remainder, if any, shall be treated in full as net income from sources without the United States.

Income partly within and partly without United States.

(e) INCOME FROM SOURCES PARTLY WITHIN AND PARTLY WITHOUT UNITED STATES.—Items of gross income, expenses, losses and deductions, other than those specified in subsections (a) and (c) of this section, shall be allocated or apportioned to sources within or without the United States, under rules and regulations prescribed by the Commissioner with the approval of the Secretary. Where items of gross income are separately allocated to sources within the United States, there shall be deducted (for the purpose of computing the net income therefrom) the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of other expenses, losses or other deductions which can not definitely

Apportionment.

From United States sources.

INCOME TAX. COMPUTATION OF NET INCOME—Contd.

be allocated to some item or class of gross income. The remainder, if any, shall be included in full as net income from sources within the United States. In the case of gross income derived from sources partly within and partly without the United States, the net income may first be computed by deducting the expenses, losses, or other deductions apportioned or allocated thereto and a ratable part of any expenses, losses, or other deductions which can not definitely be allocated to some items or class of gross income; and the portion of such net income attributable to sources within the United States may be determined by processes or formulas of general apportionment prescribed by the Commissioner with the approval of the Secretary. Gains, profits, and income from—

Processes, etc., for determination.

Gains from transportation or other services.

(1) transportation or other services rendered partly within and partly without the United States, or

Sale of personal property.

(2) from the sale of personal property produced (in whole or in part) by the taxpayer within and sold without the United States, or produced (in whole or in part) by the taxpayer without and sold within the United States,

shall be treated as derived partly from sources within and partly from sources without the United States. Gains, profits and income derived from the purchase of personal property within and its sale without the United States or from the purchase of personal property without and its sale within the United States, shall be treated as derived entirely from sources within the country in which sold, except that gains, profits, and income derived from the purchase of personal property within the United States and its sale within a possession of the United States or from the purchase of personal property within a possession of the United States and its sale within the United States shall be treated as derived partly from sources within and partly from sources without the United States.

Exceptions.

Definitions.

(f) DEFINITIONS.—As used in this section the words "sale" or "sold" include "exchange" or "exchanged"; and the word "produced" includes "created", "fabricated", "manufactured", "extracted", "processed", "cured", or "aged".

Charitable contributions, etc.

SEC. 120. UNLIMITED DEDUCTION FOR CHARITABLE AND OTHER CONTRIBUTIONS.

Unlimited deduction.

In the case of an individual if in the taxable year and in each of the ten preceding taxable years the amount of the contributions or gifts described in section 23(o) plus the amount of income, war-profits, or excess-profits taxes paid during such year in respect of preceding taxable years, exceeds 90 per centum of the taxpayer's net income for each such year, as computed without the benefit of section 23(o), then the 15 per centum limit imposed by such section shall not be applicable.

Ante, p. 690.

CREDITS AGAINST TAX.

Supplement C—Credits Against Tax

[Supplementary to Subtitle B, Part III]

Taxes of foreign countries, and U.S. possessions.

SEC. 131. TAXES OF FOREIGN COUNTRIES AND POSSESSIONS OF UNITED STATES.

Allowances.

(a) ALLOWANCE OF CREDIT.—If the taxpayer signifies in his return his desire to have the benefits of this section, the tax imposed by this title shall be credited with:

Payments of citizens and domestic corporations.

(1) CITIZEN AND DOMESTIC CORPORATION.—In the case of a citizen of the United States and of a domestic corporation, the amount of any income, war-profits, and excess-profits taxes paid or accrued

during the taxable year to any foreign country or to any possession of the United States; and

Resident; to United States possessions.

(2) RESIDENT OF UNITED STATES.—In the case of a resident of the United States, the amount of any such taxes paid or accrued during the taxable year to any possession of the United States; and

Alien resident to foreign countries allowing similar credit.

(3) ALIEN RESIDENT OF UNITED STATES.—In the case of an alien resident of the United States, the amount of any such taxes paid or accrued during the taxable year to any foreign country, if the foreign country of which such alien resident is a citizen or subject, in imposing such taxes, allows a similar credit to citizens of the United States residing in such country; and

Partnerships and estates.

(4) PARTNERSHIPS AND ESTATES.—In the case of any such individual who is a member of a partnership or a beneficiary of an estate or trust, his proportionate share of such taxes of the partnership or the estate or trust paid or accrued during the taxable year to a foreign country or to any possession of the United States, as the case may be.

Limit on credit.

(b) LIMIT ON CREDIT.—The amount of the credit taken under this section shall be subject to each of the following limitations:

Proportionate credit for taxes paid to foreign country.

(1) The amount of the credit in respect of the tax paid or accrued to any country shall not exceed the same proportion of the tax against which such credit is taken, which the taxpayer's net income from sources within such country bears to his entire net income for the same taxable year; and

Limitation on total amount.

(2) The total amount of the credit shall not exceed the same proportion of the tax against which such credit is taken, which the taxpayer's net income from sources without the United States bears to his entire net income for the same taxable year.

Adjustments if tax paid differs from credits claimed.

(c) ADJUSTMENTS ON PAYMENT OF ACCRUED TAXES.—If accrued taxes when paid differ from the amounts claimed as credits by the taxpayer, or if any tax paid is refunded in whole or in part, the taxpayer shall notify the Commissioner, who shall redetermine the amount of the tax for the year or years affected, and the amount of tax due upon such redetermination, if any, shall be paid by the taxpayer upon notice and demand by the collector, or the amount of tax overpaid, if any, shall be credited or refunded to the taxpayer in accordance with the provisions of section 322. In the case of such a tax accrued but not paid, the Commissioner as a condition precedent to the allowance of this credit may require the taxpayer to give a bond with sureties satisfactory to and to be approved by the Commissioner in such sum as the Commissioner may require, conditioned upon the payment by the taxpayer of any amount of tax found due upon any such redetermination; and the bond herein prescribed shall contain such further conditions as the Commissioner may require.

Redetermination.

Post, p. 750.

Tax accrued but unpaid.

Bond required.

Credits for foreign taxes may be taken in the year accrued.

(d) YEAR IN WHICH CREDIT TAKEN.—The credits provided for in this section may, at the option of the taxpayer and irrespective of the method of accounting employed in keeping his books, be taken in the year in which the taxes of the foreign country or the possession of the United States accrued, subject, however, to the conditions prescribed in subsection (c) of this section. If the taxpayer elects to take such credits in the year in which the taxes of the foreign country or the possession of the United States accrued, the credits for all subsequent years shall be taken upon the same basis, and no portion of any such taxes shall be allowed as a deduction in the same or any succeeding year.

Credits on same basis for subsequent years.

INCOME TAX. CREDITS AGAINST TAX—Contd.

Proof of credits.

Evidence of foreign income.

Ante, p. 716.

Segregation.

(e) PROOF OF CREDITS.—The credits provided in this section shall be allowed only if the taxpayer establishes to the satisfaction of the Commissioner (1) the total amount of income derived from sources without the United States, determined as provided in section 119, (2) the amount of income derived from each country, the tax paid or accrued to which is claimed as a credit under this section, such amount to be determined under rules and regulations prescribed by the Commissioner with the approval of the Secretary, and (3) all other information necessary for the verification and computation of such credits.

Other information necessary.

Taxes of foreign subsidiary.

Proportion of foreign tax on dividends received deemed to have been paid.

(f) TAXES OF FOREIGN SUBSIDIARY.—For the purposes of this section a domestic corporation which owns a majority of the voting stock of a foreign corporation from which it receives dividends in any taxable year shall be deemed to have paid the same proportion of any income, war-profits, or excess-profits taxes paid by such foreign corporation to any foreign country or to any possession of the United States, upon or with respect to the accumulated profits of such foreign corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits: *Provided*, That the amount of tax deemed to have been paid under this subsection shall in no case exceed the same proportion of the tax against which credit is taken which the amount of such dividends bears to the amount of the entire net income of the domestic corporation in which such dividends are included. The term "accumulated profits" when used in this subsection in reference to a foreign corporation, means the amount of its gains, profits, or income in excess of the income, war-profits, and excess-profits taxes imposed upon or with respect to such profits or income; and the Commissioner with the approval of the Secretary shall have full power to determine from the accumulated profits of what year or years such dividends were paid; treating dividends paid in the first sixty days of any year as having been paid from the accumulated profits of the preceding year or years (unless to his satisfaction shown otherwise), and in other respects treating dividends as having been paid from the most recently accumulated gains, profits, or earnings. In the case of a foreign corporation, the income, war-profits, and excess-profits taxes of which are determined on the basis of an accounting period of less than one year, the word "year" as used in this subsection shall be construed to mean such accounting period.

Proviso.
Limit on credit allowed.

Meaning of "accumulated profits."

Determination of, by Commissioner.

Accounting period for foreign corporation.

Corporations treated as foreign.

(g) CORPORATIONS TREATED AS FOREIGN.—For the purposes of this section the following corporations shall be treated as foreign corporations:

United States possessions.
Post, p. 738.

(1) A corporation entitled to the benefits of section 251, by reason of receiving a large percentage of its gross income from sources within a possession of the United States;

China Trade Act corporations.
Post, p. 739.

(2) A corporation organized under the China Trade Act, 1922, and entitled to the credit provided for in section 261.

RETURNS AND PAYMENT OF TAX.

Supplement D—Returns and Payment of Tax

[Supplementary to Subtitle B, Part V]

Consolidated returns of corporations.

SEC. 141. CONSOLIDATED RETURNS OF RAILROAD CORPORATIONS.

Privilege of filing.

(a) PRIVILEGE TO FILE CONSOLIDATED RETURNS.—An affiliated group of corporations shall, subject to the provisions of this section, have the privilege of making a consolidated return for the taxable year in lieu of separate returns. The making of a consolidated return shall be upon the condition that all the corporations which

have been members of the affiliated group at any time during the taxable year for which the return is made consent to all the regulations under subsection (b) (or, in case such regulations are not prescribed prior to the making of the return, then the regulations prescribed under section 141(b) of the Revenue Act of 1932 insofar as not inconsistent with this Act) prescribed prior to the making of such return; and the making of a consolidated return shall be considered as such consent. In the case of a corporation which is a member of the affiliated group for a fractional part of the year the consolidated return shall include the income of such corporation for such part of the year as it is a member of the affiliated group.

Regulations to determine tax liability.

Vol. 47, p. 213.

Fractional part of year.

(b) REGULATIONS.—The Commissioner, with the approval of the Secretary, shall prescribe such regulations as he may deem necessary in order that the tax liability of any affiliated group of corporations making a consolidated return and of each corporation in the group, both during and after the period of affiliation, may be determined, computed, assessed, collected, and adjusted in such manner as clearly to reflect the income and to prevent avoidance of tax liability.

Regulations to determine tax liability.

(c) COMPUTATION AND PAYMENT OF TAX.—In any case in which a consolidated return is made the tax shall be determined, computed, assessed, collected, and adjusted in accordance with the regulations under subsection (b) (or, in case such regulations are not prescribed prior to the making of the return, then the regulations prescribed under section 141(b) of the Revenue Act of 1932 insofar as not inconsistent with this Act) prescribed prior to the date on which such return is made; except that there shall be added to the rate of tax prescribed by section 13(a) a rate of 2 per centum, but the tax at such increased rate shall be considered as imposed by section 13(a).

Computation and payment of tax.

Returns filed prior to making regulations.

Vol. 47, p. 213.

(d) DEFINITION OF "AFFILIATED GROUP".—As used in this section an "affiliated group" means one or more chains of corporations connected through stock ownership with a common parent corporation if—

"Affiliated group" defined.

(1) At least 95 per centum of the stock of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations; and

Stock ownership of members.

(2) The common parent corporation owns directly at least 95 per centum of the stock of at least one of the other corporations; and

Of parent corporation.

(3) Each of the corporations is either (A) a corporation whose principal business is that of a common carrier by railroad or (B) a corporation the assets of which consist principally of stock in such corporations and which does not itself operate a business other than that of a common carrier by railroad. For the purpose of determining whether the principal business of a corporation is that of a common carrier by railroad, if a common carrier by railroad has leased its railroad properties and such properties are operated as such by another common carrier by railroad, the business of receiving rents for such railroad properties shall be considered as the business of a common carrier by railroad.

Corporation defined for purposes of paragraph.

As used in this subsection (except in paragraph (3)) the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

"Stock" defined.

(e) FOREIGN CORPORATIONS.—A foreign corporation shall not be deemed to be affiliated with any other corporation within the meaning of this section.

Foreign corporations.

(f) CHINA TRADE ACT CORPORATIONS.—A corporation organized under the China Trade Act, 1922, shall not be deemed to be affiliated with any other corporation within the meaning of this section.

China Trade Act corporations deemed not affiliated.

INCOME TAX. RETURNS AND PAYMENTS—Contd. Corporations in United States possessions treated as foreign.

(g) CORPORATIONS DERIVING INCOME FROM POSSESSIONS OF UNITED STATES.—For the purposes of this section a corporation entitled to the benefits of section 251, by reason of receiving a large percentage of its income from possessions of the United States, shall be treated as a foreign corporation.

Subsidiary of domestic corporation formed to comply with foreign law, deemed domestic.

(h) SUBSIDIARY FORMED TO COMPLY WITH FOREIGN LAW.—In the case of a domestic corporation owning or controlling, directly or indirectly, 100 per centum of the capital stock (exclusive of directors' qualifying shares) of a corporation organized under the laws of a contiguous foreign country and maintained solely for the purpose of complying with the laws of such country as to title and operation of property, such foreign corporation may, at the option of the domestic corporation, be treated for the purpose of this title as a domestic corporation.

Suspension of running of statute of limitations.
Post, p. 741.

(i) SUSPENSION OF RUNNING OF STATUTE OF LIMITATIONS.—If a notice under section 272(a) in respect of a deficiency for any taxable year is mailed to a corporation, the suspension of the running of the statute of limitations, provided in section 277, shall apply in the case of corporations with which such corporation made a consolidated return for such taxable year.

Allocation of income and deductions.
Ante, p. 695.

(j) ALLOCATION OF INCOME AND DEDUCTIONS.—For allocation of income and deductions of related trades or businesses, see section 45.

Fiduciary returns.

SEC. 142. FIDUCIARY RETURNS.

Sworn statements of income, etc., of beneficiaries.

(a) REQUIREMENT OF RETURN.—Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make under oath a return for any of the following individuals, estates, or trusts for which he acts, stating specifically the items of gross income thereof and the deductions and credits allowed under this title—

Net income of $1,000 or over, if single, etc.

(1) Every individual having a net income for the taxable year of $1,000 or over, if single, or if married and not living with husband or wife;

Married, etc., with $2,500 or over.

(2) Every individual having a net income for the taxable year of $2,500 or over, if married and living with husband or wife;

Gross, of $5,000 or over.

(3) Every individual having a gross income for the taxable year of $5,000 or over, regardless of the amount of his net income;

Estates or trusts of $1,000 net income or over.

(4) Every estate or trust the net income of which for the taxable year is $1,000 or over;

Gross income of $5,000 or over.

(5) Every estate or trust the gross income of which for the taxable year is $5,000 or over, regardless of the amount of the net income; and

Nonresident alien beneficiaries.

(6) Every estate or trust of which any beneficiary is a nonresident alien.

By joint fiduciaries.

(b) JOINT FIDUCIARIES.—Under such regulations as the Commissioner with the approval of the Secretary may prescribe a return made by one of two or more joint fiduciaries and filed in the office of the collector of the district where such fiduciary resides shall be sufficient compliance with the above requirement. Such fiduciary shall make oath (1) that he has sufficient knowledge of the affairs of the individual, estate, or trust for which the return is made, to enable him to make the return, and (2) that the return is, to the best of his knowledge and belief, true and correct.

Oath required.

Subject to provisions applicable to individuals.

(c) LAW APPLICABLE TO FIDUCIARIES.—Any fiduciary required to make a return under this title shall be subject to all the provisions of law which apply to individuals.

INCOME TAX. RETURNS AND PAYMENTS—Contd.

SEC. 143. WITHHOLDING OF TAX AT SOURCE.

Withholding tax at source.

(a) TAX-FREE COVENANT BONDS.—

Tax-free covenant bonds.

(1) REQUIREMENT OF WITHHOLDING.—In any case where bonds, mortgages, or deeds of trust, or other similar obligations of a corporation, issued before January 1, 1934, contain a contract or provision by which the obligor agrees to pay any portion of the tax imposed by this title upon the obligee, or to reimburse the obligee for any portion of the tax, or to pay the interest without deduction for any tax which the obligor may be required or permitted to pay thereon, or to retain therefrom under any law of the United States, the obligor shall deduct and withhold a tax equal to 2 per centum of the interest upon such bonds, mortgages, deeds of trust, or other obligations, whether such interest is payable annually or at shorter or longer periods, if payable to an individual, a partnership, or a foreign corporation not engaged in trade or business within the United States and not having any office or place of business therein: *Provided*, That if the liability assumed by the obligor does not exceed 2 per centum of the interest, then the deduction and withholding shall be at the following rates: (A) 4 per centum in the case of a nonresident alien individual, or of any partnership not engaged in trade or business within the United States and not having any office or place of business therein and composed in whole or in part of nonresident aliens, (B) 13¾ per centum in the case of such a foreign corporation, and (C) 2 per centum in the case of other individuals and partnerships: *Provided further*, That if the owners of such obligations are not known to the withholding agent the Commissioner may authorize such deduction and withholding to be at the rate of 2 per centum, or, if the liability assumed by the obligor does not exceed 2 per centum of the interest, then at the rate of 4 per centum.

By corporations agreeing to pay interest, free from tax, etc.

Tax withheld.

Provisos.
Rates.

Nonresident alien individual, etc.

From foreign corporations.
Other individuals, etc.
Unknown owners.

(2) BENEFIT OF CREDITS AGAINST NET INCOME.—Such deduction and withholding shall not be required in the case of a citizen or resident entitled to receive such interest, if he files with the withholding agent on or before February 1 a signed notice in writing claiming the benefit of the credits provided in section 25(b); nor in the case of a nonresident alien individual if so provided for in regulations prescribed by the Commissioner under section 214.

Benefit of credits against net income.

Ante, p. 693.
Nonresident alien.
Post, p. 736.

(3) INCOME OF OBLIGOR AND OBLIGEE.—The obligor shall not be allowed a deduction for the payment of the tax imposed by this title, or any other tax paid pursuant to the tax-free covenant clause, nor shall such tax be included in the gross income of the obligee.

Restriction on obligor and obligee.

(b) NONRESIDENT ALIENS.—All persons, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of the United States, having the control, receipt, custody, disposal, or payment of interest (except interest on deposits with persons carrying on the banking business paid to persons not engaged in business in the United States and not having an office or place of business therein), rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income, of any nonresident alien individual, or of any partnership not engaged in trade or business within the United States and not having any office or place of business therein and composed in whole or in part of nonresident aliens, (other than income received as dividends of the class allowed as a credit by section 25(a)) shall (except in the cases provided for in subsection

Nonresident aliens.
Normal tax payable at source.

Exception.
Ante, p. 692.

INCOME TAX. RETURNS AND PAYMENTS—Contd.

(a) of this section and except as otherwise provided in regulations prescribed by the Commissioner under section 214) deduct and withhold from such annual or periodical gains, profits, and income a tax equal to 4 per centum thereof: *Provided*, That the Commissioner may authorize such tax to be deducted and withheld from the interest upon any securities the owners of which are not known to the withholding agent.

Proviso. Interest of unknown owners.

Return and payment required.

(c) RETURN AND PAYMENT.—Every person required to deduct and withhold any tax under this section shall make return thereof on or before March 15 of each year and shall on or before June 15, in lieu of the time prescribed in section 56, pay the tax to the official of the United States Government authorized to receive it. Every such person is hereby made liable for such tax and is hereby indemnified against the claims and demands of any person for the amount of any payments made in accordance with the provisions of this section.

Ante, p. 698.

Payment.

Return by recipient of tax withheld.

(d) INCOME OF RECIPIENT.—Income upon which any tax is required to be withheld at the source under this section shall be included in the return of the recipient of such income, but any amount of tax so withheld shall be credited against the amount of income tax as computed in such return.

Tax paid by recipient.

(e) TAX PAID BY RECIPIENT.—If any tax required under this section to be deducted and withheld is paid by the recipient of the income, it shall not be re-collected from the withholding agent; nor in cases in which the tax is so paid shall any penalty be imposed upon or collected from the recipient of the income or the withholding agent for failure to return or pay the same, unless such failure was fraudulent and for the purpose of evading payment.

Refunds and credits to withholding agent.

(f) REFUNDS AND CREDITS.—Where there has been an overpayment of tax under this section any refund or credit made under the provisions of section 322 shall be made to the withholding agent unless the amount of such tax was actually withheld by the withholding agent.

Payment at source.

SEC. 144. PAYMENT OF CORPORATION INCOME TAX AT SOURCE.

By foreign corporations not in business in United States.

In the case of foreign corporations subject to taxation under this title not engaged in trade or business within the United States and not having any office or place of business therein, there shall be deducted and withheld at the source in the same manner and upon the same items of income as is provided in section 143 a tax equal to 13¾ per centum, and such tax shall be returned and paid in the same manner and subject to the same conditions as provided in that section: *Provided*, That in the case of interest described in subsection (a) of that section (relating to tax-free covenant bonds) the deduction and withholding shall be at the rate specified in such subsection.

Rates.

Proviso. Rate when interest granted tax free.

Penalties.

SEC. 145. PENALTIES.

For willful failure to pay tax, make returns, etc.

(a) Any person required under this title to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this title, who willfully fails to pay such tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

Punishment for.

INCOME TAX. RETURNS AND PAYMENTS—Contd.

(b) Any person required under this title to collect, account for, and pay over any tax imposed by this title, who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed by this title or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

Willful failure to collect, etc., tax, evading payment, etc.

(c) The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

Punishment for.

"Person" liable for acts.

SEC. 146. CLOSING BY COMMISSIONER OF TAXABLE YEAR.

Closing of taxable year.

(a) TAX IN JEOPARDY.—If the Commissioner finds that a taxpayer designs quickly to depart from the United States or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the tax for the taxable year then last past or the taxable year then current unless such proceedings be brought without delay, the Commissioner shall declare the taxable period for such taxpayer immediately terminated and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section the finding of the Commissioner, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of the taxpayer's design.

Tax in jeopardy.

Immediate payment demanded if Commissioner finds taxpayer's acts prejudice collection.

Notice of finding, etc., to be given.

Finding presumption of intent.

(b) SECURITY FOR PAYMENT.—A taxpayer who is not in default in making any return or paying income, war-profits, or excess-profits tax under any Act of Congress may furnish to the United States, under regulations to be prescribed by the Commissioner, with the approval of the Secretary, security approved by the Commissioner that he will duly make the return next thereafter required to be filed and pay the tax next thereafter required to be paid. The Commissioner may approve and accept in like manner security for return and payment of taxes made due and payable by virtue of the provisions of this section, provided the taxpayer has paid in full all other income, war-profits, or excess-profits taxes due from him under any Act of Congress.

Security for payment.

Condition of acceptance.

(c) SAME—EXEMPTION FROM SECTION.—If security is approved and accepted pursuant to the provisions of this section and such further or other security with respect to the tax or taxes covered thereby is given as the Commissioner shall from time to time find necessary and require, payment of such taxes shall not be enforced by any proceedings under the provisions of this section prior to the expiration of the time otherwise allowed for paying such respective taxes.

Enforcement suspended on approval of bond.

(d) CITIZENS.—In the case of a citizen of the United States or of a possession of the United States about to depart from the United States the Commissioner may, at his discretion, waive any or all of the requirements placed on the taxpayer by this section.

Discretionary waiver of requirements as to citizens.

INCOME TAX. RETURNS AND PAYMENTS—Contd.

Aliens to furnish tax-paid certificate before going abroad.

(e) DEPARTURE OF ALIEN.—No alien shall depart from the United States unless he first procures from the collector or agent in charge a certificate that he has complied with all the obligations imposed upon him by the income, war-profits, and excess-profits tax laws.

Additional tax for violations hereof.

(f) ADDITION TO TAX.—If a taxpayer violates or attempts to violate this section there shall, in addition to all other penalties, be added as part of the tax 25 per centum of the total amount of the tax or deficiency in the tax, together with interest at the rate of 1 per centum a month from the time the tax became due.

Information at source.

SEC. 147. INFORMATION AT SOURCE.

Persons making fixed payment to others of $1,000 or more, to render returns thereof.

(a) PAYMENTS OF $1,000 OR MORE.—All persons, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, and employers, making payment to another person, of interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments described in section 148(a) or 149), of $1,000 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Commissioner, under such regulations and in such form and manner and to such extent as may be prescribed by him with the approval of the Secretary, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment.

Exceptions.

Regardless of amounts.

Interest on corporation bonds, etc.

(b) RETURNS REGARDLESS OF AMOUNT OF PAYMENT.—Such returns may be required, regardless of amounts, (1) in the case of payments of interest upon bonds, mortgages, deeds of trust, or other similar obligations of corporations, and (2) in the case of collections of items (not payable in the United States) of interest upon the bonds of foreign countries and interest upon the bonds of and dividends from foreign corporations by persons undertaking as a matter of business or for profit the collection of foreign payments of such interest or dividends by means of coupons, checks, or bills of exchange.

Collecting foreign coupons, etc.

Name and address of recipient.

(c) RECIPIENT TO FURNISH NAME AND ADDRESS.—When necessary to make effective the provisions of this section the name and address of the recipient of income shall be furnished upon demand of the person paying the income.

Not applicable to Federal securities.

(d) OBLIGATIONS OF UNITED STATES.—The provisions of this section shall not apply to the payment of interest on obligations of the United States.

Information by corporations.

SEC. 148. INFORMATION BY CORPORATIONS.

Sworn returns of dividend payments.

(a) DIVIDEND PAYMENTS.—Every corporation subject to the tax imposed by this title shall, when required by the Commissioner, render a correct return, duly verified under oath, of its payments of dividends, stating the name and address of each shareholder, the number of shares owned by him, and the amount of dividends paid to him.

Detailed statement of profits, etc., declared as dividends.

(b) PROFITS DECLARED AS DIVIDENDS.—Every corporation shall, when required by the Commissioner, furnish him a statement of such facts as will enable him to determine the portion of the earnings or profits of the corporation (including gains, profits, and income not taxed) accumulated during such periods as the Commissioner may specify, which have been distributed or ordered to be

distributed, respectively, to its shareholders during such taxable years as the Commissioner may specify.

Accumulated gains and profits and names, etc., entitled thereto, if distributed.

(c) ACCUMULATED GAINS AND PROFITS.—When requested by the Commissioner, or any collector, every corporation shall forward to him a correct statement of accumulated gains and profits and the names and addresses of the individuals or shareholders who would be entitled to the same if divided or distributed, and of the amounts that would be payable to each.

Corporations to submit names of officers, etc., receiving more than $15,000 during taxable year.

(d) COMPENSATION OF OFFICERS AND EMPLOYEES.—Under regulations prescribed by the Commissioner with the approval of the Secretary, every corporation subject to taxation under this title shall, in its return, submit a list of the names of all officers and employees of such corporation and the respective amounts paid to them during the taxable year of the corporation by the corporation as salary, commission, bonus, or other compensation for personal services rendered, if the aggregate amount so paid to the individual is in excess of $15,000. The Secretary of the Treasury shall submit an annual report to Congress compiled from the returns made containing the names of, and amounts paid to, each such officer and employee and the name of the paying corporation.

Report thereof to Congress.

Returns of brokers.

SEC. 149. RETURNS OF BROKERS.

Sworn returns of all business transactions.

Every person doing business as a broker shall, when required by the Commissioner, render a correct return duly verified under oath, under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe, showing the names of customers for whom such person has transacted any business, with such details as to the profits, losses, or other information which the Commissioner may require, as to each of such customers, as will enable the Commissioner to determine whether all income tax due on profits or gains of such customers has been paid.

Collection of foreign items.

SEC. 150. COLLECTION OF FOREIGN ITEMS.

License required for collecting foreign coupons, etc.

All persons undertaking as a matter of business or for profit the collection of foreign payments of interest or dividends by means of coupons, checks, or bills of exchange shall obtain a license from the Commissioner and shall be subject to such regulations enabling the Government to obtain the information required under this title as the Commissioner, with the approval of the Secretary, shall prescribe; and whoever knowingly undertakes to collect such payments without having obtained a license therefor, or without complying with such regulations, shall be guilty of a misdemeanor and shall be fined not more than $5,000 or imprisoned for not more than one year, or both.

Punishment for violation.

Supplement E—Estates and Trusts

ESTATES AND TRUSTS.

Imposition of tax.

SEC. 161. IMPOSITION OF TAX.

Application of tax.

(a) APPLICATION OF TAX.—The taxes imposed by this title upon individuals shall apply to the income of estates or of any kind of property held in trust, including—

Trust accumulations.

(1) Income accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests, and income accumulated or held for future distribution under the terms of the will or trust;

Periodically distributed.

(2) Income which is to be distributed currently by the fiduciary to the beneficiaries, and income collected by a guardian of an infant which is to be held or distributed as the court may direct;

INCOME TAX. ESTATES AND TRUSTS—Contd.
Received during administration.
Discretionary distribution.
Computation; payment by fiduciary.

(3) Income received by estates of deceased persons during the period of administration or settlement of the estate; and

(4) Income which, in the discretion of the fiduciary, may be either distributed to the beneficiaries or accumulated.

(b) COMPUTATION AND PAYMENT.—The tax shall be computed upon the net income of the estate or trust, and shall be paid by the fiduciary, except as provided in section 166 (relating to revocable trusts) and section 167 (relating to income for benefit of the grantor). For return made by beneficiary, see section 142.

Exceptions.
Post, p. 729.
Ante, p. 722.

Net income.

SEC. 162. NET INCOME.

Computation.

The net income of the estate or trust shall be computed in the same manner and on the same basis as in the case of an individual, except that—

Deduction without limitation of gifts, etc., under will or trust.
Ante, p. 690.

(a) There shall be allowed as a deduction (in lieu of the deduction for charitable, etc., contributions authorized by section 23 (o)) any part of the gross income, without limitation, which pursuant to the terms of the will or deed creating the trust, is during the taxable year paid or permanently set aside for the purposes and in the manner specified in section 23 (o), or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance or operation of a public cemetery not operated for profit;

Additional deductions for current distributions by fiduciary.

(b) There shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year which is to be distributed currently by the fiduciary to the beneficiaries, and the amount of the income collected by a guardian of an infant which is to be held or distributed as the court may direct, but the amount so allowed as a deduction shall be included in computing the net income of the beneficiaries whether distributed to them or not. Any amount allowed as a deduction under this paragraph shall not be allowed as a deduction under subsection (c) of this section in the same or any succeeding taxable year;

Limitation.

Additional deduction for payment made or credited to beneficiary, etc.

(c) In the case of income received by estates of deceased persons during the period of administration or settlement of the estate, and in the case of income which, in the discretion of the fiduciary, may be either distributed to the beneficiary or accumulated, there shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year, which is properly paid or credited during such year to any legatee, heir, or beneficiary, but the amount so allowed as a deduction shall be included in computing the net income of the legatee, heir, or beneficiary.

To be included in income of beneficiary.

Credits against net income.

SEC. 163. CREDITS AGAINST NET INCOME.

Normal tax, etc., personal exemptions allowed to heirs, etc.

(a) CREDITS OF ESTATE OR TRUST.—For the purpose of the normal tax and the surtax the estate or trust shall be allowed the same personal exemption as is allowed to a single person under section 25(b)(1), and, if no part of the income of the estate or trust is included in computing the net income of any legatee, heir, or beneficiary, then in addition the same credits against net income for dividends and interest as are allowed by section 25(a).

Ante, p. 693.

Credits of beneficiary in computing income.

(b) CREDITS OF BENEFICIARY.—If any part of the income of an estate or trust is included in computing the net income of any legatee, heir, or beneficiary, such legatee, heir, or beneficiary shall, for the purpose of the normal tax, be allowed as credits against

INCOME TAX. ESTATES AND TRUSTS.—Contd. *Ante*, p. 692.

net income, in addition to the credits allowed to him under section 25, his proportionate share of such amounts of dividends and interest specified in section 25(a) as are, under this Supplement, required to be included in computing his net income. Any remaining portion of such amounts specified in section 25(a) shall, for the purpose of the normal tax, be allowed as credits to the estate or trust.

Allowance as credits to estate, etc.

SEC. 164. DIFFERENT TAXABLE YEARS.

Different taxable years.

Computation if taxable year of estate or trust and beneficiary differ.

If the taxable year of a beneficiary is different from that of the estate or trust, the amount which he is required, under section 162(b), to include in computing his net income, shall be based upon the income of the estate or trust for any taxable year of the estate or trust (whether beginning on, before, or after January 1, 1934) ending within his taxable year.

SEC. 165. EMPLOYEES' TRUSTS.

Employees' trusts.

Profit-sharing trusts, etc., for employees, not taxed.

A trust created by an employer as a part of a stock bonus, pension, or profit-sharing plan for the exclusive benefit of some or all of his employees, to which contributions are made by such employer, or employees, or both, for the purpose of distributing to such employees the earnings and principal of the fund accumulated by the trust in accordance with such plan, shall not be taxable under section 161, but the amount actually distributed or made available to any distributee shall be taxable to him in the year in which so distributed or made available to the extent that it exceeds the amounts paid in by him. Such distributees shall for the purpose of the normal tax be allowed as credits against net income such part of the amount so distributed or made available as represents the items of dividends and interest specified in section 25(a).

Ante, p. 727.
Distributees taxed on amount received.

Credits. *Ante*, p. 692.

SEC. 166. REVOCABLE TRUSTS.

Revocable trusts.

Income therefrom computed with grantor's net income.

Where at any time the power to revest in the grantor title to any part of the corpus of the trust is vested—

(1) in the grantor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of such part of the corpus or the income therefrom, or

(2) in any person not having a substantial adverse interest in the disposition of such part of the corpus or the income therefrom,

then the income of such part of the trust shall be included in computing the net income of the grantor.

SEC. 167. INCOME FOR BENEFIT OF GRANTOR.

Income for benefit of grantor.

(a) Where any part of the income of a trust—

When held for future distribution.

(1) is, or in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income may be, held or accumulated for future distribution to the grantor; or

When distributed to grantor.

Application to life insurance premiums.

(2) may, in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income, be distributed to the grantor; or

(3) is, or in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income may be, applied to the payment of premiums upon policies of insurance on the life of the grantor (except policies of insurance irrevocably payable for the purposes and in the manner specified in section 23(o), relating to the so-called "charitable contribution" deduction);

Ante, p. 690.

then such part of the income of the trust shall be included in computing the net income of the grantor.

INCOME TAX. ESTATES AND TRUSTS—Contd. "In the discretion of the grantor" defined.

(b) As used in this section, the term "in the discretion of the grantor" means "in the discretion of the grantor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of the part of the income in question".

Taxes of foreign countries, etc.

SEC. 168. TAXES OF FOREIGN COUNTRIES AND POSSESSIONS OF UNITED STATES.

Allowance against tax of beneficiary.

The amount of income, war-profits, and excess-profits taxes imposed by foreign countries or possessions of the United States shall be allowed as credit against the tax of the beneficiary of an estate or trust to the extent provided in section 131.

Ante, p. 718.

PARTNERSHIPS.

Supplement F—Partnerships

SEC. 181. PARTNERSHIP NOT TAXABLE.

Individual liability only.

Individuals carrying on business in partnership shall be liable for income tax only in their individual capacity.

Tax of partners.

SEC. 182. TAX OF PARTNERS.

Distributive share included in net income.

There shall be included in computing the net income of each partner his distributive share, whether distributed or not, of the net income of the partnership for the taxable year.

Partnership income.

SEC. 183. COMPUTATION OF PARTNERSHIP INCOME.

Computation of.

The net income of the partnership shall be computed in the same manner and on the same basis as in the case of an individual.

Credits against net income.

SEC. 184. CREDITS AGAINST NET INCOME.

Additional, from partnership exemptions.

Ante, p. 692.

The partner shall, for the purpose of the normal tax, be allowed as a credit against his net income, in addition to the credits allowed to him under section 25, his proportionate share of such amounts (not in excess of the net income of the partnership) of dividends and interest specified in section 25(a) as are received by the partnership.

Earned income.

SEC. 185. EARNED INCOME.

Determination of.

In the case of the members of a partnership the proper part of each share of the net income which consists of earned income shall be determined under rules and regulations to be prescribed by the Commissioner with the approval of the Secretary and shall be separately shown in the return of the partnership.

Foreign, etc., taxes.

SEC. 186. TAXES OF FOREIGN COUNTRIES AND POSSESSIONS OF UNITED STATES.

Credit for, allowed partners.

Ante, p. 718.

The amount of income, war-profits, and excess-profits taxes imposed by foreign countries or possessions of the United States shall be allowed as a credit against the tax of the member of a partnership to the extent provided in section 131.

Partnership returns.

SEC. 187. PARTNERSHIP RETURNS.

Sworn statement of gross income, etc.

Every partnership shall make a return for each taxable year, stating specifically the items of its gross income and the deductions allowed by this title, and shall include in the return the names and addresses of the individuals who would be entitled to share in the net income if distributed and the amount of the distributive share of each individual. The return shall be sworn to by any one of the partners.

INCOME TAX. PARTNERSHIPS—Contd.

SEC. 188. DIFFERENT TAXABLE YEARS OF PARTNER AND PARTNERSHIP.

Taxable years of partner and partnership.

If taxable year of partner differs from that of partnership.

(a) GENERAL RULE.—If the taxable year of a partner is different from that of the partnership, the distributive share of the net income of the partnership to be included in computing the net income of the partner for his taxable year shall be based upon the net income of the partnership for any taxable year of the partnership (whether beginning on, before, or after January 1, 1934) ending within the taxable year of the partner.

Partnership years beginning in 1933.

Computation under Act of 1932.

Vol. 47, pp. 191, 223.

(b) PARTNERSHIP YEARS BEGINNING IN 1933.—For the purpose of computing the net income of a partner for a taxable year beginning after December 31, 1933, the partnership net income for any taxable year of the partnership beginning before January 1, 1934, shall be computed under the Revenue Act of 1932, without regard to sections 101 and 186 thereof (relating to capital net gain and capital net loss) but as if section 117 of this Act (except subsection (d) thereof) had formed a part of Title I of the Revenue Act of 1932.

Ante, p. 714.

Supplement G—Insurance Companies

INSURANCE COMPANIES.

SEC. 201. TAX ON LIFE INSURANCE COMPANIES.

Tax on life insurance companies.

"Life insurance company" defined.

(a) DEFINITION.—When used in this title the term "life insurance company" means an insurance company engaged in the business of issuing life insurance and annuity contracts (including contracts of combined life, health, and accident insurance), the reserve funds of which held for the fulfillment of such contracts comprise more than 50 per centum of its total reserve funds.

Rate of tax on net incomes.

Ante, p. 686.

(b) RATE OF TAX.—In lieu of the tax imposed by section 13, there shall be levied, collected, and paid for each taxable year upon the net income of every life insurance company a tax as follows:

Domestic.

(1) In the case of a domestic life insurance company, 13¾ per centum of the amount of its net income in excess of the credit provided in subsection (c) of this section;

Foreign.

(2) In the case of a foreign life insurance company, 13¾ per centum of the amount of its net income from sources within the United States in excess of the credit provided in subsection (c) of this section.

Credits allowed corporations.

(c) For the purpose only of the tax imposed by this section there shall be allowed as a credit against net income (or, in the case of a foreign life insurance company, against net income from sources within the United States) the amount received as interest upon obligations of the United States or of corporations organized under Act of Congress which is allowed to an individual as a credit for purposes of normal tax by section 25(a)(2) or (3). In the case of a foreign life insurance company the credit shall not exceed an amount which bears the same ratio to the amount otherwise allowed as a credit as the reserve funds required by law and held by it at the end of the taxable year upon business transacted within the United States is of the reserve funds held by it at the end of the taxable year upon all business transacted.

Interest on U.S. securities.

Ante, p. 692.

Foreign companies, limitation.

SEC. 202. GROSS INCOME OF LIFE INSURANCE COMPANIES.

Gross income, life insurance companies.

"Gross income" defined.

(a) In the case of a life insurance company the term "gross income" means the gross amount of income received during the taxable year from interest, dividends, and rents.

"Reserve funds required by law".

Application of.

(b) The term "reserve funds required by law" includes, in the case of assessment insurance, sums actually deposited by any company or association with State or Territorial officers pursuant to law as guaranty or reserve funds, and any funds maintained under

INCOME TAX. INSURANCE COMPANIES—Contd.

the charter or articles of incorporation of the company or association exclusively for the payment of claims arising under certificates of membership or policies issued upon the assessment plan and not subject to any other use.

Net income.

SEC. 203. NET INCOME OF LIFE INSURANCE COMPANIES.

Deductions from.

(a) GENERAL RULE.—In the case of a life insurance company the term "net income" means the gross income less—

Tax-free interest. *Ante*, p. 687.

(1) TAX-FREE INTEREST.—The amount of interest received during the taxable year which under section 22(b)(4) is excluded from gross income;

Reserved funds required by law.

(2) RESERVE FUNDS.—An amount equal to 4 per centum of the mean of the reserve funds required by law and held at the beginning and end of the taxable year, except that in the case of any such reserve fund which is computed at a lower interest assumption rate, the rate of 3¾ per centum shall be substituted for 4 per centum. Life insurance companies issuing policies covering life, health, and accident insurance combined in one policy issued on the weekly premium payment plan, continuing for life and not subject to cancellation, shall be allowed, in addition to the above, a deduction of 3¾ per centum of the mean of such reserve funds (not required by law) held at the beginning and end of the taxable year, as the Commissioner finds to be necessary for the protection of the holders of such policies only;

Policies of combined insurance. Weekly payment plan.

Reserves not required by law.

Dividends from domestic corporations. *Post*, p. 738.

(3) DIVIDENDS.—The amount received as dividends from a domestic corporation which is subject to taxation under this title, other than a corporation entitled to the benefits of section 251, and other than a corporation organized under the China Trade Act, 1922;

Reserves for deferred dividends.

(4) RESERVE FOR DIVIDENDS.—An amount equal to 2 per centum of any sums held at the end of the taxable year as a reserve for dividends (other than dividends payable during the year following the taxable year) the payment of which is deferred for a period of not less than five years from the date of the policy contract;

Investment expenses. *Proviso.* Limitation on deduction.

(5) INVESTMENT EXPENSES.—Investment expenses paid during the taxable year: *Provided*, That if any general expenses are in part assigned to or included in the investment expenses, the total deduction under this paragraph shall not exceed one-fourth of 1 per centum of the book value of the mean of the invested assets held at the beginning and end of the taxable year;

Realty, etc., taxes.

Exception.

(6) REAL ESTATE EXPENSES.—Taxes and other expenses paid during the taxable year exclusively upon or with respect to the real estate owned by the company, not including taxes assessed against local benefits of a kind tending to increase the value of the property assessed, and not including any amount paid out for new buildings, or for permanent improvements or betterments made to increase the value of any property. The deduction allowed by this paragraph shall be allowed in the case of taxes imposed upon a shareholder of a company upon his interest as shareholder, which are paid by the company without reimbursement from the shareholder, but in such cases no deduction shall be allowed the shareholder for the amount of such taxes;

If tax paid on shareholder's interest.

Property depreciation.

(7) DEPRECIATION.—A reasonable allowance, as provided in section 23(l), for the exhaustion, wear and tear of property, including a reasonable allowance for obsolescence; and

Interest on indebtedness; exception.

(8) INTEREST.—All interest paid within the taxable year on its indebtedness, except on indebtedness incurred or continued to purchase or carry obligations (other than obligations of the

United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest upon which is wholly exempt from taxation under this title.

INCOME TAX. INSURANCE COMPANIES—Contd.

(b) RENTAL VALUE OF REAL ESTATE.—The deduction under subsection (a) (6) or (7) of this section on account of any real estate owned and occupied in whole or in part by a life insurance company, shall be limited to an amount which bears the same ratio to such deduction (computed without regard to this subsection) as the rental value of the space not so occupied bears to the rental value of the entire property.

Rental value of real estate.
Deduction of proportionate part of depreciation, etc., expenses.
Determination of.

(c) FOREIGN LIFE INSURANCE COMPANIES.—In the case of a foreign life insurance company the amount of its net income for any taxable year from sources within the United States shall be the same proportion of its net income for the taxable year from sources within and without the United States, which the reserve funds required by law and held by it at the end of the taxable year upon business transacted within the United States is of the reserve funds held by it at the end of the taxable year upon all business transacted.

Foreign life insurance companies.
Net income on business in United States.

SEC. 204. INSURANCE COMPANIES OTHER THAN LIFE OR MUTUAL.

Insurance companies other than life or mutual.

(a) IMPOSITION OF TAX.—In lieu of the tax imposed by section 13 of this title, there shall be levied, collected, and paid for each taxable year upon the net income of every insurance company (other than a life or mutual insurance company) a tax as follows:

Tax imposed.
Ante, p. 686.

(1) In the case of such a domestic insurance company, 13¾ per centum of the amount of its net income in excess of the credit provided in subsection (f) of this section;

Domestic companies.

(2) In the case of such a foreign insurance company, 13¾ per centum of the amount of its net income from sources within the United States in excess of the credit provided in subsection (f) of this section.

Foreign companies.

(b) DEFINITION OF INCOME, ETC.—In the case of an insurance company subject to the tax imposed by this section—

Definition of terms.

(1) GROSS INCOME.—"Gross income" means the sum of (A) the combined gross amount earned during the taxable year, from investment income and from underwriting income as provided in this subsection, computed on the basis of the underwriting and investment exhibit of the annual statement approved by the National Convention of Insurance Commissioners, and (B) gain during the taxable year from the sale or other disposition of property, and (C) all other items constituting gross income under section 22;

"Gross income."

(2) NET INCOME.—"Net income" means the gross income as defined in paragraph (1) of this subsection less the deductions allowed by subsection (c) of this section;

"Net income."

(3) INVESTMENT INCOME.—"Investment income" means the gross amount of income earned during the taxable year from interest, dividends, and rents, computed as follows:

"Investment income."

To all interest, dividends and rents received during the taxable year, add interest, dividends and rents due and accrued at the end of the taxable year, and deduct all interest, dividends and rents due and accrued at the end of the preceding taxable year;

Sources of.

(4) UNDERWRITING INCOME.—"Underwriting income" means the premiums earned on insurance contracts during the taxable year less losses incurred and expenses incurred;

"Underwriting income."

(5) PREMIUMS EARNED.—"Premiums earned on insurance contracts during the taxable year" means an amount computed as follows:

Premiums earned.

INCOME TAX. INSURANCE COMPANIES—Contd.
Computation of.

From the amount of gross premiums written on insurance contracts during the taxable year, deduct return premiums and premiums paid for reinsurance. To the result so obtained add unearned premiums on outstanding business at the end of the preceding taxable year and deduct unearned premiums on outstanding business at the end of the taxable year;

"Losses incurred."

(6) LOSSES INCURRED.—"Losses incurred" means losses incurred during the taxable year on insurance contracts, computed as follows:

Computation of.

To losses paid during the taxable year, add salvage and reinsurance recoverable outstanding at the end of the preceding taxable year, and deduct salvage and reinsurance recoverable outstanding at the end of the taxable year. To the result so obtained add all unpaid losses outstanding at the end of the taxable year and deduct unpaid losses outstanding at the end of the preceding taxable year;

"Expenses incurred."

(7) EXPENSES INCURRED.—"Expenses incurred" means all expenses shown on the annual statement approved by the National Convention of Insurance Commissioners, and shall be computed as follows:

Computation of.

To all expenses paid during the taxable year add expenses unpaid at the end of the taxable year and deduct expenses unpaid at the end of the preceding taxable year. For the purpose of computing the net income subject to the tax imposed by this section there shall be deducted from expenses incurred as defined in this paragraph all expenses incurred which are not allowed as deductions by subsection (c) of this section.

Net income.

Deductions allowed.

(c) DEDUCTIONS ALLOWED.—In computing the net income of an insurance company subject to the tax imposed by this section there shall be allowed as deductions:

Business expenses.
Ante, p. 688.

(1) All ordinary and necessary expenses incurred, as provided in section 23(a);

Interest.

(2) All interest as provided in section 23(b);

Taxes.

(3) Taxes as provided in section 23(c);

Losses.

(4) Losses incurred as defined in subsection (b)(6) of this section;

Losses from sales; limitation.
Ante, p. 715.

(5) Subject to the limitation contained in section 117(d), losses sustained during the taxable year from the sale or other disposition of property;

Worthless debts.

(6) Bad debts in the nature of agency balances and bills receivable ascertained to be worthless and charged off within the taxable year;

Dividends from corporations.

(7) The amount received as dividends from corporations as provided in section 23(p);

Exempt interest.
Ante, p. 687.

(8) The amount of interest earned during the taxable year which under section 22(b)(4) is excluded from gross income;

Exhaustion, etc., of property.

(9) A reasonable allowance for the exhaustion, wear and tear of property, as provided in section 23(l).

Deductions allowed foreign corporations for United States business.
Post, p. 737.

(d) DEDUCTIONS OF FOREIGN CORPORATIONS.—In the case of a foreign corporation the deductions allowed in this section shall be allowed to the extent provided in Supplement I.

Duplications prohibited.
Computations.

(e) DOUBLE DEDUCTIONS.—Nothing in this section shall be construed to permit the same item to be twice deducted.

Credits against net income.
Ante, p. 692.

(f) For the purpose only of the tax imposed by this section there shall be allowed as a credit against net income (or, in the case of a foreign corporation, against net income from sources within the United States) the amount received as interest upon obligations of the United States or of corporations organized under

Act of Congress which is allowed to an individual as a credit for purposes of normal tax by section 25(a) (2) or (3).

INCOME TAX. INSURANCE COMPANIES—Contd.

SEC. 205. TAXES OF FOREIGN COUNTRIES AND POSSESSIONS OF UNITED STATES.

Foreign, etc., taxes.

The amount of income, war-profits, and excess-profits taxes imposed by foreign countries or possessions of the United States shall be allowed as a credit against the tax of a domestic insurance company subject to the tax imposed by section 201 or 204, to the extent provided in the case of a domestic corporation in section 131, and in such cases "net income" as used in that section means the net income as defined in this Supplement.

Credit for, allowed domestic insurance companies.

Ante, p. 731.

Ante, p. 718.

SEC. 206. COMPUTATION OF GROSS INCOME.

Gross income. Computation.

The gross income of insurance companies subject to the tax imposed by section 201 or 204 shall not be determined in the manner provided in section 119.

Ante, p. 731.

Ante, p. 716.

SEC. 207. MUTUAL INSURANCE COMPANIES OTHER THAN LIFE.

Mutual insurance companies other than life.

(a) APPLICATION OF TITLE.—Mutual insurance companies, other than life insurance companies, shall be taxable in the same manner as other corporations, except as hereinafter provided in this section.

Taxable as other corporations.

(b) GROSS INCOME.—Mutual marine-insurance companies shall include in gross income the gross premiums collected and received by them less amounts paid for reinsurance.

Gross income; premiums less reinsurance.

(c) DEDUCTIONS.—In addition to the deductions allowed to corporations by section 23 the following deductions to insurance companies shall also be allowed, unless otherwise allowed—

Additional deductions.

Ante, p. 688.

(1) MUTUAL INSURANCE COMPANIES OTHER THAN LIFE INSURANCE.—In the case of mutual insurance companies other than life insurance companies—

Mutual insurance companies.

(A) the net addition required by law to be made within the taxable year to reserve funds (including in the case of assessment insurance companies the actual deposit of sums with State or Territorial officers pursuant to law as additions to guarantee or reserve funds); and

Addition to reserve funds.

(B) the sums other than dividends paid within the taxable year on policy and annuity contracts.

Policy and annuity contracts.

(2) MUTUAL MARINE INSURANCE COMPANIES.—In the case of mutual marine insurance companies, in addition to the deductions allowed in paragraph (1) of this subsection, unless otherwise allowed, amounts repaid to policyholders on account of premiums previously paid by them, and interest paid upon such amounts between the ascertainment and the payment thereof;

Mutual marine insurance companies. Repayments to policy holders.

(3) MUTUAL INSURANCE COMPANIES OTHER THAN LIFE AND MARINE.—In the case of mutual insurance companies (including interinsurers and reciprocal underwriters, but not including mutual life or mutual marine insurance companies) requiring their members to make premium deposits to provide for losses and expenses, the amount of premium deposits returned to their policyholders and the amount of premium deposits retained for the payment of losses, expenses, and reinsurance reserves.

Companies other than life and marine. Premium deposits returned.

Supplement H—Nonresident Alien Individuals

NONRESIDENT ALIEN INDIVIDUALS.

SEC. 211. GROSS INCOME.

Gross income.

(a) GENERAL RULE.—In the case of a nonresident alien individual gross income includes only the gross income from sources within the United States.

Includes United States sources only.

INCOME TAX. NONRESIDENT ALIEN INDIVIDUALS—Contd. Earnings from foreign ship operations tax exempt.

(b) SHIPS UNDER FOREIGN FLAG.—The income of a nonresident alien individual which consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States, shall not be included in gross income and shall be exempt from taxation under this title.

Deductions.

SEC. 212. DEDUCTIONS.

Allowed only if connected with income from United States sources.

(a) GENERAL RULE.—In the case of a nonresident alien individual the deductions shall be allowed only if and to the extent that they are connected with income from sources within the United States; and the proper apportionment and allocation of the deductions with respect to sources of income within and without the United States shall be determined as provided in section 119, under rules and regulations prescribed by the Commissioner with the approval of the Secretary.

Ante, p. 716.

(b) LOSSES.—

Losses. Not connected with trade or business. *Ante*, p. 689.

(1) The deduction, for losses not connected with the trade or business if incurred in transactions entered into for profit, allowed by section 23(e) (2) shall be allowed whether or not connected with income from sources within the United States, but only if the profit, if such transaction had resulted in a profit, would be taxable under this title.

Casualty, etc., losses not connected with business.

(2) The deduction for losses of property not connected with the trade or business if arising from certain casualties or theft, allowed by section 23(e)(3), shall be allowed whether or not connected with income from sources within the United States, but only if the loss is of property within the United States.

Charitable, etc., contributions allowed only to domestic corporations, etc. *Ante*, p. 690.

(c) CHARITABLE, ETC., CONTRIBUTIONS.—The so-called "charitable contribution" deduction allowed by section 23(o) shall be allowed whether or not connected with income from sources within the United States, but only as to contributions or gifts made to domestic corporations, or to community chests, funds, or foundations, created in the United States, or to the vocational rehabilitation fund.

Credits against net income.

SEC. 213. CREDITS AGAINST NET INCOME.

Personal exemption. *Ante*, p. 693.

Dependents, if from contiguous country.

In the case of a nonresident alien individual the personal exemption allowed by section 25(b)(1) of this title shall be only $1,000. The credit for dependents allowed by section 25(b)(2) shall not be allowed in the case of a nonresident alien individual unless he is a resident of a contiguous country.

Allowance deductions and credits.

SEC. 214. ALLOWANCE OF DEDUCTIONS AND CREDITS.

Filing return of total income from United States sources.

(a) RETURN TO CONTAIN INFORMATION.—A nonresident alien individual shall receive the benefit of the deductions and credits allowed to him in this title only by filing or causing to be filed with the collector a true and accurate return of his total income received from all sources in the United States, in the manner prescribed in this title; including therein all the information which the Commissioner may deem necessary for the calculation of such deductions and credits.

Personal exemption credits, etc., by filing claim with withholding agent.

(b) TAX WITHHELD AT SOURCE.—The benefit of the personal exemption and credit for dependents, may, in the discretion of the Commissioner and under regulations prescribed by him with the approval of the Secretary, be received by a nonresident alien individual entitled thereto, by filing a claim therefor with the withholding agent.

INCOME TAX. NONRESIDENT ALIEN INDIVIDUALS—Contd.

SEC. 215. CREDITS AGAINST TAX.

Credits against tax.

A nonresident alien individual shall not be allowed the credits against the tax for taxes of foreign countries and possessions of the United States allowed by section 131.

No allowance for, of foreign governments. *Ante*, p. 718.

SEC. 216. RETURNS.

Returns.

In the case of a nonresident alien individual the return, in lieu of the time prescribed in section 53(a)(1), shall be made on or before the fifteenth day of the sixth month following the close of the fiscal year, or, if the return is made on the basis of the calendar year, then on or before the fifteenth day of June.

Time for filing. *Ante*, p. 697.

SEC. 217. PAYMENT OF TAX.

Payment of tax.

(a) TIME OF PAYMENT.—In the case of a nonresident alien individual the total amount of tax imposed by this title shall be paid, in lieu of the time prescribed in section 56(a), on the fifteenth day of June following the close of the calendar year, or, if the return should be made on the basis of a fiscal year, then on the fifteenth day of the sixth month following the close of the fiscal year.

Time designated. *Ante*, p. 697.

(b) WITHHOLDING AT SOURCE.—For withholding at source of tax on income of nonresident aliens, see section 143.

Withholding at source. *Ante*, p. 723.

Supplement I—Foreign Corporations

FOREIGN CORPORATIONS.

SEC. 231. GROSS INCOME.

Gross income.

(a) GENERAL RULE.—In the case of a foreign corporation gross income includes only the gross income from sources within the United States.

United States sources only.

(b) SHIPS UNDER FOREIGN FLAG.—The income of a foreign corporation, which consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States, shall not be included in gross income and shall be exempt from taxation under this title.

Ships under foreign flag, conditions.

SEC. 232. DEDUCTIONS.

Deductions.

In the case of a foreign corporation the deductions shall be allowed only if and to the extent that they are connected with income from sources within the United States; and the proper apportionment and allocation of the deductions with respect to sources within and without the United States shall be determined as provided in section 119, under rules and regulations prescribed by the Commissioner with the approval of the Secretary.

Allowed only on income from United States sources.

Apportionment. *Ante*, p. 716.

SEC. 233. ALLOWANCE OF DEDUCTIONS AND CREDITS.

Allowance of deductions and credits.

A foreign corporation shall receive the benefit of the deductions and credits allowed to it in this title only by filing or causing to be filed with the collector a true and accurate return of its total income received from all sources in the United States, in the manner prescribed in this title; including therein all the information which the Commissioner may deem necessary for the calculation of such deductions and credits.

Benefit of, only by filing return of all income from United States sources.

SEC. 234. CREDITS AGAINST TAX.

Credits against tax.

Foreign corporations shall not be allowed the credits against the tax for taxes of foreign countries and possessions of the United States allowed by section 131.

No allowance for, of foreign governments. *Ante*, p. 718.

INCOME TAX. FOREIGN CORPORATIONS—Contd.

Returns.

Time for filing.

Ante, p. 697.

Return by agent.

SEC. 235. RETURNS.

In the case of a foreign corporation not having any office or place of business in the United States the return, in lieu of the time prescribed in section 53(a) (1), shall be made on or before the fifteenth day of the sixth month following the close of the fiscal year, or, if the return is made on the basis of the calendar year then on or before the fifteenth day of June. If any foreign corporation has no office or place of business in the United States but has an agent in the United States, the return shall be made by the agent.

Payment of tax.

SEC. 236. PAYMENT OF TAX.

Time specified.

Ante, p. 697.

(a) TIME OF PAYMENT.—In the case of a foreign corporation not having any office or place of business in the United States the total amount of tax imposed by this title shall be paid, in lieu of the time prescribed in section 56(a), on the fifteenth day of June following the close of the calendar year, or, if the return should be made on the basis of a fiscal year, then on the fifteenth day of the sixth month following the close of the fiscal year.

Withholding tax at source.

Ante, p. 723.

(b) WITHHOLDING AT SOURCE.—For withholding at source of tax on income of foreign corporations, see section 143.

Foreign insurance companies.

SEC. 237. FOREIGN INSURANCE COMPANIES.

Special provisions.

For special provisions relating to foreign insurance companies, see Supplement G.

Affiliation.

SEC. 238. AFFILIATION.

Foreign corporations.

Ante, p. 720.

A foreign corporation shall not be deemed to be affiliated with any other corporation within the meaning of section 141.

POSSESSIONS OF THE UNITED STATES.

Supplement J—Possessions of the United States

Income from sources within.

SEC. 251. INCOME FROM SOURCES WITHIN POSSESSIONS OF UNITED STATES.

Gross income of citizens, etc.

(a) GENERAL RULE.—In the case of citizens of the United States or domestic corporations, satisfying the following conditions, gross income means only gross income from sources within the United States—

If 80 percent derived from United States sources.

(1) If 80 per centum or more of the gross income of such citizen or domestic corporation (computed without the benefit of this section), for the three-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable) was derived from sources within a possession of the United States; and

If corporation derived 50 percent from business therein.

(2) If, in the case of such corporation, 50 per centum or more of its gross income (computed without the benefit of this section) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States; or

If citizen derived 50 percent from active business therein.

(3) If, in case of such citizen, 50 per centum or more of his gross income (computed without the benefit of this section) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States either on his own account or as an employee or agent of another.

Amounts received in United States.

Included in gross income.

(b) AMOUNTS RECEIVED IN UNITED STATES.—Notwithstanding the provisions of subsection (a) there shall be included in gross income all amounts received by such citizens or corporations within the

United States, whether derived from sources within or without the United States.

INCOME TAX. POSSESSIONS OF UNITED STATES—Contd.
Status of Virgin Islands.

(c) DEFINITION.—As used in this section the term "possession of the United States" does not include the Virgin Islands of the United States.

(d) DEDUCTIONS.—

Deductions.

(1) Citizens of the United States entitled to the benefits of this section shall have the same deductions as are allowed by Supplement H in the case of a nonresident alien individual.

Citizens allowed same benefits as nonresidents.
Ante, p. 735.

(2) Domestic corporations entitled to the benefits of this section shall have the same deductions as are allowed by Supplement I in the case of a foreign corporation.

Domestic corporations.
Ante, p. 737

(e) CREDITS AGAINST NET INCOME.—A citizen of the United States entitled to the benefits of this section shall be allowed a personal exemption of only $1,000 and shall not be allowed the credit for dependents provided in section 25(b)(2).

Credits against net income.
Personal exemption.
Ante, p. 693.

(f) ALLOWANCE OF DEDUCTIONS AND CREDITS.—Citizens of the United States and domestic corporations entitled to the benefits of this section shall receive the benefit of the deductions and credits allowed to them in this title only by filing or causing to be filed with the collector a true and accurate return of their total income received from all sources in the United States, in the manner prescribed in this title; including therein all the information which the Commissioner may deem necessary for the calculation of such deductions and credits.

Allowance of deductions and credits.

Filing return of total income.

(g) CREDITS AGAINST TAX.—Persons entitled to the benefits of this section shall not be allowed the credits against the tax for taxes of foreign countries and possessions of the United States allowed by section 131.

Credits against tax.
No allowance for, of foreign countries.
Ante, p. 718.

(h) AFFILIATION.—A corporation entitled to the benefits of this section shall not be deemed to be affiliated with any other corporation within the meaning of section 141.

Affiliation.
Applicability to corporations.
Ante, p. 720.

SEC. 252. CITIZENS OF POSSESSIONS OF UNITED STATES.

Citizens of Possessions of United States.
Taxation of.

(a) Any individual who is a citizen of any possession of the United States (but not otherwise a citizen of the United States) and who is not a resident of the United States, shall be subject to taxation under this title only as to income derived from sources within the United States, and in such case the tax shall be computed and paid in the same manner and subject to the same conditions as in the case of other persons who are taxable only as to income derived from such sources.

(b) Nothing in this section shall be construed to alter or amend the provisions of the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921, relating to the imposition of income taxes in the Virgin Islands of the United States.

Virgin Islands.
Payment of taxes in not affected.
Vol. 42, p. 123.

Supplement K—China Trade Act Corporations

CHINA TRADE ACT CORPORATIONS.

SEC. 261. CREDIT AGAINST NET INCOME.

Credit against net income.
Computation and proportion.

(a) ALLOWANCE OF CREDIT.—For the purpose only of the tax imposed by section 13 there shall be allowed, in the case of a corporation organized under the China Trade Act, 1922, in addition to the credit provided in section 26, a credit against the net income of an amount equal to the proportion of the net income derived from sources within China (determined in a similar manner to that provided in section 119) which the par value of the shares of stock of the corporation owned on the last day of the taxable year by

Ante, p. 693.

Ante, p. 716.

INCOME TAX. CHINA TRADE ACT CORPORATIONS—Contd.

(1) persons resident in China, the United States, or possessions of the United States, and (2) individual citizens of the United States or China wherever resident, bears to the par value of the whole number of shares of stock of the corporation outstanding on such date: *Provided*, That in no case shall the amount by which the tax imposed by section 13 is diminished by reason of such credit exceed the amount of the special dividend certified under subsection (b) of this section.

Proviso. Limitation. *Ante*, p. 686.

Special dividend. Credit subject to special dividend to residents of China, etc.

(b) SPECIAL DIVIDEND.—Such credit shall not be allowed unless the Secretary of Commerce has certified to the Commissioner—

(1) The amount which, during the year ending on the date fixed by law for filing the return, the corporation has distributed as a special dividend to or for the benefit of such persons as on the last day of the taxable year were resident in China, the United States, or possessions of the United States, or were individual citizens of the United States or China, and owned shares of stock of the corporation;

Additional, to all other payments.

(2) That such special dividend was in addition to all other amounts, payable or to be payable to such persons or for their benefit, by reason of their interest in the corporation; and

Proportionate distribution to stock owned.

(3) That such distribution has been made to or for the benefit of such persons in proportion to the par value of the shares of stock of the corporation owned by each; except that if the corporation has more than one class of stock, the certificates shall contain a statement that the articles of incorporation provide a method for the apportionment of such special dividend among such persons, and that the amount certified has been distributed in accordance with the method so provided.

Definition of stock ownership.

(c) OWNERSHIP OF STOCK.—For the purposes of this section shares of stock of a corporation shall be considered to be owned by the person in whom the equitable right to the income from such shares is in good faith vested.

Definition of "China". Vol. 42, p. 849.

(d) DEFINITION OF CHINA.—As used in this section the term "China" shall have the same meaning as when used in the China Trade Act, 1922.

Credits against tax.

SEC. 262. CREDITS AGAINST THE TAX.

No allowance for, of foreign countries. *Ante*, p. 718.

A corporation organized under the China Trade Act, 1922, shall not be allowed the credits against the tax for taxes of foreign countries and possessions of the United States allowed by section 131.

Affiliation.

SEC. 263. AFFILIATION.

Not applicable to corporations hereof.

A corporation organized under the China Trade Act, 1922, shall not be deemed to be affiliated with any other corporation within the meaning of section 141.

Income of shareholders.

SEC. 264. INCOME OF SHAREHOLDERS.

Exclusion from gross income, p. 712.

For exclusion of dividends from gross income, see section 116.

ASSESSMENT AND COLLECTION OF DEFICIENCIES.

Supplement L—Assessment and Collection of Deficiencies

"Deficiency" defined.

SEC. 271. DEFINITION OF DEFICIENCY.

As used in this title in respect of a tax imposed by this title "deficiency" means—

(a) The amount by which the tax imposed by this title exceeds the amount shown as the tax by the taxpayer upon his return; but the amount so shown on the return shall first be increased by the amounts previously assessed (or collected without assessment) as a

deficiency, and decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax; or

(b) If no amount is shown as the tax by the taxpayer upon his return, or if no return is made by the taxpayer, then the amount by which the tax exceeds the amounts previously assessed (or collected without assessment) as a deficiency; but such amounts previously assessed, or collected without assessment, shall first be decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax.

Procedure in general.

SEC. 272. PROCEDURE IN GENERAL.

Notice of deficiency to taxpayer.

(a) PETITION TO BOARD OF TAX APPEALS.—If in the case of any taxpayer, the Commissioner determines that there is a deficiency in respect of the tax imposed by this title, the Commissioner is authorized to send notice of such deficiency to the taxpayer by registered mail. Within 90 days after such notice is mailed (not counting Sunday or a legal holiday in the District of Columbia as the ninetieth day), the taxpayer may file a petition with the Board of Tax Appeals for a redetermination of the deficiency. No assessment of a deficiency in respect of the tax imposed by this title and no distraint or proceeding in court for its collection shall be made, begun, or prosecuted until such notice has been mailed to the taxpayer, nor until the expiration of such 90-day period, nor, if a petition has been filed with the Board, until the decision of the Board has become final. Notwithstanding the provisions of section 3224 of the Revised Statutes the making of such assessment or the beginning of such proceeding or distraint during the time such prohibition is in force may be enjoined by a proceeding in the proper court.

Petition to Board of Tax Appeals for redetermination.

No assessment until notice mailed to taxpayer.

Or petition filed.

Injunction to restrain assessment.

R.S., sec. 3224, p. 619.

For exceptions to the restrictions imposed by this subsection, see—

Exceptions to restrictions.

(1) Subsection (d) of this section, relating to waivers by the taxpayer;

Waivers.

(2) Subsection (f) of this section, relating to notifications of mathematical errors appearing upon the face of the return;

Errors.

(3) Section 273, relating to jeopardy assessments;

Jeopardy assessments, p. 743.

(4) Section 274, relating to bankruptcy and receiverships; and

Bankruptcy, etc., p. 744.

(5) Section 1001 of the Revenue Act of 1926, as amended, relating to assessment or collection of the amount of the deficiency determined by the Board pending court review.

Assessment of deficiency.

Vol. 44, p. 109.

(b) COLLECTION OF DEFICIENCY FOUND BY BOARD.—If the taxpayer files a petition with the Board, the entire amount redetermined as the deficiency by the decision of the Board which has become final shall be assessed and shall be paid upon notice and demand from the collector. No part of the amount determined as a deficiency by the Commissioner but disallowed as such by the decision of the Board which has become final shall be assessed or be collected by distraint or by proceeding in court with or without assessment.

Collection of deficiency found by Board.

Payment on demand if petition not filed.

(c) FAILURE TO FILE PETITION.—If the taxpayer does not file a petition with the Board within the time prescribed in subsection (a) of this section, the deficiency, notice of which has been mailed to the taxpayer, shall be assessed, and shall be paid upon notice and demand from the collector.

Waiver of restrictions by taxpayer.

(d) WAIVER OF RESTRICTIONS.—The taxpayer shall at any time have the right, by a signed notice in writing filed with the Commissioner, to waive the restrictions provided in subsection (a) of this section on the assessment and collection of the whole or any part of the deficiency.

Increase of deficiency after notice mailed.

(e) INCREASE OF DEFICIENCY AFTER NOTICE MAILED.—The Board shall have jurisdiction to redetermine the correct amount of the deficiency even if the amount so redetermined is greater than the

INCOME TAX. ASSESSMENT AND COLLECTION OF DEFICIENCIES—Contd. Condition.

amount of the deficiency, notice of which has been mailed to the taxpayer, and to determine whether any penalty, additional amount or addition to the tax should be assessed—if claim therefor is asserted by the Commissioner at or before the hearing or a rehearing.

Restriction hereafter on determining deficiency after notice.

(f) FURTHER DEFICIENCY LETTERS RESTRICTED.—If the Commissioner has mailed to the taxpayer notice of a deficiency as provided in subsection (a) of this section, and the taxpayer files a petition with the Board within the time prescribed in such subsection, the Commissioner shall have no right to determine any additional deficiency in respect of the same taxable year, except in the case of fraud, and except as provided in subsection (e) of this section, relating to assertion of greater deficiencies before the Board, or in section 273(c), relating to the making of jeopardy assessments. If the taxpayer is notified that, on account of a mathematical error appearing upon the face of the return, an amount of tax in excess of that shown upon the return is due, and that an assessment of the tax has been or will be made on the basis of what would have been the correct amount of tax but for the mathematical error, such notice shall not be considered (for the purposes of this subsection, or of subsection (a) of this section, prohibiting assessment and collection until notice of deficiency has been mailed, or of section 322(c), prohibiting credits or refunds after petition to the Board of Tax Appeals) as a notice of a deficiency, and the taxpayer shall have no right to file a petition with the Board based on such notice, nor shall such assessment or collection be prohibited by the provisions of subsection (a) of this section.

Exception.

Post, p. 743. Mathematical error not considered a notice of deficiency.

Post, p. 750. Credits or refunds.

Jurisdiction over other taxable years.

(g) JURISDICTION OVER OTHER TAXABLE YEARS.—The Board in redetermining a deficiency in respect of any taxable year shall consider such facts with relation to the taxes for other taxable years as may be necessary correctly to redetermine the amount of such deficiency, but in so doing shall have no jurisdiction to determine whether or not the tax for any other taxable year has been overpaid or underpaid.

Limitation.

Final decisions of Board. Vol. 44, p. 110.

(h) FINAL DECISIONS OF BOARD.—For the purposes of this title the date on which a decision of the Board becomes final shall be determined according to the provisions of section 1005 of the Revenue Act of 1926.

Prorating of deficiency to installments.

(i) PRORATING OF DEFICIENCY TO INSTALLMENTS.—If the taxpayer has elected to pay the tax in installments and a deficiency has been assessed, the deficiency shall be prorated to the four installments. Except as provided in section 273 (relating to jeopardy assessments), that part of the deficiency so prorated to any installment the date for payment of which has not arrived, shall be collected at the same time as and as part of such installment. That part of the deficiency so prorated to any installment the date for payment of which has arrived, shall be paid upon notice and demand from the collector.

Extension for payments allowed, to avoid undue hardship.

(j) EXTENSION OF TIME FOR PAYMENT OF DEFICIENCIES.—Where it is shown to the satisfaction of the Commissioner that the payment of a deficiency upon the date prescribed for the payment thereof will result in undue hardship to the taxpayer the Commissioner, with the approval of the Secretary (except where the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax), may grant an extension for the payment of such deficiency or any part thereof for a period not in excess of eighteen months, and, in exceptional cases, for a further period not in excess of twelve months. If an extension is granted, the Commissioner may require the taxpayer to furnish a bond in such amount, not exceeding double the amount of the deficiency,

Bond required.

and with such sureties, as the Commissioner deems necessary, conditioned upon the payment of the deficiency in accordance with the terms of the extension.

Address for notice of deficiency.

(k) ADDRESS FOR NOTICE OF DEFICIENCY.—In the absence of notice to the Commissioner under section 312(a) of the existence of a fiduciary relationship, notice of a deficiency in respect of a tax imposed by this title, if mailed to the taxpayer at his last known address, shall be sufficient for the purposes of this title even if such taxpayer is deceased, or is under a legal disability, or, in the case of a corporation, has terminated its existence.

Post, p. 750.

Jeopardy assessments.

SEC. 273. JEOPARDY ASSESSMENTS.

Deficiency immediately assessed if jeopardized by delay.

(a) AUTHORITY FOR MAKING.—If the Commissioner believes that the assessment or collection of a deficiency will be jeopardized by delay, he shall immediately assess such deficiency (together with all interest, additional amounts, or additions to the tax provided for by law) and notice and demand shall be made by the collector for the payment thereof.

Deficiency letters. Notice to be mailed.

(b) DEFICIENCY LETTERS.—If the jeopardy assessment is made before any notice in respect of the tax to which the jeopardy assessment relates has been mailed under section 272(a), then the Commissioner shall mail a notice under such subsection within sixty days after the making of the assessment.

Amount assessable before decision of Board.

(c) AMOUNT ASSESSABLE BEFORE DECISION OF BOARD.—The jeopardy assessment may be made in respect of a deficiency greater or less than that notice of which has been mailed to the taxpayer, despite the provisions of section 272(f) prohibiting the determination of additional deficiencies, and whether or not the taxpayer has theretofore filed a petition with the Board of Tax Appeals. The Commissioner shall notify the Board of the amount of such assessment, if the petition is filed with the Board before the making of the assessment or is subsequently filed, and the Board shall have jurisdiction to redetermine the entire amount of the deficiency and of all amounts assessed at the same time in connection therewith.

Board to redetermine on notice.

Amount assessable after decision of Board.

(d) AMOUNT ASSESSABLE AFTER DECISION OF BOARD.—If the jeopardy assessment is made after the decision of the Board is rendered such assessment may be made only in respect of the deficiency determined by the Board in its decision.

Disallowed after Board's final decision, etc.

(e) EXPIRATION OF RIGHT TO ASSESS.—A jeopardy assessment may not be made after the decision of the Board has become final or after the taxpayer has filed a petition for review of the decision of the Board.

Bond to stay collection.

(f) BOND TO STAY COLLECTION.—When a jeopardy assessment has been made the taxpayer, within 10 days after notice and demand from the collector for the payment of the amount of the assessment, may obtain a stay of collection of the whole or any part of the amount of the assessment by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of so much of the amount, the collection of which is stayed by the bond, as is not abated by a decision of the Board which has become final, together with interest thereon as provided in section 297.

Conditions.

Post, p. 748.

Further conditions, if bond given before filing petition.

(g) SAME—FURTHER CONDITIONS.—If the bond is given before the taxpayer has filed his petition with the Board under section 272(a), the bond shall contain a further condition that if a petition is not filed within the period provided in such subsection, then the amount the collection of which is stayed by the bond will be paid on notice and demand at any time after the expiration of

INCOME TAX. ASSESSMENT AND COLLECTION OF DEFICIENCIES—Contd.

such period, together with interest thereon at the rate of 6 per centum per annum from the date of the jeopardy notice and demand to the date of notice and demand under this subsection.

Stay of collection of part covered by Bond.

(h) WAIVER OF STAY.—Upon the filing of the bond the collection of so much of the amount assessed as is covered by the bond shall be stayed.

Effect of waiver of stay, etc.

The taxpayer shall have the right to waive such stay at any time in respect of the whole or any part of the amount covered by the bond, and if as a result of such waiver any part of the amount covered by the bond is paid, then the bond shall, at the request of the taxpayer, be proportionately reduced. If the Board determines that the amount assessed is greater than the amount which should have been assessed, then when the decision of the Board is rendered the bond shall, at the request of the taxpayer, be proportionately reduced.

Collection of unpaid amounts.

(i) COLLECTION OF UNPAID AMOUNTS.—When the petition has been filed with the Board and when the amount which should have been assessed has been determined by a decision of the Board which has become final, then any unpaid portion, the collection of which has been stayed by the bond, shall be collected as part of the tax upon notice and demand from the collector, and any remaining portion of the assessment shall be abated. If the amount already collected exceeds the amount determined as the amount which should have been assessed, such excess shall be credited or refunded to the taxpayer as provided in section 322, without the filing of claim therefor. If the amount determined as the amount which should have been assessed is greater than the amount actually assessed, then the difference shall be assessed and shall be collected as part of the tax upon notice and demand from the collector.

When decision of Board final.

Credit or refund. *Post*, p. 750.

Collection of greater assessment.

No other abatement claim to be filed.

(j) CLAIMS IN ABATEMENT.—No claim in abatement shall be filed in respect of any assessment in respect of any tax imposed by this title.

Bankruptcy and receiverships.

SEC. 274. BANKRUPTCY AND RECEIVERSHIPS.

Immediate assessment of tax deficiency in.

(a) IMMEDIATE ASSESSMENT.—Upon the adjudication of bankruptcy of any taxpayer in any bankruptcy proceeding or the appointment of a receiver for any taxpayer in any receivership proceeding before any court of the United States or of any State or Territory or of the District of Columbia, any deficiency (together with all interest, additional amounts, or additions to the tax provided for by law) determined by the Commissioner in respect of a tax imposed by this title upon such taxpayer shall, despite the restrictions imposed by section 272(a) upon assessments be immediately assessed if such deficiency has not theretofore been assessed in accordance with law. In such cases the trustee in bankruptcy or receiver shall give notice in writing to the Commissioner of the adjudication of bankruptcy or the appointment of the receiver, and the running of the statute of limitations on the making of assessments shall be suspended for the period from the date of adjudication in bankruptcy or the appointment of the receiver to a date 30 days after the date upon which the notice from the trustee or receiver is received by the Commissioner; but the suspension under this sentence shall in no case be for a period in excess of two years. Claims for the deficiency and such interest, additional amounts and additions to the tax may be presented, for adjudication in accordance with law, to the court before which the bankruptcy or receivership proceeding is pending, despite the pendency of proceedings for the redetermination of the deficiency in pursuance of a petition to the Board; but no petition for any such redetermination shall be filed

Notice of adjudication.

Presentation of claim.

with the Board after the adjudication of bankruptcy or the appointment of the receiver.

Unpaid claims.

(b) UNPAID CLAIMS.—Any portion of the claim allowed in such bankruptcy or receivership proceeding which is unpaid shall be paid by the taxpayer upon notice and demand from the collector after the termination of such proceeding, and may be collected by distraint or proceeding in court within six years after termination of such proceeding. Extensions of time for such payment may be had in the same manner and subject to the same provisions and limitations as are provided in section 272(j) and section 296 in the case of a deficiency in a tax imposed by this title.

Collection of.

Time extensions. *Ante*, p. 742; *Post*, p. 748.

SEC. 275. PERIOD OF LIMITATION UPON ASSESSMENT AND COLLECTION.

Period of limitation upon assessment and collection.

Except as provided in section 276—

(a) GENERAL RULE.—The amount of income taxes imposed by this title shall be assessed within three years after the return was filed, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of such period.

Assessment within three years.

(b) REQUEST FOR PROMPT ASSESSMENT.—In the case of income received during the lifetime of a decedent, or by his estate during the period of administration, or by a corporation, the tax shall be assessed, and any proceeding in court without assessment for the collection of such tax shall be begun, within eighteen months after written request therefor (filed after the return is made) by the executor, administrator, or other fiduciary representing the estate of such decedent, or by the corporation, but not after the expiration of three years after the return was filed. This subsection shall not apply in the case of a corporation unless—

Requests for prompt assessments.

By fiduciary representatives.

Applicability to corporations.

Exceptions.

(1) Such written request notifies the Commissioner that the corporation contemplates dissolution at or before the expiration of such 18 months' period; and

Dissolution contemplated.

(2) The dissolution is in good faith begun before the expiration of such 18 months' period; and

In good faith within 18 months.

(3) The dissolution is completed.

Dissolution completed.

(c) OMISSION FROM GROSS INCOME.—If the taxpayer omits from gross income an amount properly includible therein which is in excess of 25 per centum of the amount of gross income stated in the return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within 5 years after the return was filed.

Corporation making no return.

Assessment in five years after return filed.

(d) For the purposes of subsections (a), (b), and (c), a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day.

Time prescribed for filing.

(e) CORPORATION AND SHAREHOLDER.—If a corporation makes no return of the tax imposed by this title, but each of the shareholders includes in his return his distributive share of the net income of the corporation, then the tax of the corporation shall be assessed within four years after the last date on which any such shareholder's return was filed.

Corporation and shareholder.

SEC. 276. SAME—EXCEPTIONS.

Exceptions.

(a) FALSE RETURN OR NO RETURN.—In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

False return or no return.

Assessment in case of.

(b) WAIVERS.—Where before the expiration of the time prescribed in section 275 for the assessment of the tax, both the Commissioner and the taxpayer have consented in writing to its assessment after

Waivers, at any time with written consent of Commissioner.

INCOME TAX. ASSESSMENT AND COLLECTION OF DEFICIENCIES —Contd.

such time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

Collection after assessment.

(c) COLLECTION AFTER ASSESSMENT.—Where the assessment of any income tax imposed by this title has been made within the period of limitation properly applicable thereto, such tax may be collected by distraint or by a proceeding in court, but only if begun (1) within six years after the assessment of the tax, or (2) prior to the expiration of any period for collection agreed upon in writing by the Commissioner and the taxpayer before the expiration of such six-year period. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

By distraint. Time limit.

Extension.

Statute of limitations.

SEC. 277. SUSPENSION OF RUNNING OF STATUTE.

Suspension of running of.

The running of the statute of limitations provided in section 275 or 276 on the making of assessments and the beginning of distraint or a proceeding in court for collection, in respect of any deficiency, shall (after the mailing of a notice under section 272(a)) be suspended for the period during which the Commissioner is prohibited from making the assessment or beginning distraint or a proceeding in court (and in any event, if a proceeding in respect of the deficiency is placed on the docket of the Board, until the decision of the Board becomes final), and for sixty days thereafter.

Ante, p. 745.

Until decision of Board, etc.

INTEREST AND ADDITIONS TO TAX.

Supplement M—Interest and Additions to the Tax

Failure to file return.

SEC. 291. FAILURE TO FILE RETURN.

Additional tax imposed.

In case of any failure to make and file a return required by this title, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, 25 per centum of the tax shall be added to the tax, except that when a return is filed after such time and it is shown that the failure to file it was due to reasonable cause and not due to willful neglect no such addition shall be made to the tax. The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, in which case the amount so added shall be collected in the same manner as the tax. The amount added to the tax under this section shall be in lieu of the 25 per centum addition to the tax provided in section 3176 of the Revised Statutes, as amended.

Exception.

If failure not willful neglect.

Collection.

To be in lieu of former levy.

R.S., sec. 3176, p. 610.

Interest on deficiencies.

SEC. 292. INTEREST ON DEFICIENCIES.

Assessment and rate.

Interest upon the amount determined as a deficiency shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the collector, and shall be collected as a part of the tax, at the rate of 6 per centum per annum from the date prescribed for the payment of the tax (or, if the tax is paid in installments, from the date prescribed for the payment of the first installment) to the date the deficiency is assessed, or, in the case of a waiver under section 272(d), to the thirtieth day after the filing of such waiver or to the date the deficiency is assessed whichever is the earlier.

In case of waiver.

Additions to tax in case of deficiency.

SEC. 293. ADDITIONS TO THE TAX IN CASE OF DEFICIENCY.

If due to negligence.

(a) NEGLIGENCE.—If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, 5 per centum of the total amount of the deficiency

(in addition to such deficiency) shall be assessed, collected, and paid in the same manner as if it were a deficiency, except that the provisions of section 272(i), relating to the prorating of a deficiency, and of section 292, relating to interest on deficiencies, shall not be applicable.

Ante, pp. 742, 746.

(b) FRAUD.—If any part of any deficiency is due to fraud with intent to evade tax, then 50 per centum of the total amount of the deficiency (in addition to such deficiency) shall be so assessed, collected, and paid, in lieu of the 50 per centum addition to the tax provided in section 3176 of the Revised Statutes, as amended.

Fraud.

R.S., sec. 3176, p. 610.

SEC. 294. ADDITIONS TO THE TAX IN CASE OF NONPAYMENT.

Additions to tax in case of nonpayment.

(a) TAX SHOWN ON RETURN.—

(1) GENERAL RULE.—Where the amount determined by the taxpayer as the tax imposed by this title, or any installment thereof, or any part of such amount or installment, is not paid on or before the date prescribed for its payment, there shall be collected as a part of the tax, interest upon such unpaid amount at the rate of 1 per centum a month from the date prescribed for its payment until it is paid.

Interest prescribed.

(2) IF EXTENSION GRANTED.—Where an extension of time for payment of the amount so determined as the tax by the taxpayer, or any installment thereof, has been granted, and the amount the time for payment of which has been extended, and the interest thereon determined under section 295, is not paid in full prior to the expiration of the period of the extension, then, in lieu of the interest provided for in paragraph (1) of this subsection, interest at the rate of 1 per centum a month shall be collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid.

If tax and interest not paid in full when extension granted.

(b) DEFICIENCY.—Where a deficiency, or any interest or additional amounts assessed in connection therewith under section 292, or under section 293, or any addition to the tax in case of delinquency provided for in section 291, is not paid in full within ten days from the date of notice and demand from the collector, there shall be collected as part of the tax, interest upon the unpaid amount at the rate of 1 per centum a month from the date of such notice and demand until it is paid. If any part of a deficiency prorated to any unpaid installment under section 272(i) is not paid in full on or before the date prescribed for the payment of such installment, there shall be collected as part of the tax interest upon the unpaid amount at the rate of 1 per centum a month from such date until it is paid.

Interest, if deficiency, etc., not paid on notice and demand.

Ante, p. 746.

Nonpayment of prorated installments.

Ante, p. 742.

(c) FIDUCIARIES.—For any period an estate is held by a fiduciary appointed by order of any court of competent jurisdiction or by will, there shall be collected interest at the rate of 6 per centum per annum in lieu of the interest provided in subsections (a) and (b) of this section.

Interest rate payable by fiduciaries.

(d) FILING OF JEOPARDY BOND.—If a bond is filed, as provided in section 273, the provisions of subsections (b) and (c) of this section shall not apply to the amount covered by the bond.

Not applicable to amount covered by jeopardy bond.

Ante, p. 743.

SEC. 295. TIME EXTENDED FOR PAYMENT OF TAX SHOWN ON RETURN.

Time extended for payment of tax shown on return.

If the time for payment of the amount determined as the tax by the taxpayer, or any installment thereof, is extended under the authority of section 56(c), there shall be collected as a part of such amount, interest thereon at the rate of 6 per centum per annum

Interest.

Ante, p. 699.

INCOME TAX. INTEREST AND ADDITIONS—Contd.

from the date when such payment should have been made if no extension had been granted, until the expiration of the period of the extension.

Time extended for paying deficiency.

Interest for period of extension.

SEC. 296. TIME EXTENDED FOR PAYMENT OF DEFICIENCY.

If the time for the payment of any part of a deficiency is extended, there shall be collected, as a part of the tax, interest on the part of the deficiency the time for payment of which is so extended, at the rate of 6 per centum per annum for the period of the extension, and no other interest shall be collected on such part of the deficiency for such period. If the part of the deficiency the time for payment of which is so extended is not paid in accordance with the terms of the extension, there shall be collected, as a part of the tax, interest on such unpaid amount at the rate of 1 per centum a month for the period from the time fixed by the terms of the extension for its payment until it is paid, and no other interest shall be collected on such unpaid amount for such period.

Additional, not paid, etc.

Interest on jeopardy assessments.

Rate of, on amount collected.

Ante, p. 744.

SEC. 297. INTEREST IN CASE OF JEOPARDY ASSESSMENTS.

In the case of the amount collected under section 273(i) there shall be collected at the same time as such amount, and as a part of the tax, interest at the rate of 6 per centum per annum upon such amount from the date of the jeopardy notice and demand to the date of notice and demand under section 273(i), or, in the case of the amount collected in excess of the amount of the jeopardy assessment, interest as provided in section 292. If the amount included in the notice and demand from the collector under section 273(i) is not paid in full within ten days after such notice and demand, then there shall be collected, as part of the tax, interest upon the unpaid amount at the rate of 1 per centum a month (or, for any period the estate of the taxpayer is held by a fiduciary appointed by any court of competent jurisdiction or by will, at the rate of 6 per centum per annum) from the date of such notice and demand until it is paid.

Additional, if amount of deficiency not paid in full.

Bankruptcy and receiverships.

Interest, if not paid on demand.

Ante, p. 744.

SEC. 298. BANKRUPTCY AND RECEIVERSHIPS.

If the unpaid portion of the claim allowed in a bankruptcy or receivership proceeding, as provided in section 274, is not paid in full within ten days from the date of notice and demand from the collector, then there shall be collected as a part of such amount interest upon the unpaid portion thereof at the rate of 1 per centum a month from the date of such notice and demand until payment.

Removal of property.

SEC. 299. REMOVAL OF PROPERTY OR DEPARTURE FROM UNITED STATES.

Additions to tax for, etc.

Ante, p. 725.

For additions to tax in case of leaving the United States or concealing property in such manner as to hinder collection of the tax, see section 146.

CLAIMS AGAINST TRANSFEREES AND FIDUCIARIES.

Supplement N—Claims against Transferees and Fiduciaries

Transferred assets.

SEC. 311. TRANSFERRED ASSETS.

Method of collection similar to deficiency collections.

(a) METHOD OF COLLECTION.—The amounts of the following liabilities shall, except as hereinafter in this section provided, be assessed, collected, and paid in the same manner and subject to the same provisions and limitations as in the case of a deficiency in a tax imposed by this title (including the provisions in case of delinquency in payment after notice and demand, the provisions authorizing dis-

INCOME TAX. CLAIMS AGAINST TRANSFEREES AND FIDUCIARIES—Contd.

traint and proceedings in court for collection, and the provisions prohibiting claims and suits for refunds):

Liabilities. Transferees.

(1) TRANSFEREES.—The liability, at law or in equity, of a transferee of property of a taxpayer, in respect of the tax (including interest, additional amounts, and additions to the tax provided by law) imposed upon the taxpayer by this title.

Fiduciaries. R.S., sec. 2467, p. 687.

(2) FIDUCIARIES.—The liability of a fiduciary under section 3467 of the Revised Statutes in respect of the payment of any such tax from the estate of the taxpayer.

Amount determined.

Any such liability may be either as to the amount of tax shown on the return or as to any deficiency in tax.

Limitation period.

(b) PERIOD OF LIMITATION.—The period of limitation for assessment of any such liability of a transferee or fiduciary shall be as follows:

When initial transferee liable.

(1) In the case of the liability of an initial transferee of the property of the taxpayer,—within one year after the expiration of the period of limitation for assessment against the taxpayer;

Transferee of a transferee liable.

(2) In the case of the liability of a transferee of a transferee of the property of the taxpayer,—within one year after the expiration of the period of limitation for assessment against the preceding transferee, but only if within three years after the expiration of the period of limitation for assessment against the taxpayer;—

Exception.

except that if before the expiration of the period of limitation for the assessment of the liability of the transferee, a court proceeding for the collection of the tax or liability in respect thereof has been begun against the taxpayer or last preceding transferee, respectively,—then the period of limitation for assessment of the liability of the transferee shall expire one year after the return of execution in the court proceeding.

One year after court proceeding.

Fiduciary liable.

(3) In the case of the liability of a fiduciary,—not later than one year after the liability arises or not later than the expiration of the period for collection of the tax in respect of which such liability arises, whichever is the later.

Provisions on death of taxpayer or terminated corporation.

(c) PERIOD FOR ASSESSMENT AGAINST TAXPAYER.—For the purposes of this section, if the taxpayer is deceased, or in the case of a corporation, has terminated its existence, the period of limitation for assessment against the taxpayer shall be the period that would be in effect had death or termination of existence not occurred.

Suspension of running of statute of limitations, after notice mailed, etc.

(d) SUSPENSION OF RUNNING OF STATUTE OF LIMITATIONS.—The running of the statute of limitations upon the assessment of the liability of a transferee or fiduciary shall, after the mailing to the transferee or fiduciary of the notice provided for in section 272(a), be suspended for the period during which the Commissioner is prohibited from making the assessment in respect of the liability of the transferee or fiduciary (and in any event, if a proceeding in respect of the liability is placed on the docket of the Board, until the decision of the Board becomes final), and for sixty days thereafter.

Ante, p. 741.

Address for notice of liability.

(e) ADDRESS FOR NOTICE OF LIABILITY.—In the absence of notice to the Commissioner under section 312(b) of the existence of a fiduciary relationship, notice of liability enforceable under this section in respect of a tax imposed by this title, if mailed to the person subject to the liability at his last known address, shall be sufficient for the purposes of this title even if such person is deceased, or is under a legal disability, or, in the case of a corporation, has terminated its existence.

"Transferee" defined.

(f) DEFINITION OF "TRANSFEREE".—As used in this section, the term "transferee" includes heir, legatee, devisee, and distributee.

INCOME TAX. CLAIMS AGAINST TRANSFEREES AND FIDUCIARIES—Contd.
Fiduciary relationship.
Liability of fiduciary until termination of.

SEC. 312. NOTICE OF FIDUCIARY RELATIONSHIP.

(a) FIDUCIARY OF TAXPAYER.—Upon notice to the Commissioner that any person is acting in a fiduciary capacity such fiduciary shall assume the powers, rights, duties, and privileges of the taxpayer in respect of a tax imposed by this title (except as otherwise specifically provided and except that the tax shall be collected from the estate of the taxpayer), until notice is given that the fiduciary capacity has terminated.

Fiduciary of transferee, liability.

(b) FIDUCIARY OF TRANSFEREE.—Upon notice to the Commissioner that any person is acting in a fiduciary capacity for a person subject to the liability specified in section 311, the fiduciary shall assume, on behalf of such person, the powers, rights, duties, and privileges of such person under such section (except that the liability shall be collected from the estate of such person), until notice is given that the fiduciary capacity has terminated.

Manner of notice.

(c) MANNER OF NOTICE.—Notice under subsection (a) or (b) shall be given in accordance with regulations prescribed by the Commissioner with the approval of the Secretary.

OVERPAYMENTS.

Supplement O—Overpayments

Of installments.

SEC. 321. OVERPAYMENT OF INSTALLMENT.

Credit, if installment payment exceeds correct amount.
Credit or refund for amount already paid.

If the taxpayer has paid as an installment of the tax more than the amount determined to be the correct amount of such installment, the overpayment shall be credited against the unpaid installments, if any. If the amount already paid, whether or not on the basis of installments, exceeds the amount determined to be the correct amount of the tax, the overpayment shall be credited or refunded as provided in section 322.

Refunds and credits.

SEC. 322. REFUNDS AND CREDITS.

Credit against tax then due.

(a) AUTHORIZATION.—Where there has been an overpayment of any tax imposed by this title, the amount of such overpayment shall be credited against any income, war-profits, or excess-profits tax or installment thereof then due from the taxpayer, and any balance shall be refunded immediately to the taxpayer.

Limitation on allowance.
Period of.

(b) LIMITATION ON ALLOWANCE.—

(1) PERIOD OF LIMITATION.—Unless a claim for credit or refund is filed by the taxpayer within three years from the time the return was filed by the taxpayer or within two years from the time the tax was paid, no credit or refund shall be allowed or made after the expiration of whichever of such periods expires the later. If no return is filed by the taxpayer, then no credit or refund shall be allowed or made after two years from the time the tax was paid, unless before the expiration of such period a claim therefor is filed by the taxpayer.

Credit or refund limited.

(2) LIMIT ON AMOUNT OF CREDIT OR REFUND.—The amount of the credit or refund shall not exceed the portion of the tax paid during the three years immediately preceding the filing of the claim, or, if no claim was filed, then during the three years immediately preceding the allowance of the credit or refund.

Petition to Board of Tax Appeals; effect of.

(c) EFFECT OF PETITION TO BOARD.—If the Commissioner has mailed to the taxpayer a notice of deficiency under section 272(a) and if the taxpayer files a petition with the Board of Tax Appeals within the time prescribed in such subsection, no credit or refund in respect of the tax for the taxable year in respect of which the Commissioner has determined the deficiency shall be allowed or

Ante, p. 741.

made and no suit by the taxpayer for the recovery of any part of such tax shall be instituted in any court except— INCOME TAX, OVERPAYMENTS—Contd. Exceptions. Overpayments.

(1) As to overpayments determined by a decision of the Board which has become final; and

(2) As to any amount collected in excess of an amount computed in accordance with the decision of the Board which has become final; and Excess collections.

(3) As to any amount collected after the period of limitation upon the beginning of distraint or a proceeding in court for collection has expired; but in any such claim for credit or refund or in any such suit for refund the decision of the Board which has become final, as to whether such period has expired before the notice of deficiency was mailed, shall be conclusive. Collections after period of limitations.

(d) OVERPAYMENT FOUND BY BOARD.—If the Board finds that there is no deficiency and further finds that the taxpayer has made an overpayment of tax in respect of the taxable year in respect of which the Commissioner determined the deficiency, the Board shall have jurisdiction to determine the amount of such overpayment, and such amount shall, when the decision of the Board has become final, be credited or refunded to the taxpayer. No such credit or refund shall be made of any portion of the tax unless the Board determines as part of its decision that it was paid within three years before the filing of the claim or the filing of the petition, whichever is earlier. Overpayment found by Board. Credit or refund.

(e) TAX WITHHELD AT SOURCE.—For refund or credit in case of excessive withholding at the source, see section 143(f). Tax withheld at source.

TITLE IA—ADDITIONAL INCOME TAXES

ADDITIONAL INCOME TAXES.

SEC. 351. SURTAX ON PERSONAL HOLDING COMPANIES.

Surtax on personal holding companies. Rates imposed.

(a) IMPOSITION OF TAX.—There shall be levied, collected, and paid, for each taxable year, upon the undistributed adjusted net income of every personal holding company a surtax equal to the sum of the following:

(1) 30 per centum of the amount thereof not in excess of $100,000; plus

(2) 40 per centum of the amount thereof in excess of $100,000.

Definitions.

(b) DEFINITIONS.—As used in this title—

"Personal holding company".

(1) The term "personal holding company" means any corporation (other than a corporation exempt from taxation under section 101, and other than a bank or trust company incorporated under the laws of the United States or of any State or Territory, a substantial part of whose business is the receipt of deposits, and other than a life-insurance company or surety company) if—(A) at least 80 per centum of its gross income for the taxable year is derived from royalties, dividends, interest, annuities, and (except in the case of regular dealers in stock or securities) gains from the sale of stock or securities, and (B) at any time during the last half of the taxable year more than 50 per centum in value of its outstanding stock is owned, directly or indirectly, by or for not more than five individuals. For the purpose of determining the ownership of stock in a personal holding company—(C) stock owned, directly or indirectly, by a corporation, partnership, estate, or trust shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries; (D) an individual shall be considered as owning, to the exclusion of any other individual, the stock owned, directly or indirectly, by his family, and this rule shall be applied in such manner as to produce the smallest possible number of individuals owning, directly or indirectly, Determining stock ownership. Individual.

ADDITIONAL INCOME TAXES.

more than 50 per centum in value of the outstanding stock; and (E) the family of an individual shall include only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

Family.

"Undistributed adjusted net income".

(2) The term "undistributed adjusted net income" means the adjusted net income minus the sum of:

Computation.

(A) 20 per centum of the excess of the adjusted net income over the amount of dividends received from personal holding companies which are allowable as a deduction for the purposes of the tax imposed by section 13 or 204;

"Adjusted net income".

(B) Amounts used or set aside to retire indebtedness incurred prior to January 1, 1934, if such amounts are reasonable with reference to the size and terms of such indebtedness; and

(C) Dividends paid during the taxable year.

(3) The term "adjusted net income" means the net income computed without the allowance of the dividend deduction otherwise allowable, but minus the sum of:

Computation of.

(A) Federal income, war-profits, and excess-profits taxes paid or accrued, but not including the tax imposed by this section;

(B) Contributions or gifts, not otherwise allowed as a deduction, to or for the use of donees described in section 23(o) for the purposes therein specified; and

Ante, p. 714.

(C) Losses from sales or exchanges of capital assets which are disallowed as a deduction by section 117(d).

Synonymous terms, *Ante*, p. 683.

(4) The terms used in this section shall have the same meaning as when used in Title I.

Administrative provisions. *Ante*, p. 718.

(c) ADMINISTRATIVE PROVISIONS.—All provisions of law (including penalties) applicable in respect of the taxes imposed by Title I of this Act, shall insofar as not inconsistent with this section, be applicable in respect of the tax imposed by this section, except that the provisions of section 131 of that title shall not be applicable.

Payment of surtax on pro rata shares.

(d) PAYMENT OF SURTAX ON PRO RATA SHARES.—The tax imposed by this section shall not apply if all the shareholders of the corporation include (at the time of filing their returns) in their gross income their entire pro rata shares, whether distributed or not, of the "adjusted net income" of the corporation for such year. Any amount so included in the gross income of a shareholder shall be treated as a dividend received. Any subsequent distribution made by the corporation out of earnings or profits for such taxable year shall, if distributed to any shareholder who has so included in his gross income his pro rata share, be exempt from tax in the amount of the share so included.

Treatment of adjusted net income in gross income of shareholders.

Improper accumulation of surplus. *Post* p. 702.

(e) IMPROPER ACCUMULATION OF SURPLUS.—For surtax on corporations which accumulate surplus to avoid surtax on stockholders, see section 102.

ESTATE TAX AMENDMENTS.

TITLE II—AMENDMENTS TO ESTATE TAX

Revocable trusts.

SEC. 401. REVOCABLE TRUSTS.

Vol. 44, p. 71, amended.

Section 302(d) of the Revenue Act of 1926 is amended to read as follows:

Gross estate of decedent, determination of.

"(d) (1) To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power, either by the decedent alone or in conjunction with any person, to alter, amend, or revoke, or where the decedent relinquished any such power in contemplation of his death, except in case of a bona fide sale for an adequate and full consideration in money or money's worth.

Exception.

ESTATE TAX AMENDMENTS.

"(2) For the purposes of this subdivision the power to alter, amend, or revoke shall be considered to exist on the date of the decedent's death even though the exercise of the power is subject to a precedent giving of notice or even though the alteration, amendment, or revocation takes effect only on the expiration of a stated period after the exercise of the power, whether or not on or before the date of the decedent's death notice has been given or the power has been exercised. In such cases proper adjustment shall be made representing the interests which would have been excluded from the power if the decedent had lived, and for such purpose if the notice has not been given or the power has not been exercised on or before the date of his death, such notice shall be considered to have been given, or the power exercised, on the date of his death.

Powers to revoke, amend, etc.

Adjustments allowed.

"(3) The relinquishment of any such power, not admitted or shown to have been in contemplation of the decedent's death, made within two years prior to his death without such a consideration and affecting the interest or interests (whether arising from one or more transfers or the creation of one or more trusts) of any one beneficiary of a value or aggregate value, at the time of such death, in excess of $5,000, then, to the extent of such excess, such relinquishment or relinquishments shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this title;"

Relinquishment of power without consideration.

SEC. 402. PRIOR TAXED PROPERTY.

Prior taxed property.

Paragraph (2) of subdivision (a) and paragraph (2) of subdivision (b) of section 303 of the Revenue Act of 1926, as amended, are amended by inserting before the period at the end of the second sentence of each such paragraph a comma and the following: "and only if in determining the value of the net estate of the prior decedent no deduction was allowable under this paragraph in respect of the property or property given in exchange therefor".

Estate tax deduction granted a decedent for prior taxed property restricted.

Vol. 44, p. 72, amended.

SEC. 403. CITIZENSHIP AND RESIDENCE OF DECEDENTS.

Citizenship and residence of decedents.

Provisions of, extended.

(a) Section 303(a) of the Revenue Act of 1926, as amended, is amended by striking out "In the case of a resident" and inserting in lieu thereof "In the case of a citizen or resident of the United States".

Vol. 44, p. 72.

Nonresident not U.S. citizen.

(b) Section 303(b) of such Act, as amended, is amended by striking out "In the case of a nonresident" and inserting in lieu thereof "In the case of a nonresident not a citizen of the United States".

Vol. 44, p. 73.

Vol. 44, p. 73.

(c) Section 303(c) of such Act, as amended, is amended by striking out "in the case of a nonresident" and inserting in lieu thereof "in the case of a nonresident not a citizen of the United States".

(d) Section 303(d) and (e) of such Act, as amended, are amended by striking out the phrase "nonresident decedent" wherever such phrase appears in such subdivisions and inserting in lieu thereof in each case "nonresident not a citizen of the United States".

Vol. 44, p. 74.

(e) Section 304(a) and (b) of such Act, as amended, are amended by striking out "nonresident" wherever such word appears and inserting in lieu thereof in each case "nonresident not a citizen of the United States".

Substitution of "citizen or resident of the United States", in 1932 Act.

Vol. 47, p. 245.

(f) Section 403 of the Revenue Act of 1932 is amended by striking out "resident decedent" and inserting in lieu thereof "citizen or resident of the United States".

ESTATE TAX AMENDMENTS.
Gross estate tax for estate taxes.
Real estate without United Sates exempt.
Vol. 44, p. 70.

SEC. 404. REAL ESTATE SITUATED OUTSIDE THE UNITED STATES.

So much of section 302 of the Revenue Act of 1926 as reads as follows: "The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated" is amended to read as follows: "The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside the United States".

Estate tax rates.

SEC. 405. ESTATE TAX RATES.

Rates modified.
Vol. 47, p. 243.

(a) Section 401 (b) of the Revenue Act of 1932 is amended to read as follows:

"(b) The tentative tax referred to in subsection (a) (1) of this section shall equal the sum of the following percentages of the value of the net estate:

"Upon net estates not in excess of $10,000, 1 per centum.

"$100 upon net estates of $10,000; and upon net estates in excess of $10,000 and not in excess of $20,000, 2 per centum in addition of such excess.

"$300 upon net estates of $20,000; and upon net estates in excess of $20,000 and not in excess of $30,000, 3 per centum in addition of such excess.

"$600 upon net estates of $30,000; and upon net estates in excess of $30,000 and not in excess of $40,000, 4 per centum in addition of such excess.

"$1,000 upon net estates of $40,000; and upon net estates in excess of $40,000 and not in excess of $50,000, 5 per centum in addition of such excess.

"$1,500 upon net estates of $50,000; and upon net estates in excess of $50,000 and not in excess of $70,000, 7 per centum in addition of such excess.

"$2,900 upon net estates of $70,000; and upon net estates in excess of $70,000 and not in excess of $100,000, 9 per centum in addition of such excess.

"$5,600 upon net estates of $100,000; and upon net estates in excess of $100,000 and not in excess of $200,000, 12 per centum in addition of such excess.

"$17,600 upon net estates of $200,000; and upon net estates in excess of $200,000 and not in excess of $400,000, 16 per centum in addition of such excess.

"$49,600 upon net estates of $400,000; and upon net estates in excess of $400,000 and not in excess of $600,000, 19 per centum in addition of such excess.

"$87,600 upon net estates of $600,000; and upon net estates in excess of $600,000 and not in excess of $800,000, 22 per centum in addition of such excess.

"$131,600 upon net estates of $800,000; and upon net estates in excess of $800,000 and not in excess of $1,000,000, 25 per centum in addition of such excess.

"$181,600 upon net estates of $1,000,000; and upon net estates in excess of $1,000,000 and not in excess of $1,500,000, 28 per centum in addition of such excess.

"$321,600 upon net estates of $1,500,000; and upon net estates in excess of $1,500,000 and not in excess of $2,000,000, 31 per centum in addition of such excess.

ESTATE TAX AMENDMENTS. Rates—Contd.

"$476,600 upon net estates of $2,000,000; and upon net estates in excess of $2,000,000 and not in excess of $2,500,000, 34 per centum in addition of such excess.

"$646,600 upon net estates of $2,500,000; and upon net estates in excess of $2,500,000 and not in excess of $3,000,000, 37 per centum in addition of such excess.

"$831,600 upon net estates of $3,000,000; and upon net estates in excess of $3,000,000 and not in excess of $3,500,000, 40 per centum in addition of such excess.

"$1,031,600 upon net estates of $3,500,000; and upon net estates in excess of $3,500,000 and not in excess of $4,000,000, 43 per centum in addition of such excess.

"$1,246,600 upon net estates of $4,000,000; and upon net estates in excess of $4,000,000 and not in excess of $4,500,000, 46 per centum in addition of such excess.

"$1,476,600 upon net estates of $4,500,000; and upon net estates in excess of $4,500,000 and not in excess of $5,000,000, 48 per centum in addition of such excess.

"$1,716,600 upon net estates of $5,000,000; and upon net estates in excess of $5,000,000 and not in excess of $6,000,000, 50 per centum in addition of such excess.

"$2,216,600 upon net estates of $6,000,000; and upon net estates in excess of $6,000,000 and not in excess of $7,000,000, 52 per centum in addition of such excess.

"$2,736,600 upon net estates of $7,000,000; and upon net estates in excess of $7,000,000 and not in excess of $8,000,000, 54 per centum in addition of such excess.

"$3,276,600 upon net estates of $8,000,000; and upon net estates in excess of $8,000,000 and not in excess of $9,000,000, 56 per centum in addition of such excess.

"$3,836,600 upon net estates of $9,000,000; and upon net estates in excess of $9,000,000 and not in excess of $10,000,000, 58 per centum in addition of such excess.

"$4,416,600 upon net estates of $10,000,000; and upon net estates in excess of $10,000,000, 60 per centum in addition of such excess."

(b) The amendment made by this section shall be effective only with respect to transfers of estates of decedents dying after the date of the enactment of this Act.

SEC. 406. NONDEDUCTIBILITY OF CERTAIN TRANSFERS.

Nondeductibility of certain transfers. Vol. 44, p. 72.

Section 303(a) (3) and section 303(b) (3) of the Revenue Act of 1926, as amended, are amended by inserting after "individual", wherever appearing therein, a comma and the following: "and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation".

TITLE III—AMENDMENTS TO PRIOR ACTS AND MISCELLANEOUS

AMENDMENTS TO PRIOR ACTS AND MISCELLANEOUS.

SEC. 501. PERIOD FOR PETITION TO BOARD UNDER PRIOR ACTS.

Petition to Board of Tax Appeals.

Time for, extended. Vol. 44, pp. 55, 75; Vol. 47, p. 250.

Section 274(a) of the Revenue Act of 1926, section 308(a) of the Revenue Act of 1926, section 513(a) of the Revenue Act of 1932, and section 272(a) of the Revenue Act of 1928 and the Revenue Act of 1932 (relating to the period during which a taxpayer may petition the Board of Tax Appeals for redetermination of a deficiency), are amended by striking out "60 days" and inserting in lieu thereof "90 days"; by striking out "not counting Sunday as the sixtieth day" and inserting in lieu thereof "not counting Sunday or a legal

"Legal holiday in District of Columbia" added.

AMENDMENTS TO PRIOR ACTS AND MISCELLANEOUS.
Not retroactive.

holiday in the District of Columbia as the ninetieth day"; and by striking out "60-day" and inserting in lieu thereof "90-day". The amendments made by this section shall apply only in respect of notices mailed after 30 days after the date of the enactment of this Act.

Recovery of amounts erroneously refunded.
Vol. 45, p. 875.

SEC. 502. RECOVERY OF AMOUNTS ERRONEOUSLY REFUNDED.

(a) Section 610 of the Revenue Act of 1928 is amended by adding at the end thereof a new subsection to read as follows:

Time for bringing suit extended.

"(c) Despite the provisions of subsections (a) and (b) such suit may be brought at any time within five years from the making of the refund if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact."

Barred suits.

(b) The amendment made by subsection (a) of this section shall not apply to any suit which was barred on the date of the enactment of this Act.

Statute of limitations on suits for refund.

SEC. 503. STATUTE OF LIMITATIONS ON SUITS FOR REFUND.

Period for filing suspended.
Vol. 45, p. 874.

Section 608(b)(2) of the Revenue Act of 1928 is amended by adding at the end thereof a new sentence to read as follows: "If such agreement has been entered into, the running of such statute of limitations shall be suspended in accordance with the terms of the agreement."

Overpayments found by Board.
Credit or refund.
Vol. 47, p. 243; Vol. 45, p. 861.

SEC. 504. OVERPAYMENTS FOUND BY THE BOARD OF TAX APPEALS.

(a) The last sentence of section 322(d) of the Revenue Act of 1932 and of the Revenue Act of 1928 are amended to read as follows: "No such credit or refund shall be made of any portion of the tax unless the Board determines as part of its decision that it was paid within two years before the filing of the claim or the filing of the petition, whichever is earlier."

Running of the statute of limitation.
Vol. 47, p. 259.

(b) The last sentence of section 528(d) of the Revenue Act of 1932 is amended to read as follows: "No such credit or refund shall be made of any portion of the tax unless the Board determines as part of its decision that it was paid within three years before the filing of the claim or the filing of the petition, whichever is earlier."

Refund restrictions.
Vol. 46, p. 67.

(c) The last sentence of section 284(e) of the Revenue Act of 1926, as amended, is amended to read as follows: "Unless the Board determines as part of its decision that the claim for credit or refund, or the petition, was filed within the time prescribed in subdivision (g) for filing claims, no such credit or refund shall be made of any portion of the tax unless the Board determines as part of its decision that it was paid within four years (or, in the case of a tax imposed by this title, within three years) before the filing of the claim or the filing of the petition, whichever is earlier."

Refund only when payment made within four years.

(d) The last sentence of section 319(c) of the Revenue Act of 1926, as amended, is amended to read as follows: "No such refund shall be made of any portion of the tax unless the Board determines as part of its decision that it was paid within four years (or in the case of a tax imposed by this title, within three years) before the filing of the claim or the filing of the petition, whichever is earlier."

Pending, etc., cases.

(e) The amendments made by subsections (a), (b), (c), and (d) of this section shall have no effect in the case of any proceeding before the Board on a petition if any hearing by the Board thereon has been held prior to 30 days after the date of the enactment of this Act.

AMENDMENTS TO PRIOR ACTS AND MISCELLANEOUS.

SEC. 505. BANKRUPTCY AND RECEIVERSHIPS.

Bankruptcy and receiverships.

Vol. 47, p. 237; Vol. 45, p. 856; Vol. 44, p. 62, amended.

(a) Section 274(a) of the Revenue Act of 1932 and the Revenue Act of 1928 and section 282(a) of the Revenue Act of 1926 are amended by inserting after the first sentence thereof the following:

"In such cases the trustee in bankruptcy or receiver shall give notice in writing to the Commissioner of the adjudication of bankruptcy or the appointment of the receiver, and the running of the statute of limitations on the making of assessments shall be suspended for the period from the date of adjudication in bankruptcy or the appointment of the receiver to a date 30 days after the date upon which the notice from the trustee or receiver is received by the Commissioner; but the suspension under this sentence shall in no case be for a period in excess of two years."

Assessment of tax deficiency.

Procedure; running of statute of limitations suspended.

(b) The amendments made by subsection (a) shall not apply in any case in which the adjudication has occurred, or the receiver has been appointed, prior to the date of the enactment of this Act.

Inapplicable cases.

SEC. 506. RETROACTIVITY OF REGULATIONS, RULINGS, ETC.

Retroactivity of rulings.

Vol. 46, p. 114.

Section 1108(a) of the Revenue Act of 1926, as amended, is amended to read as follows:

"(a) The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect."

Determination as to extent internal revenue laws apply without retroactive effect.

SEC. 507. EXAMINATION OF BOOKS AND WITNESSES.

Examination of books and witnesses.

Powers conferred on Commissioner, etc., as to.

The Commissioner, for the purpose of determining the liability at law or in equity of a transferee of the property of any person with respect to any Federal taxes imposed upon such person, is hereby authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon such liability, and may require the attendance of the transferor or transferee, or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter, with power to administer oaths to such person or persons.

SEC. 508. SALE OF PERSONAL PROPERTY UNDER DISTRAINT.

Sale of personal property under distraint.

R.S., sec. 3192, p. 613.

Section 3192 of the Revised Statutes is amended to read as follows:

"SEC. 3192. When any personal property is advertised for sale under distraint as aforesaid, the officer making the seizure shall proceed to sell such property at a public auction, offering the same at a minimum price, including the expenses of making the levy and of advertising the sale, and if the amount bid for such property at the sale is not equal to the minimum price so fixed, the officer conducting the sale may declare the same to be purchased by him for the United States. The property so purchased may be sold by the collector within whose district the sale was made under such regulations as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. The collector shall render to the Commissioner a distinct account of all charges incurred in such sales, and, in case of resale, shall pay into the Treasury the proceeds as provided in section 3210 of the Revised Statutes, as amended."

Purchase by U.S., of property seized when bid offered below price, etc.

Resale provisions.

Accounting.

R.S., sec. 3210, p. 617.

SEC. 509. DISCHARGE OF LIENS.

Discharge of liens.

R.S., sec. 3186, p. 612; Vol. 43, p. 994.

Section 3186(c) of the Revised Statutes, as amended, is amended by adding at the end thereof the following new paragraph:

AMENDMENTS TO PRIOR ACTS AND MISCELLANEOUS.
Part payments.

"(4) May issue a certificate of discharge of any part of the property subject to the lien if there is paid over to the collector in part satisfaction of the liability in respect of such tax an amount determined by the Commissioner, which shall not be less than the value, as determined by him, of the interest of the United States in the part to be so discharged. In determining such value the Commissioner shall give consideration to the fair market value of the part to be so discharged and to such liens thereon as have priority to the lien of the United States."

Fair market value to determine.

Jeopardy assessments.

SEC. 510. JEOPARDY ASSESSMENTS.

Vol. 47, p. 287, amended.

Section 1105 of the Revenue Act of 1932 is amended to read as follows:

"SEC. 1105. JEOPARDY ASSESSMENT.

Immediate assessment, etc., if collection jeopardized by delay.

"(a) If the Commissioner believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal-revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful without regard to the period prescribed in section 3187 of the Revised Statutes, as amended.

Payment immediately due.

Collection by distraint upon failure to pay.

R.S., sec. 3187, p. 612.

Postponement, when security provided.

"(b) The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of the amount collection of which is stayed, at the time at which, but for this section, such amount would be due."

Gifts of property subject to power.

SEC. 511. GIFTS OF PROPERTY SUBJECT TO POWER.

Vol. 47, p. 245, repealed.

Subsection (c) of section 501 of the Revenue Act of 1932 (relating to the inapplicability of gift tax in the case of the transfer of property in trust subject to the power of the donor to revest title in himself) is repealed.

General Counsel for the Treasury.

SEC. 512. GENERAL COUNSEL FOR THE TREASURY.

Appointment by the President, etc.

Post, p. 1059.

(a) There is hereby created in the Department of the Treasury the office of General Counsel for the Department of the Treasury (hereinafter in this section referred to as the "General Counsel"). The General Counsel shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of $10,000 per annum. The General Counsel shall be the chief law officer of the department, and shall perform such duties in respect of the legal activities thereof as may be prescribed by the Secretary or required by law. The President is authorized to appoint, by and with the advice and consent of the Senate, an Assistant General Counsel for the Bureau of Internal Revenue and to fix his compensation at a rate not in excess of $10,000 per annum. The Secretary may appoint and fix the duties of such other Assistant General Counsel (not to exceed five) and such other officers and employees as he may deem necessary to assist the General Counsel in the performance of his duties. The Secre-

Compensation.

To be chief law officer of the department.

Assistant General Counsel for Bureau of Internal Revenue authorized.

Other Assistant Counsel to be appointed by the Secretary.

AMENDMENTS TO PRIOR ACTS AND MISCELLANEOUS.

tary may designate one of the Assistant General Counsel to act as the General Counsel during the absence of the General Counsel. The General Counsel, with the approval of the Secretary, is authorized to delegate to any Assistant General Counsel any authority, duty, or function which the General Counsel is authorized or required to exercise or perform. The Assistant General Counsel appointed by the Secretary may be appointed and compensated without regard to the provisions of the Classification Act of 1923, as amended, and the Civil Service laws and shall receive compensation at such rate (not in excess of $10,000 per annum) as may be fixed by the Secretary. The rate of compensation of any person appointed under the provisions of this subsection shall be subject to the reduction applicable to officers and employees of the Federal Government generally.

Designated offices abolished.

(b) The offices of General Counsel for the Bureau of Internal Revenue, Assistant General Counsel for the Bureau of Internal Revenue, Solicitor of the Treasury, and Assistant Solicitor of the Treasury are hereby abolished. The powers, duties, and functions of such offices are hereby transferred to the General Counsel. This subsection shall take effect when the General Counsel first appointed under subsection (a) qualifies and takes office.

Powers, etc., transferred to the General Counsel; effective date.

Existing powers of Department of Justice not hereby affected.

(c) Nothing in this section shall be construed to affect the duties, powers, or functions imposed upon, or vested in the Department of Justice, or any officer thereof, by existing law.

Assistants in the Treasury.

SEC. 513. ASSISTANTS IN THE TREASURY.

Appointment.

The Secretary of the Treasury is authorized (without regard to the Classification Act of 1923, as amended, and the Civil Service laws) to appoint and fix the compensation of five assistants at rates of compensation of not to exceed $10,000 per annum, but the rates so fixed shall be subject to the reduction applicable to officers and employees of the Federal Government generally. The Secretary is authorized to delegate to such assistants any authority, duty, or function which he is authorized or required to exercise or perform. Whenever the President declares by Executive order that the emergency requiring the appointments under this section has ceased to exist, the persons appointed under this section shall cease to hold office under this section, and the power of the Secretary under this section shall terminate.

Pay.

Duties to be prescribed.

Termination, by Executive order.

Penalties and awards with respect to illegally produced petroleum.

SEC. 514. PENALTIES AND AWARDS TO INFORMERS WITH RESPECT TO ILLEGALLY PRODUCED PETROLEUM.

Special additional penalties for willful failure to report income.

(a) Any person liable for tax on any income from illegally produced petroleum, who willfully fails to make return showing such income within the time prescribed by law or 30 days after the enactment of this Act, whichever expires later, shall, in addition to all other penalties prescribed by law, be liable to a civil penalty of $500 plus $50 for each day during which such failure continues.

Reward authorized.

(b) Any person not an officer or employee of the United States who furnishes to the Commissioner or any collector original information leading to the recovery from any other person of any penalty under this section may be awarded and paid by the Commissioner a compensation of one-half the penalty so recovered, as determined by the Commissioner.

"Income from illegally produced petroleum" defined.

(c) As used in this section, the term "income from illegally produced petroleum" means any income (not shown on a return made within the time prescribed by law or 30 days after the enactment of this Act, whichever expires later) arising out of any sale or purchase of crude petroleum withdrawn from the ground subsequent to

AMENDMENTS TO PRIOR ACTS AND MISCELLANEOUS.

January 1, 1932, in violation of any State or Federal law (not including withdrawal in violation of any code of fair competition approved under the National Industrial Recovery Act or illegal withdrawal the penalties for which have been mitigated or satisfied in pursuance of law prior to the enactment of this Act), or arising out of any fee derived from acting as agent for any seller or purchaser in connection with a sale or purchase of such petroleum or products thereof, or any amount illegally received by any person charged with the enforcement of law with respect to such petroleum or products thereof.

Postal rates, etc.

SEC. 515. POSTAL RATES.

Increase, extended to July 1, 1935. Vol. 47, p. 285; *Ante*, p. 254.

Section 1001(a), as amended, of the Revenue Act of 1932, and section 2 of the Act entitled "An Act to extend the gasoline tax for one year, to modify postage rates on mail matter, and for other purposes", approved June 16, 1933, are amended by striking out "1934" wherever such date appears and inserting in lieu thereof "1935".

Commissioner as party to suit. Vol. 44, p. 107.

SEC. 516. COMMISSIONER AS PARTY TO SUIT.

Section 907 of the Revenue Act of 1924, as amended, is amended by adding at the end thereof a new subdivision to read as follows:

Substitution of successor's name not required hereafter.

"(g) When the incumbent of the office of Commissioner changes, no substitution of the name of his successor shall be required in proceedings pending after the date of the enactment of the Revenue Act of 1934 before any appellate court reviewing the action of the Board."

Nondeductibility of certain gifts. Community chests, domestic, religious, etc., corporations, etc. Vol. 47, p. 248.

SEC. 517. NONDEDUCTIBILITY OF CERTAIN GIFTS.

(a) Section 505(a) (2) (B) and section 505(b) (2) of the Revenue Act of 1932 are amended by inserting after "individual" a comma and the following: "and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation".

(b) Section 505(b) (3) of the Revenue Act of 1932 is amended by inserting after "animals" a comma and the following: "no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation".

Liability of fiduciary.

SEC. 518. LIABILITY OF FIDUCIARY.

R.S., sec. 3467, p. 687; U.S.C., p. 986. Personal liability for U.S. claims where other debts preferred.

(a) Section 3467 of the Revised Statutes (U.S.C., title 31, ch. 6, sec. 192) is amended to read as follows:

"SEC. 3467. Every executor, administrator, or assignee, or other person, who pays, in whole or in part, any debt due by the person or estate for whom or for which he acts before he satisfies and pays the debts due to the United States from such person or estate, shall become answerable in his own person and estate to the extent of such payments for the debts so due to the United States, or for so much thereof as may remain due and unpaid."

Decisions to cover payments after June 6, 1932.

(b) The amendment made by subsection (a) shall be applicable in the case of payments made after June 6, 1932.

Venue for appeals from Board of Tax Appeals. Vol. 44, p. 110.

SEC. 519. VENUE FOR APPEALS FROM BOARD OF TAX APPEALS.

(a) Section 1002 of the Revenue Act of 1926 is amended to read as follows:

"VENUE

Review by circuit court of appeals.

"SEC. 1002. (a) Except as provided in subdivision (b), such decision may be reviewed by the Circuit Court of Appeals for the circuit in which is located the collector's office to which was made the return

of the tax in respect of which the liability arises or, if no return was made, then by the Court of Appeals of the District of Columbia.

AMENDMENTS TO PRIOR ACTS AND MISCELLANEOUS.

"(b) Notwithstanding the provisions of subsection (a), such decision may be reviewed by any Circuit Court of Appeals, or the Court of Appeals of the District of Columbia, which may be designated by the Commissioner and the taxpayer by stipulation in writing."

(b) Section 1002 of the Revenue Act of 1926, as amended by this section, shall be applicable to all decisions of the Board rendered on or after the date of the enactment of this Act, and such section, as in force prior to its amendment by this section, shall be applicable to such decisions rendered prior thereto, except that subdivision (b) thereof may be applied to any such decision rendered prior thereto.

SEC. 520. GIFT TAX RATES.

Gift taxes.

(a) The gift-tax schedule set forth in section 502 of the Revenue Act of 1932 is amended to read as follows:

Schedule. Vol. 47, p. 246, amended.

"Upon net gifts not in excess of $10,000, three fourths of 1 per centum.

"$75 upon net gifts of $10,000; and upon net gifts in excess of $10,000 and not in excess of $20,000, 1½ per centum in addition of such excess.

"$225 upon net gifts of $20,000; and upon net gifts in excess of $20,000 and not in excess of $30,000, 2¼ per centum in addition of such excess.

"$450 upon net gifts of $30,000; and upon net gifts in excess of $30,000 and not in excess of $40,000, 3 per centum in addition of such excess.

"$750 upon net gifts of $40,000; and upon net gifts in excess of $40,000 and not in excess of $50,000, 3¾ per centum in addition of such excess.

"$1,125 upon net gifts of $50,000; and upon net gifts in excess of $50,000 and not in excess of $70,000, 5¼ per centum in addition of such excess.

"$2,175 upon net gifts of $70,000; and upon net gifts in excess of $70,000 and not in excess of $100,000, 6¾ per centum in addition of such excess.

"$4,200 upon net gifts of $100,000; and upon net gifts in excess of $100,000 and not in excess of $200,000, 9 per centum in addition of such excess.

"$13,200 upon net gifts of $200,000; and upon net gifts in excess of $200,000 and not in excess of $400,000, 12 per centum in addition of such excess.

"$37,200 upon net gifts of $400,000; and upon net gifts in excess of $400,000 and not in excess of $600,000, 14¼ per centum in addition of such excess.

"$65,700 upon net gifts of $600,000; and upon net gifts in excess of $600,000 and not in excess of $800,000, 16½ per centum in addition of such excess.

"$98,700 upon net gifts of $800,000; and upon net gifts in excess of $800,000 and not in excess of $1,000,000, 18¾ per centum in addition of such excess.

"$136,200 upon net gifts of $1,000,000; and upon net gifts in excess of $1,000,000 and not in excess of $1,500,000, 21 per centum in addition of such excess.

"$241,200 upon net gifts of $1,500,000; and upon net gifts in excess of $1,500,000 and not in excess of $2,000,000, 23¼ per centum in addition of such excess.

AMENDMENTS TO PRIOR ACTS AND MISCELLANEOUS.—Contd. Gift taxes.

"$357,450 upon net gifts of $2,000,000; and upon net gifts in excess of $2,000,000 and not in excess of $2,500,000, 25½ per centum in addition of such excess.

"$484,950 upon net gifts of $2,500,000; and upon net gifts in excess of $2,500,000 and not in excess of $3,000,000, 27¾ per centum in addition of such excess.

"$623,700 upon net gifts of $3,000,000; and upon net gifts in excess of $3,000,000 and not in excess of $3,500,000, 30 per centum in addition of such excess.

"$773,700 upon net gifts of $3,500,000; and upon net gifts in excess of $3,500,000 and not in excess of $4,000,000, 32¼ per centum in addition of such excess.

"$934,950 upon net gifts of $4,000,000; and upon net gifts in excess of $4,000,000 and not in excess of $4,500,000, 34½ per centum in addition of such excess.

"$1,107,450 upon net gifts of $4,500,000; and upon net gifts in excess of $4,500,000 and not in excess of $5,000,000, 36 per centum in addition of such excess.

"$1,287,450 upon net gifts of $5,000,000; and upon net gifts in excess of $5,000,000 and not in excess of $6,000,000, 37½ per centum in addition of such excess.

"$1,662,450 upon net gifts of $6,000,000; and upon net gifts in excess of $6,000,000 and not in excess of $7,000,000, 39 per centum in addition of such excess.

"$2,052,450 upon net gifts of $7,000,000; and upon net gifts in excess of $7,000,000 and not in excess of $8,000,000, 40½ per centum in addition of such excess.

"$2,457,450 upon net gifts of $8,000,000; and upon net gifts in excess of $8,000,000 and not in excess of $9,000,000, 42 per centum in addition of such excess.

"$2,877,450 upon net gifts of $9,000,000; and upon net gifts in excess of $9,000,000 and not in excess of $10,000,000, 43½ per centum in addition of such excess.

"$3,312,450 upon net gifts of $10,000,000; and upon net gifts in excess of $10,000,000, 45 per centum in addition of such excess."

New rates to apply to gifts, etc., made in calendar year 1935 and thereafter.

(b) The amendment made by subsection (a) of this section shall be applied in computing the tax for the calendar year 1935 and each calendar year thereafter (but not the tax for the calendar year 1934 or a previous calendar year), and such amendment shall be applied in all computations in respect of the calendar year 1934 and previous calendar years for the purpose of computing the tax for the calendar year 1935 or any calendar year thereafter.

EXCISE TAXES.

TITLE IV—EXCISE TAXES

Soft drink tax.

SEC. 601. TERMINATION OF SOFT DRINK TAX.

Termination of. Vol. 47, p. 264.

No tax shall be imposed under section 615 of the Revenue Act of 1932 on the sale or use of any article if such sale or use takes place after the date of the enactment of this Act.

Tax on certain oils.

SEC. 602. TAX ON CERTAIN OILS.

Vol. 47, p. 261, amended.

Section 601(c) of the Revenue Act of 1932 is amended by adding at the end thereof a new paragraph as follows:

Whale, etc., oils.

"(8) Whale oil (except sperm oil), fish oil (except cod oil, cod-liver oil, and halibut-liver oil), marine animal oil, and any combination or mixture containing a substantial quantity of any one or more of such oils, 3 cents per pound. The tax on the articles described in this paragraph shall apply only with respect

Application, etc.

to the importation of such articles after the date of the enactment of the Revenue Act of 1934, and shall not be subject to the provisions of subsection (b)(4) of this section (prohibiting drawback) or section 629 (relating to expiration of taxes)."

SEC. 602½. PROCESSING TAX ON CERTAIN OILS.

Processing tax on certain oils.

Designated oils, having no previous domestic processing.

(a) There is hereby imposed upon the first domestic processing of coconut oil, sesame oil, palm oil, palm kernal[1] oil, or sunflower oil, or of any combination or mixture containing a substantial quantity of any one or more of such oils with respect to any of which oils there has been no previous first domestic processing, a tax of 3 cents per pound, to be paid by the processor. There is hereby imposed (in addition to the tax imposed by the preceding sentence) a tax of 2 cents per pound, to be paid by the processor, upon the first domestic processing of coconut oil or of any combination or mixture containing a substantial quantity of coconut oil with respect to which oil there has been no previous first domestic processing, except that the tax imposed by this sentence shall not apply when it is established, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, that such coconut oil (whether or not contained in such a combination or mixture), (A) is wholly the production of the Philippine Islands or any other possession of the United States, or (B) was produced wholly from materials the growth or production of the Philippine Islands or any other possession of the United States, or (C) was brought into the United States on or before the 30th day after the date of the enactment of this Act or produced from materials brought into the United States on or before the 30th day after the date of enactment of this Act, or (D) was purchased under a bona fide contract entered into prior to April 26, 1934, or produced from materials purchased under a bona fide contract entered into prior to April 26, 1934. All taxes collected under this section with respect to coconut oil wholly of Philippine production or produced from materials wholly of Philippine growth or production, shall be held as a separate fund and paid to the Treasury of the Philippine Islands, but if at any time the Philippine Government provides by any law for any subsidy to be paid to the producers of copra, coconut oil, or allied products, no further payments to the Philippine Treasury shall be made under this subsection. For the purposes of this section the term "first domestic processing" means the first use in the United States, in the manufacture or production of an article intended for sale, of the article with respect to which the tax is imposed, but does not include the use of palm oil in the manufacture of tin plate.

Additional, on first processing of coconut oil, etc.

Exemptions.

When wholly of Philippine production, etc.

Or from materials of island, etc., possessions.

Entry before effective date.

Contract purchases before April 26, 1924.

Taxes under this section from Philippines held as separate fund and paid to Philippine treasury.

Inoperative if Philippine Government pays subsidy on copra, etc.

"First domestic processing" defined.

(b) Each processor required to pay the tax imposed by this section shall make monthly returns under oath in duplicate and pay the tax to the collector of internal revenue for the district in which is located his principal place of business, or if he has no principal place of business in the United States, then to the collector of internal revenue at Baltimore, Maryland. Such returns shall contain such information and be made at such times and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulations prescribe. The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector at the time so fixed for filing the return. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 1 per centum per month from the time the tax became due until paid.

Sworn returns, tax payments, etc., required.

Information required.

Penalty for nonpayment.

[1] So in original.

EXCISE TAXES. Credits for sales to Government.

(c) Subject to such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe, any person who has sold to a State, or a political subdivision thereof, for use in the exercise of an essential governmental function any article containing any such oil, combination, or mixture, upon the processing of which a tax has been paid under this section shall be entitled to a credit or refund of the tax paid with respect to the quantity of such oil, combination, or mixture contained in such article.

Export bounties.

(d) Upon the exportation to any foreign country or to a possession of the United States of any article wholly or in chief value of an article with respect to the processing of which a tax has been paid under this section, the exporter thereof shall be entitled to a refund of the amount of such tax. Upon the giving of bond satisfactory to the Secretary for faithful observance of the provisions of this section requiring the payment of taxes, any person shall be entitled, without payment of the tax, to process for such exportation any article with respect to which a tax is imposed by this section.

Processing, under bond.

Sales under prior contracts.

(e) If (1) any person has, prior to January 26, 1934, made a bona fide contract for the sale on or after the effective date of this section of any article wholly or in chief value of an article with respect to which a tax is imposed by this section or of any article with respect to which a tax is imposed by this subsection, and if (2) such contract does not permit the addition to the amount to be paid thereunder of the whole of such tax, then (unless the contract expressly prohibits such addition) the vendee shall pay so much of the tax as is not permitted to be added to the contract price. Taxes payable by the vendee shall be paid to the vendor at the time the sale is consummated and shall be returned and paid to the United States by the vendor in the same manner as other taxes under this section. In case of failure or refusal by the vendee to pay such taxes to the vendor, the vendor shall report the facts to the Commissioner, who shall cause collection of such taxes to be made from the vendee.

Collection of taxes under.

Existing provisions continued.
Vol. 44, p. 93.

(f) All provisions of law (including penalties) applicable in respect of taxes imposed by section 600 of the Revenue Act of 1926, shall, insofar as applicable and not inconsistent with this section, be applicable in respect of the taxes imposed by this section.

All collections covered in.

(g) All collections except as provided in subsection (a) under this section shall, notwithstanding any other provisions of law, be covered into the general fund of the Treasury of the United States.

Lubricating oil and gasoline.

SEC. 603. TAXES ON LUBRICATING OIL AND GASOLINE.

Registration, filing bond, etc., required of dealers.
Vol. 47, p. 259.

(a) Section 601(c)(1) of the Revenue Act of 1932, as amended, is amended by adding after the first sentence thereof the following: "Every person liable for tax under this paragraph shall register and file bond as provided in section 617, as amended."

Gasoline.
Vol. 47, p. 266.

(b) Sections 617(a) and (b) of the Revenue Act of 1932, as amended, are amended to read as follows:

Rate.

"(a) There is hereby imposed on gasoline sold by the producer or importer thereof, or by any producer of gasoline, a tax of 1 cent a gallon, except that under regulations prescribed by the Commissioner with the approval of the Secretary the tax shall not apply in the case of sales to a producer of gasoline.

Exception.

Producer or importer using tax-free gasoline; considered a sale.

"(b) If a producer or importer uses (otherwise than in the production of gasoline) gasoline sold to him free of tax, or produced or imported by him, such use shall for the purposes of this title be considered a sale. Any person to whom gasoline is sold tax-free under this section on or after the effective date of the Revenue Act of 1932 shall be considered the producer of such gasoline."

Producer construed.
Vol. 47, p. 266.

EXCISE TAXES.

(c) Effective on the thirtieth day after the enactment of this Act, section 617(c)(2) of the Revenue Act of 1932, as amended, is further amended to read as follows:

Definition of gasoline modified.

"(2) the term gasoline means (A) all products commonly or commercially known or sold as gasoline (including casinghead and natural gasoline), benzol, benzene, or naphtha, regardless of their classifications or uses; and (B) any other liquid of a kind prepared, advertised, offered for sale or sold for use as, or used as, a fuel for the propulsion of motor vehicles, motor boats, or airplanes; except that it does not include any of the foregoing (other than products commonly or commercially known or sold as gasoline) sold for use otherwise than as a fuel for the propulsion of motor vehicles, motor boats, or airplanes, and otherwise than in the manufacture or production of such fuel, and does not include kerosene, gas oil, or fuel oil."

Any other liquid motor fuel.

Exception.

(d) Section 617 of the Revenue Act of 1932, as amended, is amended by adding at the end thereof the following subsections:

Vol. 47, p. 267, amended.

Registration and bonding of manufacturers and producers of gasoline and lubricating oil.

"(d) Every person subject to tax under this section or section 601(c)(1) shall, before the thirtieth day after the date of the enactment of the Revenue Act of 1934 (or in the case of a person commencing business after such day before incurring any liability for tax under such sections) register with the collector for the district in which is located his principal place of business (or, if he has no principal place of business in the United States, with the collector at Baltimore, Maryland) and shall give a bond, to be approved by such collector, conditioned that he shall not engage in any attempt, by himself or by collusion with others, to defraud the United States of any tax under such sections; that he shall render truly and completely all returns, statements, and inventories required by law or regulations in pursuance thereof and shall pay all taxes due under such sections; and that he shall comply with all requirements of law and regulations in pursuance thereof with respect to tax under such sections. Such bond shall be in such sum as the collector may require in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, but not less than $2,000. The collector may from time to time require new or additional bond in accordance with this subsection. Every person who fails to register or give bond as required by this subsection, or who in connection with any purchase of gasoline or lubricating oil falsely represents himself to be registered and bonded as provided by this subsection, or who willfully makes any false statement in an application for registration under this subsection, shall upon conviction thereof be fined not more than $5,000 or imprisoned not more than five years, or both, together with the costs of prosecution. If the Commissioner finds that any manufacturer or producer has at any time evaded any Federal tax on gasoline or lubricating oil, he may revoke the registration of such manufacturer or producer, and no sale to, or for resale to, such manufacturer or producer thereafter shall be tax-free under section 601(c)(1), this section, or section 620, as amended, but such manufacturer or producer shall not be relieved of the requirement of giving bond under this subsection.

Furnishing information.

Security required.

Penalty provisions.

Revocation of registration.

Vol. 47, pp. 259, 267.

"(e) Under regulations prescribed by the Commissioner with the approval of the Secretary, records required to be kept with respect to taxes under section 601(c)(1), as amended, or this section, and returns, reports, and statements with respect to such taxes filed with the Commissioner or a collector, shall be open to inspection by such officers of any State or Territory or political

Returns, reports, etc., open to inspection of Government officers.

EXCISE TAXES.

subdivision thereof or the District of Columbia as shall be charged with the enforcement or collection of any tax on gasoline or lubricating oils. The Commissioner and each collector shall furnish to any of such officers, upon written request, certified copies of any such statements, reports, or returns filed in his office upon the payment of a fee of $1 for each one hundred words or fraction thereof in the copy or copies requested."

Copies furnished.

Producers' tax on crude petroleum.

SEC. 604. PRODUCERS' TAX ON CRUDE PETROLEUM.

Payment by producer.

(a) There is hereby imposed on crude petroleum sold by the producer thereof, a tax of one-tenth of 1 cent per barrel of 42 gallons, to be paid by the producer. Under regulations prescribed by the Commissioner, with the approval of the Secretary, such tax shall not apply to crude petroleum produced from any well which is not capable of producing more than 5 barrels per day.

Wells producing 5 barrels or less per day exempt.

Method of collecting.

(b) Every person purchasing crude petroleum from the producer thereof, and taking delivery thereof at the premises where produced, shall collect the tax imposed by subsection (a) from the producer. Every such purchaser, and every producer liable for any tax under this section not so collected from him, shall make monthly returns under oath and pay such taxes to the collector for the district in which are located the premises where such crude petroleum was produced. Such returns shall contain such information and be made at such times and in such manner as the Commissioner, with the approval of the Secretary, may by regulations prescribe.

Monthly returns.

(c) Every purchaser required to collect any tax under this section shall make such collection by deducting and withholding the amount of such tax from any payments made by such purchaser to the producer. Every such purchaser is hereby indemnified against the claims and demands of such producer for the amount of any payments made in accordance with the provisions of this section.

Security, bond required.

(d) The Commissioner, with the approval of the Secretary, may require such bond or other security from any person subject to any provision of this section as he deems necessary for the protection of the revenue and to assure compliance with this section and other provisions of law applicable with respect to the tax imposed by this section, and may prescribe the form and conditions thereof, provide for the approval of the sureties thereon (without regard to any general provision of law), fix the amount and penalty thereof (whether for the payment of liquidated damages or of a penal sum), and authorize the cancellation of any such bond, in the event of a breach of any condition thereof, upon the payment of such lesser amount as he may deem sufficient. Any person willfully failing to comply with any such requirement shall, upon conviction, be fined not more than $1,000, or imprisoned not more than six months, or both.

Form and conditions thereof.

Punishment for violation.

Operator to keep records, make reports, etc.

(e) In addition to records and reports otherwise required by law or regulation, every working interest operator of a well producing crude petroleum or otherwise taking crude petroleum from the earth or waters thereof (whether or not the producer as defined in this section) shall keep such records and make such reports with respect to production and disposition of crude petroleum, at such time and in such manner, as the regulations shall prescribe. Records, reports, and returns required under this section or any provision of law applicable with respect to tax under this section shall, wherever held, be open to inspection at all reasonable hours by any duly authorized representative of the Commissioner or any agency of the United States or any State having supervisory or regulatory powers over the production of crude petroleum.

Inspection of.

(f) For the purposes of this section—

EXCISE TAXES.
Operation constituting a sale.

(1) the refining of crude petroleum on the premises where produced, the removal of crude petroleum therefrom, or any transfer or other disposition of crude petroleum shall be considered a sale.

"Producer" defined.

(2) the term "producer" means the person owning crude petroleum or having any interest in or title to crude petroleum at the time of its production.

"Working interest operator".

(3) the term "working interest operator" means the person having the management and operation of a well.

Allowance for basic sediment and water in amount sold.

(4) the amount of crude petroleum produced shall be determined with allowance for any reasonable and bona fide deduction for basic sediment and water agreed upon by the producer and the purchaser for the purpose of determining the amount sold.

(g) The provisions of section 623 and sections 771 to 774, inclusive, of the Revenue Act of 1932 shall be applicable with respect to the tax imposed by this section.

Vol. 47, pp. 268, 277–278.

(h) This section shall take effect on the thirtieth day after the date of its enactment.

In effect in 30 days.

SEC. 605. TAX ON REFINING OF CRUDE PETROLEUM.

Refining crude petroleum.

(a) There is hereby imposed (1) on crude petroleum refined or processed in the United States, a tax of one-tenth of one cent per barrel of forty-two gallons, to be paid by the refiner or processor, and (2) on gasoline produced or recovered in the United States from natural gas a tax of one-tenth of one cent per barrel of forty-two gallons, to be paid by the person producing or recovering such gasoline.

Tax imposed, to be paid by the refiner, etc.

Gasoline produced from natural gas.

Sworn monthly returns to be made.

(b) Every person liable for tax under this section shall make monthly returns under oath in triplicate for each plant or refinery, and pay such taxes to the collector for the district in which such plant or refinery is located. Such returns shall contain such information and be made at such times and in such manner as the Commissioner with the approval of the Secretary may by regulations prescribe. The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector at the time fixed for filing the return. If the tax is not paid when due there shall be added as part of the tax interest at the rate of one per centum a month from the time when the tax becomes due until paid. Every refiner or processor shall (in addition to records otherwise required by law or regulation) keep such records as shall be prescribed by regulations under this section showing daily receipts, stocks, and disposals of crude petroleum and the names and addresses of the persons from whom received. Every person handling, transporting, storing, or dealing in any manner in crude petroleum shall keep such records and make such returns with respect to transactions in crude petroleum as shall be required by regulations under this section. Returns and records required under this section shall be open to inspection at all reasonable hours by any duly authorized representative of the Commissioner or any agency of the United States or any State having supervisory or regulatory powers over the production of crude petroleum.

Payment of tax.

Penalty for delinquency.

Record of daily receipts, stocks, disposals, etc.

Official inspection.

Meaning of term "gasoline".
Vol. 47, p. 267; *Ante*, p. 206.

(c) As used in this section, the term "gasoline" means gasoline as defined in section 617 of the Revenue Act of 1932, as amended.

Regulations to be prescribed.

(d) The Commissioner, with the approval of the Secretary, shall prescribe such regulations as he deems necessary for the enforcement of this section.

Existing law provisions continued.
Vol. 44, p. 93.

(e) All provisions of law (including penalties) applicable with respect to the taxes imposed by section 600 of the Revenue Act of 1926, shall, insofar as applicable and not inconsistent with this section, be applicable with respect to the taxes imposed by this section.

EXCISE TAXES. Effective date of section.

(f) This section shall take effect on the thirtieth day after the date of the enactment of this Act.

Tax on bank checks, etc.

SEC. 606. TERMINATION OF BANK CHECK TAX.

To terminate July 1, 1935. Vol. 47, p. 276.

Section 751, as amended, of the Revenue Act of 1932 is amended by striking out "July 1, 1935" and inserting in lieu thereof "January 1, 1935".

Enforcement of liability for taxes collected.

SEC. 607. ENFORCEMENT OF LIABILITY FOR TAXES COLLECTED.

Whenever any person is required to collect or withhold any internal-revenue tax from any other person and to pay such tax over to the United States, the amount of tax so collected or withheld shall be held to be a special fund in trust for the United States. The amount of such fund shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including penalties) as are applicable with respect to the taxes from which such fund arose.

Furs.

SEC. 608. TAX ON FURS.

Less than $75 value exempt. Vol. 47, p. 261.

The tax imposed by section 604 of the Revenue Act of 1932 shall not apply to articles sold by the manufacturer, producer, or importer, after the date of the enactment of this Act, for less than $75.

Jewelry, etc.

SEC. 609. TAX ON JEWELRY, ETC.

Tax not to apply to articles sold less than $25. Vol. 47, p. 261.

The tax imposed by section 605 of the Revenue Act of 1932 shall not apply to articles sold by the manufacturer, producer, or importer, after the date of the enactment of this Act, for less than $25.

Cigarettes. Vol. 44, p. 87, amended.

SEC. 610. TAX ON CIGARETTES.

Effective on the day following the date of the enactment of this Act, the last two paragraphs of section 400(a) of the Revenue Act of 1926 are amended to read as follows:

Rate on long, etc., modified.

"On cigarettes made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, $3 per thousand;

Weight.

"Weighing more than three pounds per thousand, $7.20 per thousand; except that if more than 6½ inches in length they shall be taxable at the rate provided in the preceding paragraph, counting each 2¾ inches (or fraction thereof) of the length of each as one cigarette."

Matches.

SEC. 611. TAX ON MATCHES.

Rate on fancy wooden, etc., increased. Vol. 47, p. 264, amended.

Effective on the day following the date of enactment of this Act, section 612 of the Revenue Act of 1932 (relating to the tax on matches), is amended by adding before the period at the end thereof a comma and the following: "and except that in the case of fancy wooden matches and wooden matches having a stained, dyed, or colored stick or stem, packed in boxes or in bulk, the tax shall be 5 cents per one thousand matches."

Stamp tax on sales of produce for future delivery.

SEC. 612. STAMP TAX ON SALES OF PRODUCE FOR FUTURE DELIVERY.

Rate reduced. Vol. 44, p. 102.

(a) Effective on the day following the enactment of this Act subdivision 4 of Schedule A of Title VIII of the Revenue Act of 1926, as amended, is amended by striking out "5 cents" wherever appearing in such subdivision, and inserting in lieu thereof "3 cents".

Contracts for future delivery.

(b) Section 726(c) of the Revenue Act of 1932 is amended by striking out "'5 cents'" and inserting in lieu thereof "'3 cents'".

EXCISE TAXES.
Foreign and domestic built boats.
Tax on use of, to terminate, June 30, 1934.

SEC. 613. TERMINATION OF TAX ON USE OF BOATS.

Section 761 of the Revenue Act of 1932, as amended, shall not apply to the use of any boat after June 30, 1934.

Candy.

SEC. 614. TERMINATION OF TAX ON CANDY.

Tax on repealed.
Vol. 47, p. 264, amended.

The tax imposed by section 613 of the Revenue Act of 1932 shall not apply to candy sold by the manufacturer, producer, or importer after the date of the enactment of this Act.

CAPITAL STOCK AND EXCESS-PROFITS TAXES.

TITLE V—CAPITAL STOCK AND EXCESS-PROFITS TAXES

Capital stock.

SEC. 701. CAPITAL STOCK TAX.

Excise tax imposed on domestic corporations.

(a) For each year ending June 30, beginning with the year ending June 30, 1934, there is hereby imposed upon every domestic corporation with respect to carrying on or doing business for any part of such year an excise tax of $1 for each $1,000 of the adjusted declared value of its capital stock.

Foreign corporations doing business in United States.

(b) For each year ending June 30, beginning with the year ending June 30, 1934, there is hereby imposed upon every foreign corporation with respect to carrying on or doing business in the United States for any part of such year an excise tax equivalent of $1 for each $1,000 of the adjusted declared value of capital employed in the transaction of its business in the United States.

Exemptions.
Ante, p. 700.

(c) The taxes imposed by this section shall not apply—

(1) to any corporation enumerated in section 101;

(2) to any insurance company subject to the tax imposed by section 201, 204, or 207;

Domestic corporations, for part of period; to June 30, 1934.

(3) to any domestic corporation in respect of the year ending June 30, 1934, if it did not carry on or do business during a part of the period from the date of the enactment of this Act to June 30, 1934, both dates inclusive; or

Foreign corporations.

(4) to any foreign corporation in respect of the year ending June 30, 1934, if it did not carry on or do business in the United States during a part of the period from the date of the enactment of this Act to June 30, 1934, both dates inclusive.

Sworn declaration to be made.

(d) Every corporation liable for tax under this section shall make a return under oath within one month after the close of the year with respect to which such tax is imposed to the collector for the district in which is located its principal place of business or, if it has no principal place of business in the United States, then to the collector at Baltimore, Maryland. Such return shall contain such information and be made in such manner as the Commissioner with the approval of the Secretary may by regulations prescribe. The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector before the expiration of the period for filing the return. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 1 per centum a month from the time when the tax became due until paid. All provisions of law (including penalties) applicable in respect of the taxes imposed by section 600 of the Revenue Act of 1926 shall, insofar as not inconsistent with this section, be applicable in respect of the taxes imposed by this section. The Commissioner may extend the time for making the returns and paying the taxes imposed by this section, under such rules and regulations as he may prescribe with the approval of the Secretary, but no such extension shall be for more than sixty days.

Information required.

Payment of tax.

Applicable provisions of existing law continued.
Vol. 44, p. 93.

Time may be extended.

CAPITAL STOCK AND EXCESS-PROFITS TAXES.
Returns open to official inspection.
Vol. 44, p. 10.

(e) Returns required to be filed for the purpose of the tax imposed by this section shall be open to inspection in the same manner, to the same extent, and subject to the same provisions of law, including penalties, as returns made under Title II of the Revenue Act of 1926.

Basis for capital stock tax.
Computation, for first year.

(f) For the first year ending June 30 in respect of which a tax is imposed by this section upon any corporation, the adjusted declared value shall be the value, as declared by the corporation in its first return under this section (which declaration of value cannot be amended), as of the close of its last income-tax taxable year ending at or prior to the close of the year for which the tax is imposed by this section (or as of the date of organization in the case of a corporation having no income-tax taxable year ending at or prior to the close of the year for which the tax is imposed by this section).

Subsequent years.

For any subsequent year ending June 30, the adjusted declared value in the case of a domestic corporation shall be the original declared value plus (1) the cash and fair market value of property paid in for stock or shares, (2) paid in surplus and contributions to capital, (3) its net income, (4) the excess of its income wholly exempt from the taxes imposed by Title I over the amount disallowed as a deduction by section 24(a) (5) of such title, and (5) the amount of the dividend deduction allowable for income tax purposes, and minus (A) the value of property distributed in liquidation to shareholders, (B) distributions of earnings or profits, and (C) the excess of the deductions allowable for income tax purposes over its gross income; adjustment being made for each income-tax taxable year included in the period from the date as of which the original declared value was declared to the close of its last income-tax taxable year ending at or prior to the close of the year for which the tax is imposed by this section. The amount of such adjustment for each such year shall be computed (on the basis of a separate return) according to the income tax law applicable to such year. For any subsequent year ending June 30, the adjusted declared value in the case of a foreign corporation shall be the original declared value adjusted (for the same income-tax taxable years as in the case of a domestic corporation), in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, to reflect increases or decreases in the capital employed in the transaction of its business in the United States.

Cash and fair market value paid in for stock, etc.
Paid in surplus, etc.
Net income.
Dividend deduction for income tax.
Minus property, earnings or profits, etc., distribution.
Adjustments made annually.

Excess-profits tax.

SEC. 702. EXCESS-PROFITS TAX.

Levy upon net income of corporation taxable under capital stock tax.
Computation.

(a) There is hereby imposed upon the net income of every corporation, for each income-tax taxable year ending after the close of the first year in respect of which it is taxable under section 701, an excess-profits tax equivalent to 5 per centum of such portion of its net income for such income-tax taxable year as is in excess of 12½ per centum of the adjusted declared value of its capital stock (or in the case of a foreign corporation the adjusted declared value of capital employed in the transaction of its business in the United States) as of the close of the preceding income-tax taxable year (or as of the date of organization if it had no preceding income-tax taxable year) determined as provided in section 701. If the income-tax taxable year in respect of which the tax under this section is imposed is a period of less than 12 months, such adjusted declared value shall be reduced to an amount which bears the same ratio thereto as the number of months in the period bears to 12 months. For the purposes of this section the net income shall be the same as the net income for income tax purposes for the year in respect of which the tax under this section is imposed.

Fraction of year.

(b) All provisions of law (including penalties) applicable in respect of the taxes imposed by Title I of this Act, shall, insofar as not inconsistent with this section, be applicable in respect of the tax imposed by this section, except that the provisions of section 131 of that title shall not be applicable.

CAPITAL STOCK AND EXCESS-PROFITS TAXES. Laws applicable.

Capital stock tax and excess-profits tax imposed by National Industrial Recovery Act.

SEC. 703. CAPITAL STOCK TAX AND EXCESS-PROFITS TAX IMPOSED BY NATIONAL INDUSTRIAL RECOVERY ACT.

Ante, p. 209.

Sections 217(d) and (e) of the National Industrial Recovery Act are amended to read as follows:

"(d) The capital-stock tax imposed by section 215 shall not apply to any taxpayer in respect of any year except the year ending June 30, 1933.

Levy under, as to certain periods covered herein, terminated.

"(e) The excess-profits tax imposed by section 216 shall not apply to any taxpayer in respect of any taxable year ending after June 30, 1934."

Ante, pp. 207, 208.

TITLE VI—GENERAL PROVISIONS

GENERAL PROVISIONS.

SEC. 801. DEFINITIONS.

Definitions.

(a) When used in this Act—

(1) The term "person" means an individual, a trust or estate, a partnership, or a corporation.

"Person."

(2) The term "corporation" includes associations, joint-stock companies, and insurance companies.

"Corporation."

(3) The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this Act, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

"Partnership."

"Partner."

(4) The term "domestic" when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State or Territory.

"Domestic."

(5) The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

"Foreign."

(6) The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

"Fiduciary."

(7) The term "withholding agent" means any person required to deduct and withhold any tax under the provisions of section 143 or 144.

"Withholding agent."

(8) The term "stock" includes the share in an association, joint-stock company, or insurance company.

"Stock."

(9) The term "shareholder" includes a member in an association, joint-stock company, or insurance company.

"Shareholder."

(10) The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

"United States."

(11) The term "Secretary" means the Secretary of the Treasury.

"Secretary."

(12) The term "Commissioner" means the Commissioner of Internal Revenue.

"Commissioner."

(13) The term "collector" means collector of internal revenue.

"Collector."

(14) The term "taxpayer" means any person subject to a tax imposed by this Act.

"Taxpayer."

GENERAL PROVISIONS.
"Includes" and "including."

(b) The terms "includes" and "including" when used in a definition contained in this Act shall not be deemed to exclude other things otherwise within the meaning of the term defined.

Separability clause.

SEC. 802. SEPARABILITY CLAUSE.

If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Effective date.

SEC. 803. EFFECTIVE DATE OF ACT.

Except as otherwise provided, this Act shall take effect upon its enactment.

Approved, May 10, 1934, 11.40 a.m.

[CHAPTER 278.]

May 10, 1934.
[S. 2460.]
[Public, No. 217.]

AN ACT

To limit the operation of statutes of limitations in certain cases.

Statute of limitations.
Return of new indictment after period prescribed by, has expired.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever an indictment is found defective or insufficient for any cause, after the period prescribed by the applicable statute of limitations has expired, a new indictment may be returned at any time during the next succeeding term of court following such finding, during which a grand jury thereof shall be in session.

If period will expire before end of next regular term.

SEC. 2. Whenever an indictment is found defective or insufficient for any cause, before the period prescribed by the applicable statute of limitations has expired, and such period will expire before the end of the next regular term of the court to which such indictment was returned, a new indictment may be returned not later than the end of the next succeeding term of such court, regular or special, following the term at which such indictment was found defective or insufficient, during which a grand jury thereof shall be in session.

Defense of statute not to prevail against new indictment.

SEC. 3. In the event of reindictment under the provisions of this Act the defense of the statute of limitations shall not prevail against the new indictment, any provision of law to the contrary notwithstanding.

Not applicable when statute has run.

SEC. 4. The provisions of this Act shall not apply to any indictment against which the statute of limitations has run at the date of approval hereof.

Approved, May 10, 1934.

[CHAPTER 279.]

May 11, 1934.
[S. 285.]
[Public, No. 218.]

AN ACT

To authorize the addition of certain lands to the Ochoco National Forest, Oregon.

Ochoco National Forest, Oreg.
Lands added to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following described public lands are hereby included in and made a part of the Ochoco National Forest, Oregon, subject to all the laws and regulations applicable to national forests, but such inclusion shall not affect any entry or vested rights acquired under the public land laws prior to the passage of this Act: The west half southeast quarter, and the southwest quarter section 7; the southwest quarter northeast quarter, the northwest quarter northwest quarter, the south

Prior rights not affected.

Description of added area.

half northwest quarter, the north half southwest quarter, the southeast quarter southwest quarter, the north half southeast quarter, and the southwest quarter southeast quarter section 17; the north half northeast quarter, the southwest quarter northeast quarter, the west half southeast quarter, and the west half section 18; and all of section 19; all in township 13 south, range 24 east, Willamette meridian.

Approved, May 11, 1934.

[CHAPTER 280.]

AN ACT

To amend the United States mining laws applicable to the Mount Hood National Forest within the State of Oregon.

May 11, 1934.
[S. 1506.]
[Public, No. 219.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, hereafter mining locations made under the United States mining laws upon lands within the Mount Hood National Forest in the State of Oregon shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however*, That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

Mount Hood National Forest, Oreg.
Mining locations; rights of locator.

No permit required.

Proviso.
Cutting and removal of timber.

SEC. 2. That hereafter all patents issued under the United States mining laws affecting lands within the Mount Hood National Forest within the State of Oregon shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the timber therefrom as may be needed in extracting and removing the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Forest Service.

Patents to convey title to mineral deposits.

Timber removal.

Surface rights reserved.

SEC. 3. That valid mining claims within the Mount Hood National Forest in the State of Oregon existing on the date of enactment of this Act, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of Oregon, may be perfected under this Act, or under the law under which they were initiated, as the claimant may desire.

Perfecting existing mining claims.

Approved, May 11, 1934.

[CHAPTER 281.]

AN ACT

May 11, 1934.
[S. 3099.]
[Public, No. 220.]

Authorizing the City of Wheeling, a municipal corporation, to construct, maintain, and operate a bridge across the Ohio River, at Wheeling, West Virginia.

Ohio River.
Wheeling, W.Va., may bridge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the postage service, and to provide for military and other purposes, the City of Wheeling, a municipal corporation of West Virginia, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, in Wheeling, West Virginia, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Construction.
Vol. 34, p. 84.

Tolls authorized, to be applied to operation, sinking fund, etc.

SEC. 2. The said municipality of Wheeling may charge toll for the use of said bridge, which rates of toll may be so adjusted as to provide a fund sufficient to pay (a) the reasonable cost of maintenance, repair, and operation of the said bridge and its approaches; and (b) the amortization within a reasonable time and not exceeding twenty-five years from the date that the bridge is opened to traffic, and under reasonable condition of any loan or loans including reasonable interest, taxes, and financing charges made, or to be made in connection with the construction of said bridge and its approaches.

Record of expenditures and receipts.

SEC. 3. An accurate record of the cost of the bridge and its approaches and of all expenditures for maintaining, repairing, and operating the same, and of the tolls collected from time to time shall be kept and shall at all reasonable times be available for the information of all persons interested in the construction, operation, and maintenance thereof.

Right to sell, etc., conferred.

SEC. 4. The right to sell, assign, transfer, mortgage, or pledge any or all of the rights, powers, and privileges conferred by this Act is hereby granted to the said City of Wheeling or any corporation to which, or any person to whom, such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same through mortgage, pledge, foreclosure, or otherwise, including therein the United States of America acting by or through the President, the Federal Emergency Administrator of Public Works, such other agency or agencies as may be designated or created for such purpose pursuant to the National Industrial Recovery Act or any other amendment or supplement thereto, or any other agency or agencies as may be created for such purpose by the Congress of the United States, and such person or corporation is hereby authorized and empowered to exercise all of the rights, powers, and privileges conferred upon the City of Wheeling as fully as though conferred herein directly upon such corporation or person.

Maintenance as free bridge after amortizing costs.

SEC. 5. Whenever a sum sufficient to amortize and pay off the amount of money used in building and constructing said bridge shall have been collected, the City of Wheeling shall declare said bridge free and open to the use of the general public without the imposition of any further tolls or charges for the use of said bridge.

Amendment.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 11, 1934.

[CHAPTER 282.]

AN ACT

May 14, 1934.
[S. 618.]
[Public, No. 221.]

To amend the Act of May 25, 1926, entitled "An Act to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes."

Mammoth Cave National Park, Ky.
Vol. 44, p. 636, amended.
U.S.C., Supp. VII, p. 305.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second and third provisos of section 3 of the Act of May 25, 1926, entitled "An Act to provide for the establishment of the Mammoth Cave National Park in the State of Kentucky, and for other purposes" be, and the same are hereby, amended to read as follows: "*And provided further*, That the minimum area to be administered and protected by the National Park service shall be, for the said Mammoth Cave National Park, twenty thousand acres: *Provided further*, That no general development of said area shall be undertaken until a major portion of the remainder in such area, including all the caves thereof, shall have been accepted by said Secretary, and he shall have established a schedule of fees for admission to such caves."

Minimum area.

Development contingent upon acceptance.

Schedule of admission fees.

Acquisition of lands.

SEC. 2. That in the establishment of the said Mammoth Cave National Park the Secretary of the Interior is hereby authorized to accept donations of money for the acquisition of lands and rights therein and to acquire the same by purchase, condemnation, or otherwise.

Approved, May 14, 1934.

[CHAPTER 283.]

AN ACT

May 14, 1934.
[S. 752.]
[Public, No. 222.]

To amend section 24 of the Judicial Code, as amended, with respect to the jurisdiction of the district courts of the United States over suits relating to orders of State administrative boards.

Judicial Code, amendments.
United States district courts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 24 of the Judicial Code, as amended, is amended by adding at the end thereof the following: "Notwithstanding the foregoing provisions of this paragraph, no district court shall have jurisdiction of any suit to enjoin, suspend, or restrain the enforcement, operation, or execution of any order of an administrative board or commission of a State, or any rate-making body of any political subdivision thereof, or to enjoin, suspend, or restrain any action in compliance with any such order, where jurisdiction is based solely upon the ground of diversity of citizenship, or the repugnance of such order to the Constitution of the United States, where such order (1) affects rates chargeable by a public utility, (2) does not interfere with interstate commerce, and (3) has been made after reasonable notice and hearing, and where a plain, speedy, and efficient remedy may be had at law or in equity in the courts of such State."

Jurisdiction over suits relating to orders of State administrative boards.
Vol. 36, p. 1091; U.S.C., p. 866.

Pending suits not affected.

SEC. 2. The provisions of this Act shall not affect suits commenced in the district courts, either originally or by removal, prior to its passage; and all such suits shall be continued, proceedings therein had, appeals therein taken, and judgments therein rendered, in the same manner and with the same effect as if this Act had not been passed.

Approved, May 14, 1934.

[CHAPTER 284.]

AN ACT

May 14, 1934.
[S. 1810.]
[Public, No. 223.]

To amend the Act authorizing the issuance of the Spanish War Service Medal.

Spanish War Service Medal.
Length of service to qualify for, repealed.
Vol. 40, p. 873.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last paragraph under the subheading "Medals of Honor, Distinguished Service Crosses, and Distinguished Service Medals" in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and nineteen", approved July 9, 1918 (40 Stat.L. 845, 873), as amended, is amended by striking out "not less than ninety days."

Approved, May 14, 1934.

[CHAPTER 285.]

AN ACT

May 14, 1934.
[S. 2681.]
[Public, No. 224.]

Authorizing the Secretary of the Navy to make available to the municipality of Aberdeen, Washington, the United States ship Newport.

Aberdeen, Wash.
Transfer of U.S.S. "Newport" to, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized and directed to turn over to the municipality of Aberdeen, Washington, the United States ship Newport for use of the Grays Harbor district in connection with the training of the Naval Reserve organization of the district:

Proviso.
No Federal expense.

Provided, That no expense to the Government shall be involved.

Approved, May 14, 1934.

[CHAPTER 286.]

AN ACT

May 14, 1934.
[S. 2901.]
[Public, No. 225.]

To authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Arkansas into the Union.

Arkansas centennial.
Silver 50-cent pieces to be coined in commemoration of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the one hundredth anniversary of the admission of the State of Arkansas into the Union there shall be coined at the mints of the United States five hundred thousand silver 50-cent pieces of such design as the Director of the Mint, with the approval of the Secretary of the Treasury, may select; but the United States shall not be subject to the expense of making the models or master dies or other preparations for this coinage.

Number.

No Federal expense for dies, etc.

Coinage laws applicable.
U.S.C., p. 995.

SEC. 2. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage authorized by this Act.

Issue of coins.

SEC. 3. The coins authorized by this Act shall be issued only to the Arkansas Honorary Centennial Celebration Commission, or its duly authorized agent, in such numbers, and at such times as they shall be requested by such Commission or any such agent, and upon payment to the United States of the face value of such coins.

Approved, May 14, 1934.

[CHAPTER 289.]

AN ACT

May 15, 1934.
[S. 2313.]
[Public, No. 226.]

Providing for the suspension of annual assessment work on mining claims held by location in the United States and Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States, including Alaska, during the year beginning at 12 o'clock meridian July 1, 1933, and ending at 12 o'clock meridian July 1, 1934: *Provided*, That the provisions of this Act shall not apply in the case of any claimant not entitled to exemption from the payment of a Federal income tax for the taxable year 1933: *Provided further*, That every claimant of any such mining claim, in order to obtain the benefits of this Act, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, on or before 12 o'clock meridian, July 1, 1934, a notice of his desire to hold said mining claim under this Act, which notice shall state that the claimant, or claimants, were entitled to exemption from the payment of a Federal income tax for the taxable year 1933: *And provided further*, That such suspension of assessment work shall not apply to more than six lode-mining claims held by the same person, nor to more than twelve lode-mining claims held by the same partnership, association, or corporation: *And provided further*, That such suspension of assessment work shall not apply to more than six placer-mining claims not to exceed one hundred and twenty acres (in all) held by the same person, nor to more than twelve placer-mining claims not to exceed two hundred and forty acres (in all) held by the same partnership, association, or corporation.

Public lands.
Mining claims assessments suspended for fiscal year 1934.
R.S., sec. 2324, p. 426.
U.S.C., p. 955.

Alaska included.

Provisos.
Claimant paying Federal income tax excluded.

Notice of retaining claim to be filed.

Limited to six lode-mining claims.

Placer-mining claims.

Approved, May 15, 1934.

[CHAPTER 290.]

AN ACT

May 16, 1934.
[H.R. 8062.]
[Public, No. 227.]

To amend sections 203 and 207 of the Hawaiian Homes Commission Act, 1920 (U.S.C., title 48, secs. 697 and 701), conferring upon certain lands of Auwaiolimu, Kewalo, and Kalawahine, on the island of Oahu, Territory of Hawaii, the status of Hawaiian home lands, and providing for the leasing thereof for residence purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 203 of the Hawaiian Homes Commission Act, 1920 (U.S.C., title 48, sec. 697), is hereby amended to read as follows:

Hawaiian Home Commission Act, 1920, amendments.
Vol. 42, p. 109, amended.
Conferring upon land in designated areas the status of home lands.

"(4) On the island of Oahu: Nanakuli (three thousand acres, more or less), and Lualualei (two thousand acres, more or less), in the District of Waianae; and Waimanalo (four thousand acres, more or less), in the District of Koolaupoko, excepting therefrom the military reservation and the beach lands; and those certain portions of the lands of Auwaiolimu and Kewalo described by metes and bounds as follows, to wit:

Description.

"(i) Portion of the Government land of Auwaiolimu, Punchbowl Hill, Honolulu, Oahu, described as follows: Beginning at a pipe at the southeast corner of this tract of land, on the boundary between the lands of Kewalo and Auwaiolimu, the coordinates of said point of beginning referred to Government survey triangulation station 'Punchbowl' being one thousand one hundred and thirty-

Description—Contd. five and nine tenths feet north and two thousand five hundred and fifty-seven and eight tenths feet east as shown on Government survey registered map numbered 2692, and runing [1] by true azimuths:

"(1) One hundred and sixty-three degrees thirty-one minutes two hundred and thirty-eight and eight tenths feet along the east side of the Punchbowl-Makiki Road;

"(2) Ninety-four degrees eight minutes one hundred and twenty-four and nine tenths feet across Tantalus Drive and along the east side of Puuowaina Drive;

"(3) One hundred and thirty-one degrees thirteen minutes two hundred and thirty-two and five tenths feet along a twenty-five foot roadway;

"(4) One hundred and thirty-nine degrees fifty-five minutes twenty and five-tenths feet along same;

"(5) One hundred and sixty-eight degrees seventeen minutes two hundred and fifty-seven and eight-tenths feet along Government land (old quarry lot);

"(6) One hundred and fifty-six degrees thirty minutes three hundred and thirty-three feet long same to a pipe;

"(7) Thence following the old Auwaiolimu stone wall along L. C. Award numbered 3145, to Laenui, grant numbered 5147 (lot 8 to C. W. Booth), L. C. Award numbered 1375 to Kapule, and L. C. Award numbered 1355 to Kekuanoni, the direct azimuth and distance being two hundred and forty-nine degrees forty-one minutes one thousand three hundred and three and five-tenths feet;

"(8) Three hundred and twenty-one degrees twelve minutes six hundred and ninety-three feet along the remainder of the land of Auwaiolimu;

"(9) Fifty-one degrees twelve minutes one thousand four hundred feet along the land at Kewalo to the point of beginning; containing an area of twenty-seven acres; excepting and reserving therefrom Tantalus Drive, crossing this land.

"(ii) Portion of the land of Kewalo, Punchbowl Hill, Honolulu, Oahu, being part of the lands set aside for the use of the Hawaii Experiment Station of the United States Department of Agriculture by proclamation of the Acting Governor of Hawaii, dated June 10, 1901, and described as follows: Beginning at the northeast corner of this lot, at a place called 'Puu Ea' on the boundary between the lands of Kewalo and Auwaiolimu, the coordinates of said point of beginning referred to Government survey triangulation station 'Punchbowl', being three thousand two hundred and fifty-five and six-tenths feet north and five thousand two hundred and forty-four and seven-tenths feet east, as shown on Government survey registered map numbered 2692 of the Territory of Hawaii, and running by true azimuths:

"(1) Three hundred and fifty-four degrees thirty minutes nine hundred and thirty feet along the remainder of the land of Kewalo, to the middle of the stream which divides the lands of Kewalo and Kalawahine;

"(2) Thence down the middle of said stream along the land of Kalawahine, the direct azimuth and distance being forty-nine degrees sixteen minutes one thousand five hundred and twelve and five-tenths feet;

"(3) One hundred and forty-one degrees twelve minutes eight hundred and sixty feet along the remainder of the land of Kewalo;

"(4) Two hundred and thirty-one degrees twelve minutes five hundred and fifty-two and six-tenths feet along the land of Auwaiolimu to Puu Iole;

[1] So in original.

Description—Contd.

"(5) Thence still along the said land of Auwaiolimu following the top of the ridge to the point of beginning, the direct azimuth and distance being two hundred and thirty-two degrees twenty-six minutes one thousand four hundred and seventy feet, containing an area of thirty acres; excepting and reserving therefrom Tantalus Drive, crossing this land.

"(iii) Together with that portion of the land of Kalawahine (twenty-five acres, more or less), makai of Tantalus Drive, and lying between the portion of the land of Kewalo above described and the so-called 'Kalawahine lots', in the District of Honolulu."

Leases. Vol. 42, p. 111, amended.

SEC. 2. Paragraph (3) of subsection (a) of section 207 of the Hawaiian Homes Commission Act, 1920, as amended (U.S.C., title 48, sec. 701), is hereby amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: "*Provided further*, That the portions of the lands of Auwaiolimu, Kewalo, and Kalawahine on the island of Oahu under the control of the Commission, shall be leased only for residence purposes in individual lots the area of which shall be not less than one eighth of an acre nor more than one half of an acre per lot."

Proviso. Portions to be leased for residence purposes only.

Present residents on specified lands given preference.

SEC. 3. Notwithstanding the provisions of the Hawaiian Homes Commission Act, as amended, limiting the leasing of lands to native Hawaiians, persons, whether or not native Hawaiians as defined by such Act, as amended, who are on the date of the enactment of this Act residing on the lands of Auwaiolimu, Kewalo, and Kalawahine on the island of Oahu placed under the control of the Hawaiian Homes Commission by this Act, shall be given first opportunity to lease such lands on which they reside.

Effective date.

SEC. 4. This Act shall take effect on and after the date of its approval.

Approved, May 16, 1934.

[CHAPTER 292.]

AN ACT

May 17, 1934. [S. 8.] [Public, No. 228.]

To add certain lands to the Boise National Forest.

Boise National Forest, Idaho. Lands added to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to existing valid claims or entries and withdrawals, the following-described lands are hereby added to the Boise National Forest, Idaho, and made subject to all laws applicable to national forests:

Description.

Sections 25 and 26; east half section 27; east half section 34; and section 35, township 8 north, range 5 east, Boise meridian.

Sections 1 and 2; sections 11 to 14, inclusive; sections 23 to 27, inclusive; and sections 34 to 36, inclusive; township 7 north, range 3 east, Boise meridian.

Sections 1, 2, and 3; sections 6 and 7; sections 10 to 13, inclusive; and sections 15 to 36, inclusive; township 7 north, range 4 east, Boise meridian.

Sections 1 and 2; sections 4 to 28, inclusive; and sections 30 to 36, inclusive; township 7 north, range 5 east, Boise meridian.

Sections 1 to 3, inclusive; sections 10 to 15, inclusive; sections 22 to 27, inclusive; and sections 34 to 36, inclusive; township 6 north, range 3 east, Boise meridian.

Sections 1 to 36, inclusive, township 6 north, range 4 east, Boise meridian.

Sections 1 to 21, inclusive; sections 24 and 25; and sections 28 to 36, inclusive; township 6 north, range 5 east, Boise meridian.

Sections 1 to 36, inclusive, township 6 north, range 6 east, Boise meridian.

Description—Contd.

Sections 1 and 2; sections 11 to 14, inclusive; sections 23 to 26, inclusive; and sections 35 and 36; township 5 north, range 2 east, Boise meridian.

Sections 1 to 36, inclusive, township 5 north, range 3 east, Boise meridian.

Sections 1 to 36, inclusive, township 5 north, range 4 east, Boise meridian.

Sections 1 to 36, inclusive, township 5 north, range 5 east, Boise meridian.

Sections 1 to 6, inclusive; sections 8 to 17, inclusive; sections 21 to 27, inclusive; and sections 35 and 36, township 4 north, range 3 east, Boise meridian.

Sections 1 to 36, inclusive, township 4 north, range 4 east, Boise meridian.

Sections 1, 2, 11, and 12, township 3 north, range 3 east, Boise meridian.

Sections 1 to 13, inclusive; and northwest quarter of section 14; township 3 north, range 4 east, Boise meridian; not heretofore included within the Boise National Forest, Idaho; all ranges east, Boise meridian.

Approved, May 17, 1934.

[CHAPTER 293.]

AN ACT

May 17, 1934.
[S. 3144.]
[Public, No. 229.]

To legalize a bridge across the Saint Louis River at or near Cloquet, Minnesota.

Saint Louis River. Bridge across, near Cloquet, Minn., legalized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bridge now being constructed over Saint Louis River at or near Cloquet, Minnesota, by the Highway Department of the State of Minnesota, if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War as providing suitable facilities for navigation, and operated as a free bridge, shall be a lawful structure, and shall be subject to the conditions and limitations of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Construction.
Vol. 34, p. 84.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 17, 1934.

[CHAPTER 299.]

AN ACT

May 18, 1934.
[S. 2080.]
[Public, No. 230.]

To provide punishment for killing or assaulting Federal officers.

Criminal Code amendments.
Killing, assaulting Federal officers.
Vol. 35, p. 1143.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever shall kill, as defined in sections 273 and 274 of the Criminal Code, any United States marshal or deputy United States marshal, special agent of the Division of Investigation of the Department of Justice, post-office inspector, Secret Service operative, any officer or enlisted man of the Coast Guard, any employee of any United States penal or correctional institution, any officer of the customs or of the internal revenue, any immigrant inspector or any immigration patrol inspector, while engaged in the performance of his official duties, or on account of the performance of his official duties,

Punishment.

shall be punished as provided under section 275 of the Criminal Code.

SEC. 2. Whoever shall forcibly resist, oppose, impede, intimidate, or interfere with any person designated in section 1 hereof while engaged in the performance of his official duties, or shall assault him on account of the performance of his official duties, shall be fined not more than $5,000, or imprisoned not more than three years, or both; and whoever, in the commission of any of the acts described in this section, shall use a deadly or dangerous weapon shall be fined not more than $10,000, or imprisoned not more than ten years, or both.

Forcible resistance, etc.

Punishment.

Approved, May 18, 1934.

[CHAPTER 300.]

AN ACT

May 18, 1934.
[S. 2249.]
[Public, No. 231.]

Applying the powers of the Federal Government, under the commerce clause of the Constitution, to extortion by means of telephone, telegraph, radio, oral message, or otherwise.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever, with intent to extort from any person, firm, association, or corporation any money or other thing of value, shall transmit in interstate commerce, by any means whatsoever, any threat (1) to injure the person, property, or reputation of any person, or the reputation of a deceased person, or (2) to kidnap any person, or (3) to accuse any person of a crime, or (4) containing any demand or request for a ransom or reward for the release of any kidnaped person, shall upon conviction be fined not more than $5,000 or imprisoned not more than twenty years, or both: *Provided*, That the term "interstate commerce" shall include communication from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia: *Provided further*, That nothing herein shall amend or repeal section 338a, title 18, United States Code (47 Stat. 649).

Extortion messages in interstate commerce.

Punishment for transmitting.

Provisos.
"Interstate commerce" defined.
Mailing threatening communications.
Vol. 47, p. 649; U.S.C., Supp. VII, p. 349.

Approved, May 18, 1934.

[CHAPTER 301.]

AN ACT

May 18, 1934.
[S. 2252.]
[Public, No. 232.]

To amend the Act forbidding the transportation of kidnaped persons in interstate commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 22, 1932 (U.S.C., ch. 271, title 18, sec. 408a), be, and the same is hereby, amended to read as follows:

Federal Kidnaping Act, amended.
Vol. 47, p. 326; U.S.C., Supp. VII, p. 351.

"Whoever shall knowingly transport or cause to be transported, or aid or abet in transporting, in interstate or foreign commerce, any person who shall have been unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted, or carried away by any means whatsoever and held for ransom or reward or otherwise, except, in the case of a minor, by a parent thereof, shall, upon conviction, be punished (1) by death if the verdict of the jury shall so recommend, provided that the sentence of death shall not be imposed by the court if, prior to its imposition, the kidnaped person has been liberated unharmed, or (2) if the death penalty shall not apply nor be imposed the convicted person shall be punished by imprisonment in the penitentiary for such term of years as the court in its discretion shall determine: *Provided*, That the failure to release such person within seven days after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted, or carried away

Transporting kidnaped person and holding for ransom.

Minor by a parent excepted.

Penalties.

Proviso.
Presumption on failure to release person within seven days.

shall create a presumption that such person has been transported in interstate or foreign commerce, but such presumption shall not be conclusive.

"Interstate or foreign commerce" defined.

"SEC. 2. The term 'interstate or foreign commerce', as used herein, shall include transportation from one State, Territory, or the District of Columbia to another State, Territory, or the District of Columbia, or to a foreign country, or from a foreign country to any State, Territory, or the District of Columbia.

Punishment for conspiracy to violate provisions herein.

"SEC. 3. If two or more persons enter into an agreement, confederation, or conspiracy to violate the provisions of the foregoing Act and do any overt act toward carrying out such unlawful agreement, confederation, or conspiracy, such person or persons shall be punished in like manner as hereinbefore provided by this Act."

Approved, May 18, 1934.

[CHAPTER 302.]

AN ACT

May 18, 1934.
[S. 2253.]
[Public, No. 233.]

Making it unlawful for any person to flee from one State to another for the purpose of avoiding prosecution or the giving of testimony in certain cases.

Interstate flight of accused persons or witnesses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any person to move or travel in interstate or foreign commerce from any State, Territory, or possession of the United States, or the District of Columbia, with intent either (1) to avoid prosecution for murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, or extortion accompanied by threats of violence, or attempt to commit any of the foregoing, under the laws of the place from which he flees, or (2) to avoid giving testimony in any criminal proceedings in such place in which the commission of a felony is charged. Any person who violates the provision of this Act shall, upon conviction thereof, be punished by a fine of not more than $5,000 or by imprisonment for not longer than five years, or by both such fine and imprisonment. Violations of this Act may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed.

Punishment.

Jurisdiction.

Approved, May 18, 1934.

[CHAPTER 303.]

AN ACT

May 18, 1934.
[S. 2575.]
[Public, No. 234.]

To define certain crimes against the United States in connection with the administration of Federal penal and correctional institutions and to fix the punishment therefor.

Federal penal and correctional institutions.
Crimes connected with administration of.
Causing mutiny; aiding escapes.
Vol. 46, p. 327, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person employed at any Federal penal or correctional institution as an officer or employee of the United States, or any other person who instigates, connives at, wilfully attempts to cause, assists in, or who conspires with any other person or persons to cause any mutiny, riot, or escape at such penal or correctional institution; or any such officer or employee or any other person who, without the knowledge or consent of the warden or superintendent of such institution, conveys or causes to be conveyed into such institution, or from place to place within such institution, or knowingly aids or assists therein, any tool, device, or substance designed to cut, abrade, or destroy the materials, or any part thereof, of which any building or buildings of such institution are constructed, or any other substance or thing

designed to injure or destroy any building or buildings, or any part thereof, of such institution; or who conveys or causes to be conveyed into such institution, or from place to place within such institution, or aids or assists therein, or who conspires with any other person or persons to convey or cause to be conveyed into such institution, or from place to place within such institution, any firearm, weapon, explosive, or any lethal or poisonous gas, or any other substance or thing designed to kill, injure, or disable any officer, agent, employee, or inmate thereof, shall be punished by imprisonment for a period of not more than ten years.

Smuggling firearms, etc.

Punishment for.

SEC. 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Conflicting laws repealed.

Approved, May 18, 1934.

[CHAPTER 304.]

AN ACT

May 18, 1934.
[S. 2841.]
[Public, No. 235.]

To provide punishment for certain offenses committed against banks organized or operating under laws of the United States or any member of the Federal Reserve System.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act the term "bank" includes any member bank of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operating under the laws of the United States.

Offenses against banks.
"Bank" defined.

SEC. 2. (a) Whoever, by force and violence, or by putting in fear, feloniously takes, or feloniously attempts to take, from the person or presence of another any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

Robbery.

Punishment.

(b) Whoever, in committing, or in attempting to commit, any offense defined in subsection (a) of this section, assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device, shall be fined not less than $1,000 nor more than $10,000 or imprisoned not less than five years nor more than twenty-five years, or both.

Assaults.

Punishment.

SEC. 3. Whoever, in committing any offense defined in this Act, or in avoiding or attempting to avoid apprehension for the commission of such offense, or in freeing himself or attempting to free himself from arrest or confinement for such offense, kills any person, or forces any person to accompany him without the consent of such person, shall be punished by imprisonment for not less than 10 years, or by death if the verdict of the jury shall so direct.

Homicide or kidnaping.

Punishment.

SEC. 4. Jurisdiction over any offense defined by this Act shall not be reserved exclusively to courts of the United States.

Jurisdiction.

Approved, May 18, 1934.

[CHAPTER 305.]

AN ACT

May 18, 1934.
[H.R. 503.]
[Public, No. 236.]

To authorize the donation of certain land to the town of Bourne, Massachusetts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized to convey without charge to the town of Bourne, Massachusetts, for school playground purposes, two small parcels of land aggregating about six tenths of an acre

Public lands.
Granted to Bourne, Mass., for school purposes.

located in the vicinity of the Bourne Grammar School in said town, which land was acquired by the United States in connection with the acquisition of the Cape Cod Canal: *Provided*, That such conveyance shall be made with the express condition that the land shall be used for school playground purposes and no other and that in case it is not so used it shall revert to the United States.

Proviso. Reversion for non-use.

Approved, May 18, 1934.

[CHAPTER 306.]

JOINT RESOLUTION

May 18, 1934. [S.J.Res. 36.] [Pub. Res., No. 24.]

Authorizing the President of the United States of America to proclaim October 11, 1934, General Pulaski's Memorial Day for the observance and commemoration of the death of Brigadier General Casimir Pulaski.

General Pulaski's Memorial Day. Preamble.

Whereas the 11th day of October, 1779, is the date in American history of the heroic death of Brigadier General Casimir Pulaski, who died from wounds received on October 9, 1779, at the siege of Savannah, Georgia; and

Whereas the States of West Virginia, New Jersey, Massachusetts, Kentucky, Illinois, Michigan, Tennessee, Indiana, Wisconsin, New York, Nebraska, Texas, Minnesota, Delaware, Maryland, Arkansas, New Hampshire, Pennsylvania, Missouri, Ohio, and other States of the Union, through legislative enactment designated October 11 of each year as General Pulaski's Memorial Day; and

Vol 46, pp. 28, 1627; Vol. 47, p. 571.

Whereas the Congress of the United States of America has by legislative enactment designated October 11, 1929, and October 11, 1931, to be General Pulaski's Memorial Day; and

Whereas it is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the death of this great American hero of the Revolutionary War: Therefore be it

Observance of anniversary of death invited.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1934, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies of the death of General Casimir Pulaski.

Approved, May 18, 1934.

[CHAPTER 307.]

JOINT RESOLUTION

May 18, 1934. [H.J.Res. 317.] [Pub. Res., No. 25.]

Requesting the President of the United States of America to proclaim May 20, 1934, General Lafayette Memorial Day for the observance and commemoration of the one hundredth anniversary of the death of General Lafayette.

General Lafayette. President requested to invite observance of centenary of his death.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on May 20, 1934, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the death of General Lafayette.

Approved, May 18, 1934.

[CHAPTER 316.]

AN ACT

May 21, 1934.
[S. 3235.]
[Public, No. 237.]

To amend an Act entitled "An Act providing for the participation of the United States in A Century of Progress (the Chicago World's Fair Centennial Celebration) to be held at Chicago, Illinois, in 1933, authorizing an appropriation therefor, and for other purposes", approved February 8, 1932, to provide for participation in A Century of Progress in 1934, to authorize an appropriation therefor, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States continue its participation in the exposition, A Century of Progress (the Chicago World's Fair Centennial Celebration), at Chicago, Illinois, in 1934.

A Century of Progress Exposition.
Federal participation in, to be continued.

SEC. 2. For this purpose the Act entitled "An Act providing for the participation of the United States in A Century of Progress (the Chicago World's Fair Centennial Celebration) to be held at Chicago, Illinois, in 1933, authorizing an appropriation therefor, and for other purposes", approved February 8, 1932, as hereby amended, is extended and made applicable to the continuance of the participation of the United States in the said exposition in 1934 in the same manner and to the same extent and for the same purposes as originally provided in said Act, except insofar as the provisions of that Act specify the erection of a building or group of buildings.

Funds previously authorized made applicable.
Vol. 47, p. 40.
Post, p. 1026.

Exception.

SEC. 3. In addition to the sum of $1,000,000 authorized by the aforesaid Act to be appropriated for the participation of the United States in A Century of Progress (the Chicago World's Fair Centennial Celebration) and appropriated under section 2 of the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1933, and for other purposes", approved July 7, 1932, there is hereby authorized to be appropriated the sum of $200,000.

Additional sum authorized.

Vol. 47, p. 645.

Approved, May 21, 1934.

[CHAPTER 317.]

AN ACT

May 21, 1934.
[S. 1982.]
[Public, No. 238.]

To add certain lands to the Mount Hood National Forest in the State of Oregon

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-described lands, title to which was conveyed to the United States in part settlement of a fire trespass and which are located within the boundaries of the Mount Hood National Forest, in the State of Oregon, be, and the same are hereby, added to said national forest and are made subject to all laws and regulations relating to the use and administration of the national forests:

Mount Hood National Forest, Oreg.
Certain lands added to.

Township 4 south, range 5 east, Willamette meridian: East half northeast quarter, northwest quarter northeast quarter, northeast quarter southeast quarter section 18; southeast quarter northeast quarter, west half northeast quarter, east half northwest quarter, east half southeast quarter, northwest quarter southeast quarter, southeast quarter southwest quarter section 20; section 22; southwest quarter section 24; sections 25 and 26; north half northeast quarter, northeast quarter northwest quarter section 29; section 36.

Description.

Township 4 south, range 6 east, Willamette meridian: Lots 3 and 4, east half, east half southwest quarter section 20; southwest quarter section 28; lots 3 and 4, east half northeast quarter, northwest quarter northeast quarter, northeast quarter northwest quarter, southeast quarter, east half southwest quarter section 30; lots 1 and 2, northeast quarter, east half northwest quarter section 31.

Approved, May 21, 1934.

[CHAPTER 318.]

AN ACT

May 21, 1934.
[S. 2379.]
[Public, No. 239.]

To provide for the selection of certain lands in the State of Arizona for the use of the University of Arizona.

Arizona.
Selection of certain lands by, for use of University authorized.
Vol. 36, p. 573; Vol. 47, p. 151.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to lawful claims initiated by settlement or otherwise prior to August 2, 1932, and maintained in the manner required by law, the State of Arizona may select for the use of the University of Arizona by legal subdivisions all or any portions of sections 11, 14, 22, and 28 and the east half section 21, township 14 south, range 16 east, Gila and Salt River meridian, Arizona, and upon the submission of satisfactory proof that the land selected contains saguaro groves or growths of giant cacti or are necessary for the care, protection, and conservation of such groves or growths, the Secretary of the Interior shall cause patents to issue therefor: *Provided*, That there shall be reserved to the United States all coal, oil, gas, or other mineral contained in such lands together with the right to prospect for, mine, and remove the same at such times and under such conditions as the Secretary of the Interior may prescribe.

Proviso.
Minerals reserved.

Approved, May 21, 1934.

[CHAPTER 319.]

AN ACT

May 21, 1934.
[S. 2566.]
[Public, No. 240.]

Authorizing the conveyance of certain lands to the State of Nebraska.

Genoa Indian School.
Conveyance of property of, to Nebraska, for institutional purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the State of Nebraska for institutional purposes the property known and designated as the "Genoa Indian School", located at Genoa, Nebraska, such grant to include the land and buildings and such equipment as may be designated by the Secretary of the Interior: *Provided*, That this grant may be effective at any time prior to July 1, 1934, if before that date the Governor of the State of Nebraska on behalf of the State files an acceptance thereof with the Secretary of the Interior: *Provided further*, That the right is reserved by the Secretary of the Interior to retain until July 1, 1934, dormitory and other space needed for the housing and care of Indian pupils now accommodated at said school: *Provided further*, That as a condition precedent to this grant Indians residing within the State of Nebraska will be accepted in State institutions on entire equality with persons of other races, except that tuition for Indian children in the public schools may be paid by the Federal Government: *Provided further*, That nothing herein contained shall be construed as affecting the right-of-way heretofore applied for by and agreed to be granted to the Loup River Public Power District of Nebraska across said school property and an easement over the lands falling within said right-of-way is hereby granted to said Loup River Public Power District of Nebraska upon proper identification thereof through survey.

Provisos.
Date of acceptance.

Reservation.

Admission of Indians into State institutions.

Existing rights-of-way granted to Loup River Public Power District.

Approved, May 21, 1934.

[CHAPTER 320.]

AN ACT

Granting a leave of absence to settlers of homestead lands during the years 1932, 1933, and 1934.

May 21, 1934.
[S. 2568.]
[Public, No. 241.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any homestead settler or entryman who, during the calendar years 1932 or 1933, found it necessary, or during 1934 should find it necessary, because of economic conditions, to leave his homestead to seek employment in order to obtain the necessaries of life for himself and/or family or to provide for the education of his children, may, upon filing with the register of the district his affidavit, supported by corroborating affidavits of two disinterested persons, showing the necessity of such absence, be excused from compliance with the requirements of the homestead laws as to residence, cultivation, improvements, expenditures, or payment of purchase money as the case may be, during all or any part of the calendar years 1932, 1933, and 1934, and said entries shall not be open to contest or protest because of failure to comply with such requirements during such absence; except that the time of such absence shall not be deducted from the actual residence required by law, but a period equal to such absence shall be added to the statutory life of the entry: *Provided*, That any entryman holding an unperfected entry on ceded Indian lands may be excused from the requirements of residence upon the conditions provided herein, but shall not be entitled to extension of time for the payment of any installment of the purchase price of the land except upon payment of interest, in advance, at the rate of 4 per centum per annum on the principal of any unpaid purchase price from the date when such payment or payments became due to and inclusive of the date of the expiration of the period of relief granted hereunder.

Public lands.
Homestead settlers, etc., may be excused from residence on, in certain cases.
Vol. 47, p. 59.

Absence added to statutory life of entry.

Proviso.
Installment payment extension.

Approved, May 21, 1934.

[CHAPTER 321.]

AN ACT

Repealing certain sections of the Revised Code of Laws of the United States relating to the Indians.

May 21, 1934.
[S. 2671.]
[Public, No. 242.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 2111, 2112, 2113, 2120, 2134, 2147, 2148, 2149, 2150, 2151, 2152, and 2153 of the Revised Statutes (U.S.C., title 25, secs. 171, 172, 173, 186, 219, 220, 221, 222, 223, 224, 225, and 226) are hereby repealed.

Revised Statutes.
Certain sections of, relating to Indians, repealed.
U.S.C., p. 700.

Approved, May 21, 1934.

[CHAPTER 322.]

AN ACT

To authorize the Secretary of War to convey by appropriate deed of conveyance certain lands in the District of Ewa, island of Oahu, Territory of Hawaii.

May 21, 1934.
[H.R. 8235.]
[Public, No. 243.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to convey to the Territory of Hawaii lands in the District of Ewa, island of Oahu, Territory of Hawaii, described as follows, to wit:

Hawaii.
Conveyance of certain lands in the District of Ewa, island of Oahu, authorized.

Description.

Beginning at a point designated as "C" on map dated November 15, 1920, United States Engineer Department, file numbered 300.8, between the boundary of Honouliuli and Pouhala Mauka, the coordinate of said point referred to United States concrete monument

Description—Contd. numbered 1, on the north side of Kawaieli Gulch at the corner of the lands of Waianae-Uka, Honouliuli, and Pouhala Mauka, being two thousand three hundred and nine and eleven one-hundredths feet south and five hundred and fifty-five and two one-hundredths feet east (said United States concrete monument numbered 1 bears true azimuth to the following triangulation stations: Maili, one hundred and thirty-nine degrees forty-six minutes; Maunauna, forty-seven degrees five minutes fifty-four seconds), said line thence running by direct azimuths and distances as follows:

1. Sixteen degrees nine minutes two thousand five hundred and forty-nine and two tenths feet; the right-of-way extending twenty feet on each side.

2. Six degrees fifty-four minutes one hundred and eighteen feet; the right-of-way extending twenty feet on each side.

3. Six degrees fifty-four minutes three hundred feet; the right-of-way extending forty feet on each side.

4. Six degrees fifty-four minutes four hundred feet; the right-of-way extending twenty feet on each side.

5. Six degrees fifty-four minutes three hundred feet; the right-of-way extending twenty-five feet on each side.

6. Six degrees fifty-four minutes one thousand seven hundred and thirty-one feet; the right-of-way extending twenty feet on each side.

7. Eleven degrees fifteen minutes sixty-nine feet; the right-of-way extending twenty feet on each side.

8. Eleven degrees fifteen minutes three hundred and fifty feet; the right-of-way extending twenty-two feet on each side.

9. Eleven degrees fifteen minutes one hundred and seventy-five feet; the right-of-way extending thirty-five feet on each side.

10. Eleven degrees fifteen minutes two hundred feet; the right-of-way extending twenty-two feet on each side.

11. Eleven degrees fifteen minutes one hundred and fifty feet; the right-of-way extending fifty feet on each side.

12. Eleven degrees fifteen minutes one hundred and sixty and nine tenths feet; the right-of-way extending twenty-two feet on each side.

13. Nine minutes one hundred and sixty-four and one tenth feet; the right-of-way extending twenty-two feet on each side.

14. Nine minutes six hundred feet; the right-of-way extending twenty feet on each side.

15. Nine minutes two hundred and thirty feet; the right-of-way extending twenty-five feet on each side.

16. Seven degrees fifty-nine minutes two hundred and twenty feet; the right-of-way extending twenty-five feet on each side.

17. Seven degrees fifty-nine minutes three hundred and fifty feet; the right-of-way extending fifty feet on each side.

18. Seven degrees fifty-nine minutes seven hundred feet; the right-of-way extending twenty feet on each side.

19. Seven degrees fifty-nine minutes two hundred feet; the right-of-way extending twenty-two and five tenths feet on each side.

20. Seven degrees fifty-nine minutes two hundred and seventy-four and two tenths feet; the right-of-way extending thirty feet on each side.

21. On curve to left for a distance of three hundred and sixty-two and seventy-eight one hundredths feet; having a radius of three hundred and fifty-two and sixty-nine one hundredths feet, central angle being fifty-nine degrees eight minutes and long chord having a length of three hundred and forty-eight and six one hundredths feet; the right-of-way extending twenty feet on each side.

Description—Contd.

22. Three hundred and eight degrees fifty-one minutes three hundred feet; the right-of-way extending twenty feet on each side.

23. On curve to right for a distance of three hundred and seventy-eight and sixty-three one hundredths feet, having a radius of four hundred and eighty-seven and seventy-nine one hundredths feet, central angle being forty-four degrees thirty-three minutes and long chord having a length of three hundred and sixty-nine and eight tenths feet; the right-of-way extending twenty feet on each side.

24. Three hundred and fifty-three degrees twenty-four minutes eight hundred and eighty-four and four tenths feet; the right-of-way extending twenty feet on each side.

25. Three hundred and fifty-three degrees twenty-four minutes one hundred and sixty and five tenths feet; the right-of-way extending twenty-five feet on each side.

26. On curve to left for a distance of three hundred and eighty-five and three tenths feet, having a radius of five hundred and ninety-six and four hundred and ninety-seven one thousandths feet, central angle being thirty-seven degrees three minutes and long chord having a length of three hundred and seventy-nine and four one hundredths feet; the right-of-way extending twenty feet on each side.

27. Three hundred and sixteen degrees twenty-one minutes sixty-six and four tenths feet; the right-of-way extending twenty feet on each side.

28. On curve to right for a distance of seven hundred and fifteen and eighty-four one hundredths feet, having a radius of six hundred and forty-six and eight hundred and thirty-eight one thousandths feet, central angle being sixty-three degrees twenty-eight minutes and long chord having a length of six hundred and eighty and forty-three one hundredths feet; the right-of-way extending twenty-five feet on the west side and twenty feet on the east side.

29. Nineteen degrees forty-nine minutes five hundred and seventy-one and seven tenths feet; the right-of-way extending twenty feet on each side.

30. Nineteen degrees forty-nine minutes three hundred feet; the right-of-way extending fifty feet on each side.

31. Nineteen degrees forty-nine minutes three hundred feet; the right-of-way extending thirty feet on each side.

32. Nineteen degrees forty-nine minutes six hundred feet; the right-of-way extending twenty feet on each side; from this point the azimuth and distance to a granite monument being three hundred and twenty-nine degrees forty-one minutes thirty-six and five tenths feet, said monument being a corner of the land Hoaeae adjoining Honouliuli.

33. Twenty-one degrees fifty-one minutes four hundred feet; the right-of-way extending twenty feet on each side.

34. Twenty-one degrees fifty-one minutes three hundred and fifty feet; the right-of-way extending thirty feet on each side.

35. Twenty-one degrees fifty-one minutes two hundred and eighty-nine and one tenth feet; the right-of-way extending fifty feet on each side.

36. On curve to left for a distance of three hundred and sixty-two and forty-three one-hundredths feet, having a radius of three hundred and fifty-one and two hundred and sixty-nine one-thousandths feet, central angle being fifty-nine degrees nineteen minutes, and long chord having a length of three hundred and forty-seven and sixty-six one-hundredths feet; the right-of-way extending thirty feet on the west side and twenty feet on the east side.

Description—Contd.

37. On curve to right for a distance of four hundred and seventy-four and eight hundred and thirty-four one-thousandths feet, having a radius of three hundred and eighty and five hundred and forty-three one-thousandths feet, central angle being thirty-five degrees fifty-one minutes, and long chord having a length of four hundred and forty-five and seven hundred and forty-two one-thousandths feet; the right-of-way extending thirty feet on the west side and twenty feet on the east side.

38. Thirty-four degrees fourteen minutes five hundred and ten feet; the right-of-way extending twenty feet on each side.

39. On curve to left for a distance of three hundred and eighty-seven and thirty-seven one-hundredths feet, having a radius of six hundred and twenty-nine and one hundred and thirty-six one-thousandths feet, central angle being thirty-five degrees nineteen minutes, and long chord having a length of three hundred and eighty-one and sixty-eight one-hundredths feet; the right-of-way extending twenty feet on each side.

40. Three hundred and fifty-eight degrees fifty-five minutes nine hundred and twenty-seven and five one-hundredths feet, to a point designated as "F" on map dated November 15, 1920, United States Engineer Department, file numbered 300.8; the right-of-way extending twenty feet on each side.

41. Two hundred and sixty-eight degrees fifty-five minutes twenty feet, to east boundary of right-of-way.

42. On curve to left for a distance of three hundred and seventy-seven and seventy-eight one-hundredths feet, having a radius of four hundred and seventy-five and seventy one-hundredths feet, central angle being forty-five degrees thirty-five minutes, and long chord having a length of three hundred and sixty-eight and fifty-six one-hundredths feet; the right-of-way extending forty feet on west side.

43. Three hundred and thirteen degrees twenty minutes two thousand five hundred and sixty-nine and forty-five one-hundredths feet; the right-of-way extending forty feet on southwest side.

44. Three hundred and ten degrees forty minutes three thousand and nine hundred feet, to the boundary line of Hoaeae and Honouliuli; the right-of-way extending forty feet on southwest side.

45. Three hundred and thirty-six degrees fourteen minutes five thousand eight hundred and seventy-nine and two tenths feet; along boundary line of Hoaeae and Honouliuli, the right-of-way extending forty feet to the west of said boundary line to "H".

46. Three hundred and thirty-seven degrees fifty-seven minutes four thousand six hundred and eighty-six feet; along boundary line of Hoaeae and Honouliuli, the right-of-way extending forty feet west of said boundary line.

47. Three hundred and thirty-eight degrees thirty-nine minutes two thousand and thirty-five feet; along boundary line of Hoaeae and Honouliuli, to a marked rock known as "Pohaku Palahalaha" to "I". From said rock the following triangulation stations bear true azimuths: Salt Lake, two hundred and eighty degrees twenty minutes; Puuloa, three hundred and sixteen degrees twenty-two minutes; West Wireless tower, two hundred and ninety-nine degrees fourteen minutes.

48. One hundred and forty-one degrees forty-four minutes one hundred and thirty-seven and four tenths feet; being southwest boundary line of right-of-way.

49. One hundred and fifty-eight degrees thirty-nine minutes one thousand nine hundred and three and five tenths feet; being boundary line of right-of-way forty feet west of boundary line between

Description—Contd.

Hoaeae and Honouliuli to point designated as "J" on map file numbered 300.8, dated November 15, 1920—containing an area of thirty-seven and nineteen one-hundredths acres, more or less, being the right-of-way for military road conveyed to the United States of America by the trustees under the will and of the estate of James Campbell, deceased, by deed of conveyance dated September 27, 1921, and duly recorded in the office of the registrar of conveyances in said Honolulu in Book Numbered 667 on pages 5 to 10, inclusive.

Approved, May 21, 1934.

[CHAPTER 323.]

AN ACT

May 21, 1934.
[S. 2825.]
[Public, No. 244.]

To provide for an appropriation of $50,000 with which to make a survey of the Old Indian Trail known as the "Natchez Trace", with a view of constructing a national road on this route to be known as the "Natchez Trace Parkway."

Natchez Trace Parkway.

Preamble.

Whereas the Natchez Trace was one of the most ancient and important Indian roads leading from the territory in the section of Tennessee about Nashville in a southwest course, crossing the Tennessee River at Colbert Shoals a few miles below Muscle Shoals, thence passing in a southwest course through the Chickasaw and Choctaw Indian lands in what is now Mississippi, in an almost direct course by Jackson, Mississippi, to Natchez; and

Whereas the Natchez Trace is located throughout almost its entire length on highlands between watersheds on the most suitable route over which to establish the national parkway through a section of the country greatly in need of such road facilities from a national standpoint to connect the North and East directly with the Natchez, New Orleans, and southwest section of the country; and

Whereas the Natchez Trace was made famous for the service it rendered in affording General Jackson a route over which much of his forces moved to take part in Jackson's famous victory over the British at New Orleans, and also by reason of the fact that General Jackson returned with his army over this Trace to Nashville after the Battle of New Orleans; and

Whereas the Natchez Trace is known as one of the Nation's most famous old roads, and has been marked by handsome boulders with suitable inscriptions by the Daughters of the American Revolution at great expense, these boulders being placed every few miles from one end of the Trace to the other; and

Whereas unusual interest is being manifested in the building of a national parkway by the Government, Natchez Trace organizations having been perfected in almost every county through which the Trace passes; and

Whereas the Government has recently adopted a policy and set up a division in the Department of the Interior, known as the "National Park Service" to engage in a national way in laying out parks, reservations, and building parkways: Therefore

Appropriation authorized for surveying.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated out of the Treasury of the United States, a sum not exceeding $50,000 to be used by the Department of the Interior through the National Park Service with which to make a survey of the Old Natchez Trace throughout its entire length leading from the section of Tennessee about Nashville to Natchez, Mississippi, the same to be known as the "Natchez Trace Parkway." The said survey shall locate the Natchez Trace as near

Cost of construction to be estimated.

as practicable in its original route. An estimate of cost of construction of an appropriate national parkway over this route, and such other data as will be valuable shall be obtained by said survey with the objective of determining matters concerning the construction of the Natchez Trace Parkway.

Approved, May 21, 1934.

[CHAPTER 324.]

AN ACT

May 21, 1934.
[H.R. 7059.]
[Public, No. 245.]

To provide for the further development of vocational education in the several States and Territories.

Vocational education.
Additional appropriations authorized for further development, fiscal years 1935–37.
Post, p. 1034.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of providing for the further development of vocational education in the several States and Territories there is hereby authorized to be appropriated for the fiscal year ending June 30, 1935, the sum of $3,000,000; for the fiscal year ending June 30, 1936, the sum of $3,000,000; and for the fiscal year ending June 30, 1937, the sum of $3,000,000. One third of this sum each year shall be allotted to the States and Territories in the proportion that their farm population bears to the total farm population of the United States, exclusive of the insular possessions, according to the United States census last preceding the end of the fiscal year in which any such allotment is to be made, and shall be used for the salaries of teachers, supervisors, and directors of agricultural subjects in such States and Territories. One third of the sum appropriated for each fiscal year shall be allotted to the States and Territories in the proportion that their rural population bears to the total rural population of the United States, exclusive of the insular possessions, according to the United States census last preceding the end of the fiscal year in which any such allotment is to be made, and shall be used for the salaries of teachers, supervisors, and directors of home-economics subjects in such States and Territories. One third of the sum appropriated for each fiscal year shall be allotted to the States and Territories in the proportion that their nonfarm population bears to the total nonfarm population of the United States, exclusive of the insular possessions, according to the United States census last preceding the end of the fiscal year in which any such allotment is to be made, and shall be used for the salaries of teachers, supervisors, and directors of trade and industrial-education subjects in such States and Territories: *Provided*, That the allotment of funds to any State or Territory for each of the three purposes enumerated in this section shall be not less than a minimum of $5,000 for any fiscal year, and there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1935; June 30, 1936; and June 30, 1937, the sum of $84,603, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotments to the States and Territories provided for in this section.

Apportionment of.
Farm population.
Rural population.
Nonfarm population.
Proviso.
Minimum allowance.

Sum authorized for administering Act.
Vol. 39, p. 933; Vol. 40, p. 345.

SEC. 2. For the purpose of carrying out the provisions of this Act there is hereby authorized to be appropriated to the Department of the Interior, Office of Education, for vocational education, for each of the fiscal years ending June 30, 1935, June 30, 1936, and June 30, 1937, the sum of $100,000, to be expended for the same purposes and in the same manner as provided in section 7 of the Act approved February 23, 1917, as amended October 6, 1917.

Semiannual payments to be made.

SEC. 3. The Secretary of the Treasury, upon the certification of the United States Commissioner of Education, shall pay, in equal semiannual payments, on the 1st day of July and January of each

year, to the custodian of each State as designated in the Act approved February 23, 1917, the moneys to which it is entitled under the provisions of this Act.

Authorizations additional to former Act.

SEC. 4. The appropriations made by this Act shall be in addition to, and shall be subject to the same conditions and limitations as, the appropriations made by the Act entitled "An Act to provide for the promotion of vocational education; to provide cooperation with the States in the promotion of such education in agriculture and in the trades and industries; to provide cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures", approved February 23, 1917, except that the appropriations made by this Act for home economics shall be subject to the conditions and limitations applicable to the appropriation for agricultural purposes under such Act of February 23, 1917, with the exception of that part of section 10 thereof which requires directed or supervised practice for at least six months per year; that such moneys as are provided by this Act for trade and industrial subjects may be expended for part-time classes operated for less than one hundred and forty-four hours per year; and that the appropriations available under section 2 of this Act shall be available for expenses of attendance at meetings of educational associations and other organizations, which, in the opinion of the Commissioner, are necessary for the efficient discharge of the provisions of this Act.

Provisions concerning home economics.

Vol. 39, p. 934.

Plan of education.

Attendance at meetings authorized.

Approved, May 21, 1934.

[CHAPTER 325.]

JOINT RESOLUTION

May 21, 1934.
[H.J.Res. 311.]
[Pub. Res., No. 26.]

To permit articles imported from foreign countries for the purpose of exhibition at A Century of Progress Exposition, Chicago, Illinois, to be admitted without payment of tariff, and for other purposes.

A Century of Progress Exposition.

Dutiable articles imported for exhibition, etc., purposes, admitted free under regulations.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all articles which shall be imported from foreign countries for the purpose of exhibition at the exposition to be held by and known as "A Century of Progress", or for use in constructing, installing, or maintaining foreign buildings or exhibits at the said exposition, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said exposition, to sell within the area of the exposition any articles provided for herein, subject to such regulation for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles, which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because

Sales permitted.

Provisos.
Duty on articles withdrawn.

Deterioration allowance.

Marking provisions.

Exhibits previously entered and under continuous customs custody, etc.; transfer privileges.

such articles were not sufficiently marked when imported into the United States: *Provided further*, That articles, which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond, and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That A Century of Progress shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by A Century of Progress to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930.

A Century of Progress deemed sole consignee of merchandise.

Expenses reimbursable.

Deposit of, as refunds.

Vol. 46, p. 741.

Approved, May 21, 1934.

[CHAPTER 333.]

May 22, 1934.
[S. 2845.]
[Public, No. 246.]

AN ACT

To extend the provisions of the National Motor Vehicle Theft Act to other stolen property.

National Stolen Property Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Stolen Property Act."

Definitions.

SEC. 2. That when used in this Act—

"Interstate or foreign commerce."

(a) The term "interstate or foreign commerce" shall mean transportation from one State, Territory, or the District of Columbia to another State, Territory, or the District of Columbia, or to a foreign country, or from a foreign country to any State, Territory, or the District of Columbia.

"Securities."

(b) The term "securities" shall include any note, stock certificate, bond, debenture, check, draft, warrant, traveler's check, letter of credit, warehouse receipt, negotiable bill of lading, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate; certificate of interest in property, tangible or intangible; instrument or document or writing evidencing ownership of goods, wares, and merchandise; or transferring or assigning any right, title, or interest in or to goods, wares, and merchandise, or, in general, any instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, warrant, or right to subscribe to or purchase any of the foregoing, or any forged, counterfeited, or spurious representation of any of the foregoing.

"Money."

(c) The term "money" shall mean the legal tender of the United States or of any foreign country, or any counterfeit thereof.

Stolen goods, securities, or money.
Transporting in interstate or foreign commerce.

SEC. 3. Whoever shall transport or cause to be transported in interstate or foreign commerce any goods, wares, or merchandise, securities, or money, of the value of $5,000 or more theretofore stolen or taken feloniously by fraud or with intent to steal or

purloin, knowing the same to have been so stolen or taken, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than ten years, or both. Punishment for.

SEC. 4. Whoever shall receive, conceal, store, barter, sell, or dispose of any goods, wares, or merchandise, securities, or money, of the value of $5,000 or more, or whoever shall pledge or accept as security for a loan any goods, wares, or merchandise, or securities of the value of $500 or more which, while moving in or constituting a part of interstate or foreign commerce, has been stolen or taken feloniously by fraud or with intent to steal or purloin, knowing the same to have been stolen or taken, shall be punished by a fine of not more than $10,000 or by imprisonment of not more than ten years, or both. Receiving such property. Accepting as security for loan. Punishment for.

SEC. 5. In the event that a defendant is charged in the same indictment with two or more violations of this Act, then the aggregate value of all goods, wares, and merchandise, securities, and money referred to in such indictment shall constitute the value thereof for the purposes of sections 3 and 4 hereof. Two or more violations in same indictment.

SEC. 6. Any person violating this Act may be punished in any district into or through which such goods, wares, or merchandise, or such securities or money, have been transported or removed. Venue of prosecutions.

SEC. 7. Nothing herein shall be construed to repeal, modify, or amend any part of the Act of October 29, 1919 (ch. 89), cited as the "National Motor Vehicle Theft Act." National Motor Vehicle Theft Act not affected. Vol. 41, p. 324; U.S.C., p. 495.

Approved, May 22, 1934.

[CHAPTER 337.]

AN ACT

To provide for the exchange of Indian and privately owned lands, Fort Mojave Indian Reservation, Arizona.

May 23, 1934.
[S. 1807.]
[Public, No. 247.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to accept, in his discretion, under rules and regulations to be prescribed by him, conveyances to the Government of privately owned lands contiguous to the even-numbered sections added to the Fort Mojave Indian Reservation, Arizona, by Executive order of February 2, 1911, and to permit lieu selections of lands approximately equal in value from the even-numbered sections by those surrendering their holdings, so that the lands retained and acquired through exchange for Indian use may be consolidated and held in a solid area so far as may be possible: *Provided*, That upon conveyance of any privately owned lands to the Government pursuant thereto, the Secretary of the Interior is hereby authorized to issue to the person or persons making the conveyance, patent of appropriate form and legal effect for the lieu lands. The areas consolidated in the Government pursuant to this Act are hereby declared to be held for the benefit of the Indians of the Fort Mojave Reservation: *Provided further*, That the title or claim of any person or persons who refuse to convey to the Government shall not be affected by this Act. Fort Mojave Indian Reservation, Ariz. Exchange of Indian and privately owned lands permitted. Executive Order 1296. *Provisos.* Patent to issue on conveying privately owned lands. Consolidations for benefit of Indians. Title.

Approved, May 23, 1934.

[CHAPTER 338.]

AN ACT

May 23, 1934.
[H.R. 8208.]
[Public, No. 248.]

To provide for the exploitation for oil, gas, and other minerals on the lands comprising Fort Morgan Military Reservation, Alabama.

Fort Morgan Military Reservation, Ala.
Lease of, for exploitation for oil, gas, etc., authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to lease within the period of two years from the date of the passage of this Act the lands comprising Fort Morgan Military Reservation situated in the county of Baldwin, State of Alabama, for exploitation for oil, gas, and other minerals under the Act of February 25, 1920 (41 Stat. 437), as amended, and regulations thereunder. The Secretary of the Interior shall within thirty days from the date of the passage of this Act advertise said lease for sale under the Act of February 25, 1920 (41 Stat. 437), as amended, and regulations thereunder:

Vol. 41, p. 437.
Advertising leases for sale.

Provisos.
Award, in event of but one bidder.

Provided, That in case but one offer or bid is received, the Secretary may, in his discretion, award the right to extract the oil and gas to such bidder: *Provided further*, That the operation of the lease shall not interfere with the use for military purposes or for lighthouse purposes of that portion of said land transferred to the Department of Commerce nor with the use for quarantine purposes of that portion of said lands transferred to the Treasury Department: *And provided further*, That the operation upon the tract quitclaimed to the State of Alabama shall be only by and with the consent of the State of Alabama. If a lease be made the Secretary of the Interior is directed to make a written report to Congress of its terms and conditions within not less than thirty days after the execution of the lease.

Military or lighthouse uses.

Quarantine purposes.

Alabama's consent for operating quitclaimed tracts therein; report to Congress.

Provision for sale of reservation suspended for 2 years.

SEC. 2. Any part or parts of the Act approved March 12, 1926, authorizing the sale of the Fort Morgan Military Reservation is hereby suspended for a period of two years following the passage of this Act or until it has been determined by the Secretary of the Interior that it is impracticable and uneconomical to exploit this reservation for oil, gas, and other minerals under the provisions of this Act: *Provided*, That the failure of private interests to submit satisfactory proposal for the leasing of this property under the provisions of section 2 of this Act, after due advertisement thereof, may be accepted as proof of impracticability of exploitation.

Proviso.
Exploitation tests.

Approved, May 23, 1934.

[CHAPTER 339.]

AN ACT

May 23, 1934.
[H.R. 7356.]
[Public, No. 249.]

To provide, in case of the disability of senior circuit judges, for the exercise of their powers and the performance of their duties by the other circuit judges.

Circuit judges.
Provisions, in case of disability of senior circuit judges.
Vol. 36, p. 1131; Vol. 40, p. 1157.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case the senior circuit judge of any circuit is unable because of illness or other cause to exercise any power given or to perform any duty imposed by law, such power or duty shall be exercised or performed by the other judges of that circuit in the order of the seniority of their respective commissions.

Approved, May 23, 1934.

[CHAPTER 344.]

AN ACT

To amend the law relative to citizenship and naturalization, and for other purposes.

May 24, 1934.
[H.R. 3673.]
[Public, No. 250.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1993 of the Revised Statutes is amended to read as follows:

Citizenship and naturalization.
R.S., sec. 1993, p. 350; U.S.C., p. 121.

"SEC. 1993. Any child hereafter born out of the limits and jurisdiction of the United States, whose father or mother or both at the time of the birth of such child is a citizen of the United States, is declared to be a citizen of the United States; but the rights of citizenship shall not descend to any such child unless the citizen father or citizen mother, as the case may be, has resided in the United States previous to the birth of such child. In cases where one of the parents is an alien, the right of citizenship shall not descend unless the child comes to the United States and resides therein for at least five years continuously immediately previous to his eighteenth birthday, and unless, within six months after the child's twenty-first birthday, he or she shall take an oath of allegiance to the United States of America as prescribed by the Bureau of Naturalization."

Citizenship of child born abroad of citizen parent.

Residence of parent.

Of child, when one parent an alien.

Oath of allegiance.

SEC. 2. Section 5 of the Act entitled "An Act in reference to the expatriation of citizens and their protection abroad", approved March 2, 1907, as amended, is amended to read as follows:

Vol. 34, p. 1229; U.S.C., p. 122.

"SEC. 5. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the father or the mother: *Provided*, That such naturalization or resumption shall take place during the minority of such child: *And provided further*, That the citizenship of such minor child shall begin five years after the time such minor child begins to reside permanently in the United States."

Acquisition of citizenship by child upon naturalization, etc., of parent.

Provisos.
Minority of child.

When citizenship of child to begin.

SEC. 3. A citizen of the United States may upon marriage to a foreigner make a formal renunciation of his or her United States citizenship before a court having jurisdiction over naturalization of aliens, but no citizen may make such renunciation in time of war, and if war shall be declared within one year after such renunciation then such renunciation shall be void.

Renunciation of citizenship upon marriage to foreigner.

In time of war.

SEC. 4. Section 2 of the Act entitled "An Act relative to the naturalization and citizenship of married women", approved September 22, 1922, is amended to read as follows:

Vol. 42, p. 1022; U.S.C., p. 158.

"SEC. 2. That an alien who marries a citizen of the United States, after the passage of this Act, as here amended, or an alien whose husband or wife is naturalized after the passage of this Act, as here amended, shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, he or she may be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

Requirements for naturalization, aliens married to citizens.

"(a) No declaration of intention shall be required.

Declaration of intentions.

"(b) In lieu of the five-year period of residence within the United States and the one-year period of residence within the State or Territory where the naturalization court is held, he or she shall have resided continuously in the United States, Hawaii, Alaska, or Porto Rico for at least three years immediately preceding the filing of the petition."

Residence.

Repeal provision. Naturalization of wife and minor children of insane declarant. Vol. 36, p. 929; U.S.C., p. 158. Of widow and minor children of deceased declarant. Vol. 34, p. 598; U.S.C., p. 159.

SEC. 5. The following Acts and parts of Acts, respectively, are repealed: The Act entitled "An Act providing for the naturalization of the wife and minor children of insane aliens, making homestead entries under the land laws of the United States", approved February 24, 1911; subdivision "Sixth" of section 4 of the Act entitled "An Act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States", approved June 29, 1906; and section 8 of the Act entitled "An Act relative to the naturalization and citizenship of married women", approved September 22, 1922, as said section was added by the Act approved July 3, 1930, entitled "An Act to amend an Act entitled 'An Act relative to naturalization and citizenship of married women', approved September 22, 1922."

Admission of alien wives of World War veterans. Vol. 46, p. 849; U.S.C., Supp. VII, p. 87.

Existing rights not affected.

The repeal herein made of Acts and parts of Acts shall not affect any right or privilege or terminate any citizenship acquired under such Acts and parts of Acts before such repeal.

Approved, May 24, 1934, 12 noon.

[CHAPTER 345.]

May 24, 1934. [H.R. 5950.] [Public, No. 251.]

AN ACT

To amend an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and Acts amendatory thereof and supplementary thereto.

Bankruptcy Act of 1898, amendments. Vol. 30, p. 544.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 1, 1898, entitled "An Act to establish a uniform system of bankruptcy throughout the United States", as approved July 1, 1898, and Acts amendatory thereof and supplementary thereto be, and they are hereby, amended by adding thereto a new chapter to read as follows:

"CHAPTER IX

"PROVISIONS FOR THE EMERGENCY TEMPORARY AID OF INSOLVENT PUBLIC DEBTORS AND TO PRESERVE THE ASSETS THEREOF AND FOR OTHER RELATED PURPOSES

Declaration of policy.

"SEC. 78. DECLARATION OF POLICY.—There is hereby found, determined, and declared to exist a national emergency caused by increasing financial difficulties of many local governmental units, which renders imperative the further exercise of the bankruptcy powers of the Congress of the United States.

Courts of bankruptcy, additional jurisdiction.

"SEC. 79. ADDITIONAL JURISDICTION.—Until the expiration of two years from the date this chapter takes effect, in addition to the jurisdiction exercised in voluntary and involuntary proceedings to adjudge persons bankrupt, courts of bankruptcy shall exercise original jurisdiction in proceedings for the relief of debtors, as provided in this chapter of this Act.

Municipal debt readjustments. Petition of insolvent taxing district.

"SEC. 80. MUNICIPAL-DEBT READJUSTMENTS.—(a) Any municipality or other political subdivision of any State, including (but not hereby limiting the generality of the foregoing) any county, city, borough, village, parish, town, or township, unincorporated tax or special assessment district, and any school, drainage, irrigation, reclamation, levee, sewer, or paving, sanitary, port, improvement or other districts (hereinafter referred to as a 'taxing district'), may file a petition stating that the taxing district is insolvent or unable to meet its debts as they mature, and that it desires to effect a plan of readjustment of its debts. The petition shall be filed with the court in whose territorial jurisdiction the taxing district or the major part thereof is

Where to be filed.

located and for any such district having no officials of its own the petition shall be filed by the municipality or political subdivision, the officials of which have power to contract on behalf of said district or to levy the special assessments within such district. The petition shall be accompanied by payment to the clerk of a filing fee of $100, which shall be in addition to the fees required to be collected by the clerk under other chapters of this Act. The petition shall state that a plan of readjustment has been prepared, is filed and submitted with the petition, and that creditors of the taxing district owning not less than 30 per centum in the case of drainage, irrigation, reclamation, and levee districts and owning not less than 51 per centum in the case of all other taxing districts in amount of the bonds, notes, and certificates of indebtedness of the taxing district affected by the plan, excluding bonds, notes, or certificates of indebtedness owned, held, or controlled by the taxing district in a fund or otherwise, have accepted it in writing. The petition shall be accompanied with such written acceptance and with a list of all known creditors of the taxing district, together with their addresses so far as known to the taxing district, and description of their respective claims showing separately those who have accepted the plan of readjustment, together with their separate addresses, the contents of which list shall not constitute admissions by the taxing districts in a proceeding under this chapter or otherwise. Upon the filing of such a petition the judge shall enter an order either approving it as properly filed under this chapter, if satisfied that such petition complies with this chapter and has been filed in good faith, or dismissing it, if not so satisfied. If creditors holding 5 per centum in amount of the bonds, notes, or certificates of indebtedness shall, within ninety days after the first publication of the notice provided for in subdivision (c), clause (1), of this chapter, appear and controvert the facts alleged in the petition, the judge shall decide the issues presented, and unless the material allegations of the petition are sustained, shall dismiss the petition.

Filing fee.

Contents of petition.
Readjustment plan to accompany.
Creditors' consent required in writing.

List of creditors to be furnished.

Description of claims.

Lists not to constitute admissions.

Judge to enter order approving or disapproving petition.

If creditors holding 5 percent appear and controvert, judge shall decide.

"(b) A plan of readjustment within the meaning of this chapter (1) shall include provisions modifying or altering the rights of creditors generally, or of any class of them, secured or unsecured, either through the issuance of new securities of any character or otherwise; and (2) may contain such other provisions and agreements, not inconsistent with this chapter, as the parties may desire.

Plan of readjustment.
Agreements and provisions may include.

"No creditor shall be deemed to be affected by any plan of readjustment unless the same shall affect his interests materially and adversely, and in case any controversy shall arise as to whether any creditor or class thereof shall or shall not be affected, the issue shall be determined by the judge after hearing upon notice to the parties interested.

Class of creditors deemed affected.

Determination of controversies.

"The term 'securities' shall include bonds, notes, and other evidences of indebtedness, either secured or unsecured, and certificates of beneficial interests in property. The term 'creditors' shall include for all purposes of this chapter all holders of claims, debts, securities, liens or other interests of whatever character against the taxing district or its property or revenues, including claims under executory contracts and for future rent, whether or not such claims would otherwise constitute provable claims under this Act, and all holders of judgments rendered against such taxing district but excepting claims for salaries and wages of officers and employees of the taxing district.

Terms construed.
"Securities."

"Creditors."

"For all purposes of this chapter any creditor may act in person or by a duly authorized agent or committee. Where any committee,

Creditor may act in person or by agent.

Group representation; requirements.

organization, group, or individual shall assume to act for or on behalf of creditors, such committee, organization, group, or individual shall first file with the court in which the proceeding is pending a list of the creditors represented by such committee, organization, group, or individual, together with a statement of the amount, class, and character of the indebtedness held by each such creditor, and shall accompany the same with a copy of the contract or agreement entered into between such committee, organization, group, or individual and the creditors represented by it or them, which contracts shall disclose all compensation to be received directly or indirectly by such agent or committee.

Procedure when petition approved.
Notice to creditors.
Publication of hearing.
Time and purpose of holding.

"(c) Upon approving the petition or at any time thereafter the judge (1) shall require the taxing district to give such notice as the order may direct to creditors, and to cause publication, to be made at least once a week for three successive weeks, of a hearing, to be held within ninety days after the approval of the petition for the purpose of considering the plan of readjustment filed with the petition and of any changes therein or modifications thereof which may be proposed;

Time extension when readjustment plan not accepted.

(2) if a plan of readjustment is not accepted and approved within such reasonable period as the judge may fix, or, if accepted and approved, is not confirmed, the judge may, after hearing, either extend such period not exceeding one year from the date of the filing of the petition, or dismiss the proceedings as the interests of the creditors may equitably require: *Provided, however*, That if a plan shall not be accepted and approved within one year from the date of the filing of the petition, the judge, after hearing, may continue the proceeding for not exceeding two years from the date of the filing of the petition, with the written consent of creditors of the taxing district holding more than one half in amount of all claims affected by the plan;

Provisos.
If plan not accepted within year.
Further extension upon consent of majority creditors.

Taxing district to furnish necessary data.

(3) shall require the taxing district at such time or times as the judge may direct, and in lieu of the schedules required by section 7 of this Act, to file such schedules and submit such other information as may be necessary to disclose the conduct of the affairs of the taxing district and the fairness of any proposed plan;

Creditor claims, time and manner of filing.

(4) shall determine a reasonable time and manner in which the claims and interests of creditors may be filed or evidenced, and, for the purposes of the plan and its acceptance, the division of creditors into classes according to the nature of their respective claims and interests; and may, for the purposes of such classification, classify as an unsecured claim the amount of any secured claim in excess of the value of the security thereof, such value to be determined in accordance with the provisions of chapter 57, clause (h), of this Act;

Classification.

Vol. 30, p. 560.

Executory contracts of taxing district, rejection authorized.
Notice of determinations.

(5) may, with the authorized written approval of the taxing district, direct the rejection of contracts of the taxing district executory in whole or in part; (6) shall cause reasonable notice of such determination and of all hearings for the consideration of the proposed plan, or the dismissal of the proceedings, or the allowances of fees or expenses, to be given creditors by publication or otherwise;

Inspection of district's files, etc.

(7) may require the taxing district to open its books, records, and files to the inspection of any creditor of the taxing district during reasonable business hours;

Allowances for services and expenses.

(8) may allow a reasonable compensation for the services rendered and reimbursement for the actual and necessary expenses incurred in connection with the proceeding and the payment of special masters, readjustment managers and committees or other representatives of creditors of the taxing district, and the attorneys or agents of any of the foregoing; and

Appeals from orders.

appeals may be taken, from the orders making such allowances, to the circuit court of appeals for the circuit in which the proceeding under this chapter is pending, independently of other

appeals which may be taken in the proceedings, and such appeals shall be heard summarily: *Provided, however*, That no fees, compensation, reimbursement, or other allowances for attorneys, agents, committees, or other representatives of creditors shall be assessed against the taxing district or paid from any revenues, property, or funds except in the manner and in such sums, if any, as may be provided for in the plan of readjustment; (9) in addition to the provisions of chapter II of this Act for the staying of pending suits, the court may upon notice enjoin or stay until after final decree, the commencement or continuation of suits against the taxing district, or any officer or inhabitant of the taxing district, on account of the indebtedness of such taxing district, or to enforce any lien or to enforce levy of taxes for the payment of any such indebtedness: *Provided, however*, That the judge may enter an interlocutory decree providing that the plan shall be temporarily operative with respect to all indebtedness affected thereby and that the payment of the principal or interest, or both, of such indebtedness shall be temporarily postponed or extended or otherwise readjusted in the same manner and upon the same terms as if such plan had been finally confirmed and put into effect, and upon the entry of such decree the principal or interest, or both, of such indebtedness which has otherwise become due, or which would otherwise become due, shall not be or become due or payable, and the payment of all such indebtedness shall be postponed during the period in which such decree shall remain in force; and (10) may refer any matters to a special master, for consideration and report upon specified issues; but (11) shall not, by any order or decree, in the proceeding or otherwise, interfere with (a) any of the political or governmental powers of the taxing district, or (b) any of the property or revenues of the taxing district necessary in the opinion of the judge for essential governmental purposes, or (c) any income-producing property, unless the plan of readjustment so provides. The taxing district shall be heard on all questions. Any creditor shall be heard on the question of the proposed confirmation of the plan, and, upon filing a petition for leave to intervene, on such other questions arising in the proceeding as the judge shall determine.

Assessments for attorney's, etc., fees restricted.

Stay of pending suits. Vol. 30, p. 545.

Interlocutory decree providing that plan be temporarily operative.

Postponements of payments during period.

Reference to special master.

Limitation on power of court.

Interferences denied.

Right of taxing district and creditors to hearing.

"(d) The plan of readjustment shall not be confirmed until it has been accepted in writing, filed in the proceeding, by or on behalf of creditors whose claims have been allowed holding two thirds in amount of the claims of each class whose claims have been allowed and would be affected by the plan, and by creditors holding 66⅔ per centum in the case of drainage, irrigation, reclamation, and levee districts and creditors holding 75 per centum in the case of all other taxing districts in amount of the claims of all classes of the taxing district affected by the plan, but excluding claims owned, held, or controlled by a taxing district, and such plan has been accepted and approved by the taxing district in a writing filed in the proceeding, signed in its name by an authorized authority: *Provided, however*, That it shall not be requisite to the confirmation of the plan that there be such acceptance by any creditor or class of creditors (a) whose claims are not affected by the plan, or (b) if the plan makes provision for the payment of their claims in cash in full, or (c) if provision is made in the plan for the protection of the interests, claims, or liens of such creditors or class of creditors.

Plan of readjustment. Acceptance by creditors before confirmation.

Proviso. Creditors whose claims not affected.

"(e) After hearing such objections as may be made to the plan, the judge shall confirm the plan if satisfied that (1) it is fair, equitable, and for the best interests of the creditors, and does not discriminate unfairly in favor of any class of creditors; (2) complies with the provisions of subdivision (b) of this chapter; (3) has been accepted

Confirmation of plan by court.

and approved as required by the provisions of subdivision (d) of this chapter; (4) all amounts to be paid by the taxing district for services or expenses incident to the readjustment have been fully disclosed and are reasonable; (5) the offer of the plan and its acceptance are in good faith; and (6) the taxing district is authorized by law, upon confirmation of the plan, to take all action necessary to carry out the plan. Before a plan is confirmed, changes and modifications may be made therein, with the approval of the judge after hearing upon notice to creditors, subject to the right of any creditor who shall previously have accepted the plan to withdraw his acceptance, within a period to be fixed by the judge and after such notice as the judge may direct, if, in the opinion of the judge, the change or modification will be materially adverse to the interest of such creditor, and if any creditor having such right of withdrawal shall not withdraw within such period, he shall be deemed to have accepted the plan as changed or modified: *Provided, however*, That the plan as changed or modified shall comply with all the provisions of this subdivision.

Changes and modifications allowed.

Rights of creditor thereafter.

Proviso. Conformity with subdivision.

"(f) Upon such confirmation the provisions of the plan and of the order of confirmation shall be binding upon (1) the taxing district, and (2) all creditors, secured or unsecured, whether or not affected by the plan, and whether or not their claims shall have been filed or evidenced, and if filed or evidenced, whether or not allowed, including creditors who have not, as well as those who have, accepted it.

Effect of confirmation.

"(g) In the event the judge shall disapprove the plan he shall file an opinion stating his reasons for such disapproval. If he approve the plan, the final decree shall discharge the taxing district from those debts and liabilities dealt with in the plan except as provided in the plan; and upon the entry of such decree the jurisdiction of the court in such proceeding shall cease.

Disapproval of plan by court; statement of reasons.

Discharge of taxing district from debts, etc., upon approval.

"(h) A certified copy of the final decree or of an order confirming a plan of readjustment, or of any other decree or order entered in a proceeding under this chapter, shall be evidence of the jurisdiction of the court, the regularity of the proceedings, and the fact that the decree or order was made. A certified copy of an order directing the transfer of any property dealt with by the plan, shall be evidence of the transfer of title accordingly, and if recorded as conveyances are recorded shall impart the same notice that a deed, if recorded, would impart.

Certified copy of decree or order as evidence of jurisdiction of court.

Order directing property transfer; effect of.

"(i) In proceedings under this chapter and consistent with the provisions thereof, the jurisdiction and powers of the court, the duties of the taxing district and the rights and liabilities of creditors, and of all persons with respect to the taxing district and its property, shall be the same as if a voluntary petition for adjudication had been filed and a decree of adjudication had been entered on the day when the petition of the taxing district was approved.

Status of proceedings under this chapter.

"(j) This chapter shall take effect and be in force from and after the date of the approval of this amendatory Act and shall apply as fully to taxing districts and their creditors, whose interests or debts have been acquired or incurred prior to such date, as to taxing districts and their creditors, whose interests or debts are acquired or incurred after such date.

Effective upon approval.

"(k) Nothing contained in this chapter shall be construed to limit or impair the power of any State to control, by legislation or otherwise, any political subdivision thereof in the exercise of its political or governmental powers, including expenditures therefor, and including the power to require the approval by any governmental

Power of State over political subdivisions not impaired.

agency of the State of the filing of any petition hereunder and of any plan of readjustment, and whenever there shall exist or shall hereafter be created under the law of any State any agency of such State authorized to exercise supervision or control over the fiscal affairs of all or any political subdivisions thereof, and whenever such agency has assumed such supervision or control over any political subdivision, then no petition of such political subdivision may be received hereunder unless accompanied by the written approval of such agency, and no plan of readjustment shall be put into temporary effect or finally confirmed without the written approval of such agency of such plans.

Saving provisions.

"(l) If any provision of this chapter, or the application thereof to any person or circumstances, is held invalid, the remainder of the chapter, or the application of such provision to other persons or circumstances, shall not be affected thereby."

Approved, May 24, 1934, 12.20 p.m.

[CHAPTER 347.]

AN ACT

May 25, 1934.
[H.R. 9092.]
[Public, No. 252.]

To authorize the Secretary of War to lend to the housing committee of the United Confederate Veterans two hundred and fifty pyramidal tents, complete; fifteen 16- by 80- by 40-foot assembly tents; thirty 11- by 50- by 15-foot hospital-ward tents; ten thousand blankets, olive drab, numbered 4; five thousand canvas cots; twenty field ranges, numbered 1; ten field bake ovens, to be used at the encampment of the United Confederate Veterans, to be held at Chattanooga, Tennessee, in June 1934.

Confederate Veterans' encampment, Chattanooga, Tenn.
Loan of tents, etc., to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to lend, at his discretion, to the housing committee of the United Confederate Veterans, whose encampment is to be held at Chattanooga, Tennessee, June 6, 7, and 8, 1934, two hundred and fifty pyramidal tents, complete with all poles, pegs, and other equipment necessary for their erection; fifteen 16- by 80- by 40-foot assembly tents, complete with all their poles, pegs, and equipment necessary for their erection; thirty 11- by 50- by 15-foot hospital-ward tents, complete with all their poles, pegs, and equipment necessary for their erection; twenty field ranges, numbered 1, with necessary equipment for their erection; ten field bake ovens with necessary equipment for their erection; ten thousand blankets, olive drab, numbered 4; five thousand canvas cots; ten officers' tents complete with all their poles, pegs, and equipment necessary for their erection; nine hundred mess kits, complete; six litters; twenty tent flys with poles for wall tents; and thirty garbage cans: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered from the nearest quartermaster depot at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and the chairman of the said housing committee, Mr. Maurice C. Poss: *Provided further*, That the Secretary of War, before delivery of such property, shall take from said Maurice C. Poss, chairman of the housing committee of the annual Confederate reunion, a good and sufficient bond for the safe return of said property in good order and condition and the whole without expense to the United States.

Provisos.
No Federal expense.

Bond required.

Approved, May 25, 1934.

[CHAPTER 348.]

AN ACT

May 25, 1934.
[S. 3436.]
[Public, No. 253.]

Limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to counsel in certain proceedings against the Electro Metallurgical Company, New-Kanawha Power Company, and the Union Carbide and Carbon Corporation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in sections 109 and 113 of an Act entitled "An Act to codify, revise, and amend the penal laws of the United States", approved March 4, 1909, as amended (U.S.C., title 18, secs. 198 and 203), or in section 190 of the Revised Statutes of the United States (U.S.C., title 5, sec. 99), or in any other Act of Congress forbidding officers or employees or former officers or employees of the United States from acting as counsel, attorney, or agent for another before any court, department, or branch of the Government or from receiving or agreeing to receive compensation therefor, shall be deemed to apply to attorneys or counselors to be specially employed, retained, or appointed by the Attorney General or under authority of the Department of Justice to assist in the prosecution of any case or cases, civil or criminal, to be brought by the United States against the Electro Metallurgical Company, New-Kanawha Power Company, or the Union Carbide and Carbon Corporation, or all or any of said companies and/or their officers or agents, and/or any litigation involving hydroelectric power, navigation, or water rights or claims upon the New and Kanawha Rivers, or either of them, under the Federal Water Power Act or the River and Harbor Appropriation Act of March 3, 1899, chapter 425, or any other Act or Acts.

Electro Metallurgical Company, New-Kanawha Power Company, and Union Carbide and Carbon Corporation.
Counsel in proceedings against.
Vol. 35, p. 1107, 1109.
U.S.C., p. 474, 475.

Vol. 41, p. 1063; Vol. 30, p. 1121.

Approved, May 25, 1934.

[CHAPTER 349.]

AN ACT

May 25, 1934.
[S. 3114.]
[Public, No. 254.]

To extend the times for commencing and completing the construction of certain bridges in the State of Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of the following bridges, authorized to be built by the State of Oregon, are hereby extended one and three years, respectively, from the date of approval hereof: (1) Across the Umpqua River, at or near Reedsport, Oregon, authorized by Act of Congress approved June 13, 1933; (2) across Yaquina Bay, at or near Newport, Oregon, authorized by Act of Congress approved June 13, 1933; (3) across Coos Bay, at or near North Bend, Oregon, authorized by Act of Congress approved June 13, 1933; (4) across the Siuslaw River, at or near Florence, Oregon, authorized by Act of Congress approved June 13, 1933; and (5) across Alsea Bay, at or near Waldport, Oregon, authorized by Act of Congress approved June 15, 1933.

Oregon, bridge construction.
Times for, extended on designated projects.

Umpqua River at Reedsport, Oreg.
Yaquina Bay at Newport.

Coos Bay at North Bend.

Siuslaw River at Florence.
Alsea Bay at Waldport.
Ante, pp. 135–137, 148.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, May 25, 1934.

[CHAPTER 350.]

AN ACT

May 25, 1934.
[H.R. 9394.]
[Public, No. 255.]

To authorize the Federal Radio Commission to purchase and enclose additional land at the radio station near Grand Island, Nebraska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Radio Commission is authorized to purchase an additional tract of land containing approximately ten acres adjacent to that now owned by the United States at Grand Island, Nebraska, and to enclose the same for use in connection with the constant-frequency monitoring station located at said place. There is hereby authorized to be appropriated the sum of $1,200 to carry out the purposes of this Act.

Grand Island, Nebr.
Purchase, etc., of land as addition to radio station authorized.

Approved, May 25, 1934.

[CHAPTER 351.]

JOINT RESOLUTION

May 25, 1934.
[H.J.Res. 345.]
[Pub. Res., No. 27.]

To provide funds to enable the Secretary of Agriculture to carry out the purposes of the Acts approved April 21, 1934, and April 7, 1934, relating, respectively, to cotton and to cattle and dairy products, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable the Secretary of Agriculture to carry out the purposes of the Act entitled "An Act to place the cotton industry on a sound commercial basis, to prevent unfair competition and practices in putting cotton into the channels of interstate and foreign commerce, to provide funds for paying additional benefits under the Agricultural Adjustment Act, and for other purposes" (Public, Numbered 169, Seventy-third Congress), approved April 21, 1934, there is hereby appropriated and made available, pursuant to the authorizations contained in the said Act, the funds available for carrying into effect the provisions of the Agricultural Adjustment Act, as amended, which shall be available for administrative and other expenses, and in addition thereto, the proceeds derived from the tax levied under said Act of April 21, 1934, are hereby appropriated and made available for the purposes for which appropriations are authorized to be made under the provisions of Section 16 (c) of said Act: *Provided*, That the Secretary of Agriculture shall transfer to the Treasury Department and is authorized to transfer to other agencies out of funds hereby made available for carrying out said Act of April 21, 1934, such sums as are required to carry out the provisions of said Act, including administrative expenses and refunds of taxes.

Cotton and cattle and dairy products.
Appropriation to administer certain Acts relating to.
Act regulating cotton industry.
Ante, p. 605.

Tax collections to be added.
Ante, p. 605.

Proviso.
Transfer of funds.

To enable the Secretary of Agriculture to carry out the purposes of the Act entitled "An Act to amend the Agricultural Adjustment Act so as to include cattle and other products as basic agricultural commodities, and for other purposes" (Public, Numbered 142, Seventy-third Congress), approved April 7, 1934, there are hereby appropriated, out of any money in the Treasury not otherwise appropriated, pursuant to the authorizations contained in sections 2 and 6 of said Act of April 7, 1934, $100,000,000 for the purposes of the Agricultural Adjustment Act, as amended, and $50,000,000 for the purposes specified in section 6 of said Act of April 7, 1934, including the employment of persons and means in the District of Columbia and elsewhere and other necessary expenses; in all, $150,000,000, to remain available until December 31, 1935.

Dairy and beef-cattle industries.
Ante, p. 528.

Salaries, etc.

The sum of $3,000 of the appropriation "Contingent expenses, House of Representatives: Folding documents, 1933 (03114)" is continued and made available for the same purposes during the fiscal year 1934.

House of Representatives.
Folding documents.
Vol. 47, p. 390.

Approved, May 25, 1934.

[CHAPTER 353.]

AN ACT

May 26, 1934.
[S. 2042.]
[Public, No. 256.]

To establish a department of physics at the United States Military Academy, West Point, New York.

United States Military Academy.
Professor of physics authorized; rank, pay, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter there is authorized one professor of physics at the United States Military Academy, with the same status, rank, pay, and allowances of other professors at said Military Academy.

Approved, May 26, 1934.

[CHAPTER 354.]

AN ACT

May 26, 1934.
[S. 2794.]
[Public, No. 257.]

To amend the Longshoremen's and Harbor Workers' Compensation Act with respect to rates of compensation, and for other purposes.

Longshoremen's and Harbor Workers' Compensation Act amended.
Vol. 44, p. 1427; U.S.C., Supp. VII, p. 790.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision (a) of section 7 of the Longshoremen's and Harbor Workers' Compensation Act, as amended, is amended by adding at the end thereof the following new sentence: "If at any time during such period the employee unreasonably refuses to submit to medical or surgical treatment, the deputy commissioner may, by order, suspend the payment of further compensation during such time as such refusal continues, and no compensation shall be paid at any time during the period of such suspension, unless the circumstances justified the refusal."

Medical services.
Suspension of payments, injured employee refusing treatment.

Compensation for disability.

SEC. 2. So much of subdivision (c) of section 8 of such Act, as amended, as precedes paragraph (13) thereof is amended to read as follows:

Permanent partial disability.
Percentage of average weekly wages in addition to temporary total disability compensation.
Schedule.

"(c) Permanent partial disability: In case of disability partial in character but permanent in quality, the compensation shall be 66⅔ per centum of the average weekly wages, which shall be in addition to compensation for temporary total disability paid in accordance with subdivision (b) of this section, and shall be paid to the employee, as follows:

"(1) Arm lost, two hundred and eighty weeks' compensation.
"(2) Leg lost, two hundred and forty-eight weeks' compensation.
"(3) Hand lost, two hundred and twelve weeks' compensation.
"(4) Foot lost, one hundred and seventy-three weeks' compensation.
"(5) Eye lost, one hundred and forty weeks' compensation.
"(6) Thumb lost, fifty-one weeks' compensation.
"(7) First finger lost, twenty-eight weeks' compensation.
"(8) Great toe lost, twenty-six weeks' compensation.
"(9) Second finger lost, eighteen weeks' compensation.
"(10) Third finger lost, seventeen weeks' compensation.
"(11) Toe other than great toe lost, eight weeks' compensation.
"(12) Fourth finger lost, seven weeks' compensation."

Vol. 44, p. 1428.

SEC. 3. Paragraph (22) of subdivision (c) of section 8 of such Act, as amended, is amended to read as follows:

Loss of more than one member, not amounting to permanent total disability.
Compensation.

"(22) In any case in which there shall be a loss of, or loss of use of, more than one member or parts of more than one member set forth in paragraphs (1) to (19) of this subdivision, not amounting to permanent total disability, the award of compensation shall be for the loss of, or loss of use of, each such member or part thereof, which awards shall run consecutively."

SEC. 4. Subdivision (j) of section 14 of such Act, as amended, is amended to read as follows:

Payment of compensation.
Vol. 44, p. 1433; U.S.C., Supp. VII, p. 793.

"(j) Whenever the deputy commissioner determines that it is in the interest of justice, the liability of the employer for compensation, or any part thereof as determined by the deputy commissioner with the approval of the Commission, may be discharged by the payment of a lump sum equal to the present value of future compensation payments commuted, computed at 4 per centum true discount compounded annually. The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which he is entitled to compensation shall be determined in accordance with the American Experience Table of Mortality, and the probability of the remarriage of the surviving wife shall be determined in accordance with the remarriage tables of the Dutch Royal Insurance Institution. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded."

Lump-sum settlements authorized.

Computation.

Probability of death or remarriage; determination.

Other contingencies.

SEC. 5. Section 22 of such Act, as amended, is amended to read as follows:

Vol. 44, p. 1437.

"MODIFICATION OF COMPENSATION CASES

Modification of compensation cases.

"SEC. 22. Upon his own initiative, or upon the application of any party in interest, on the ground of a change in conditions or because of a mistake in a determination of fact by the deputy commissioner, the deputy commissioner may, at any time prior to one year after the date of the last payment of compensation, whether or not a compensation order has been issued, review a compensation case in accordance with the procedure prescribed in respect of claims in section 19, and in accordance with such section issue a new compensation order which may terminate, continue, reinstate, increase, or decrease such compensation. Such new order shall not affect any compensation previously paid, except that an award increasing the compensation rate may be made effective from the date of the injury, and if any part of the compensation due or to become due is unpaid, an award decreasing the compensation rate may be made effective from the date of the injury, and any payment made prior thereto in excess of such decreased rate shall be deducted from any unpaid compensation, in such manner and by such method as may be determined by the deputy commissioner with the approval of the commission."

Review authorized. Grounds of.

Time limit.

Vol. 44, p. 1435.
New order.

Previous payments not affected, exception.

Approved, May 26, 1934.

[CHAPTER 355.]

AN ACT

May 26, 1934.
[S. 3355.]
[Public, No. 258.]

To authorize the coinage of 50-cent pieces in commemoration of the two-hundredth anniversary of the birth of Daniel Boone.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the two-hundredth anniversary of the birth of Daniel Boone, there shall be coined by the Director of the Mint six hundred thousand 50-cent pieces of standard size, weight, and silver fineness and of a special appropriate design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, to be legal tender in all payments at face value; but the United States shall not be subject to the expense of making the models or master dies or other preparations for this coinage.

Bicentennial of birth of Daniel Boone.
Coinage to commemorate authorized.
Number, etc.

Legal tender.
No Federal expense.

SEC. 2. That the coins herein authorized shall be issued at par and only upon the request of the secretary of the Daniel Boone Bicentennial Commission.

Issue at par to Daniel Boone Bicentennial Commission.

Disposal; use of proceeds.

SEC. 3. Such coins may be disposed of at par or at a premium by said Commission and all proceeds shall be used in furtherance of the Daniel Boone Bicentennial Commission projects.

Coinage laws applicable.

SEC. 4. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same; regulating and guarding the process of coinage; providing for the purchase of material, and for the transportation, distribution, and redemption of the coins; for the prevention of debasement or counterfeiting; for security of the coin; or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein directed.

Approved, May 26, 1934.

[CHAPTER 356.]

AN ACT

May 26, 1934.
[S. 2442.]
[Public, No. 259.]

For the protection of the municipal water supply of the city of Salt Lake City, State of Utah.

Salt Lake City, Utah, water supply.
Surface use of lands by settlers on mining locations within watershed permitted.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter mining locations made under the United States mining laws upon lands within the municipal watershed of the city of Salt Lake City, within the Wasatch National Forest in the State of Utah, specifically described as follows—

Lands situate in Wasatch National Forest; description.

South half section 22; all of section 23; and sections 25 to 36, inclusive; township 1 south, range 2 east, Salt Lake meridian.

South half of section 30; and sections 31 to 33, inclusive; township 1 south, range 3 east, Salt Lake meridian.

Southeast quarter northeast quarter and east half southeast quarter section 11; south half and south half north half section 12; north half, southeast quarter, east half southwest quarter and northwest quarter southwest quarter section 13; east half northeast quarter and northeast quarter southeast quarter section 14; east half northwest quarter; and east half section 24; southeast quarter section 25, township 2 south, range 1 east, Salt Lake meridian.

All of township 2 south, range 2 east, Salt Lake meridian.

West half section 3; sections 4 to 9; west half and southeast quarter section 10, south half section 14; sections 15 to 23; west half section 24; west half section 25; sections 26 to 35; and west half section 36; township 2 south, range 3 east, Salt Lake meridian.

East half section 1, township 3 south, range 1 east, Salt Lake meridian.

Sections 1 to 18, inclusive; and sections 20 to 24, inclusive; township 3 south, range 2 east, Salt Lake meridian.

Sections 1 to 9, inclusive; north half section 10; and section 18, township 3 south, range 3 east, Salt Lake meridian.

Mineral and timber rights granted.

shall confer on the locator the right to occupy and use so much of the surface of the land covered by the location as may be reasonably necessary to carry on prospecting and mining, including the taking of mineral deposits and timber required by or in the mining operations, and no permit shall be required or charge made for such use or occupancy: *Provided, however*, That the cutting and removal of timber, except where clearing is necessary in connection with mining operations or to provide space for buildings or structures used in connection with mining operations, shall be conducted in accordance with the rules for timber cutting on adjoining national-forest land, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining and prospecting

Proviso.
Timber removal.

Restriction.

shall be allowed except under the national-forest rules and regulations, nor shall the locator prevent or obstruct other occupancy of the surface or use of surface resources under authority of national-forest regulations, or permits issued thereunder, if such occupancy or use is not in conflict with mineral development.

Patents; rights conveyed by.

SEC. 2. That hereafter all patents issued under the United States mining laws affecting the above-mentioned lands within the municipal watershed of the city of Salt Lake City, within the Wasatch National Forest, in the State of Utah, shall convey title to the mineral deposits within the claim, together with the right to cut and remove so much of the mature timber therefrom as may be needed in extracting and removing the mineral deposits, if the timber is cut under sound principles of forest management as defined by the national-forest rules and regulations, but each patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except under the rules and regulations of the Department of Agriculture.

Surface title reserved.

Big Cottonwood Canyon.
Certain lands in, set aside for reservoir purposes.

SEC. 3. That the public lands within the several townships and subdivisions thereof hereinafter enumerated, situate in Big Cottonwood Canyon in the county of Salt Lake, State of Utah, are hereby reserved from all forms of location, entry, or appropriation, whether under the mineral or nonmineral land laws of the United States, and set aside as a municipal water supply reservoir site for the use and benefit of the city of Salt Lake City, a municipal corporation of the State of Utah, as follows, to wit: Lands in sections 13 and 14, township 2 south, range 2 east; and sections 7, 17, and 18, township 2 south, range 3 east, Salt Lake meridian, Utah, as shown on reservoir map approved on January 25, 1924, under section 4 of the Act of February 1, 1905 (33 Stat. 628).

Existing valid mining claims may be perfected.

SEC. 4. That valid mining claims within the municipal watershed of the city of Salt Lake City, within the Wasatch National Forest in the State of Utah, existing on the date of the enactment of this Act, and thereafter maintained in compliance with the law under which they were initiated and the laws of the State of Utah, may be perfected under this Act, or under the laws under which they were initiated, as the claimant may desire.

Approved, May 26, 1934.

[CHAPTER 357.]

AN ACT

May 26, 1934.
[H.R. 7306.]
[Public, No. 260.]

To amend section 10 of the Act entitled "An Act extending the homestead laws and providing for right-of-way for railroads in the District of Alaska, and for other purposes", approved May 14, 1898, as amended.

Alaska.
Homestead laws amended.
Vol. 30, p. 413; Vol. 44, p. 1365.
U.S.C., p. 1597; Supp. VII, p. 987.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 10 of the Act entitled "An Act extending the homestead laws and providing for right-of-way for railroads in the District of Alaska, and for other purposes", approved May 14, 1898, as amended (U.S.C., title 48, secs. 461, 462, 463, 464, and 465; U.S.C., Supp. VI, title 48, sec. 461), is amended by inserting after the first proviso in such paragraph as amended, the following:

Homesteader's right to purchase tract.

"*Provided further*, That any citizen of the United States, after occupying land of the character described as a homestead or headquarters, in a habitable house, not less than five months each year

Limit of acreage.
Price.
Surveys.
Vol. 40, p. 633; Vol. 44, p. 243.
Minimum payment.
Purchase restriction.

for three years, may purchase such tract, not exceeding five acres, in a reasonable compact form, without any showing as to his employment or business, upon payment of $2.50 per acre, under rules and regulations to be prescribed by the Secretary of the Interior, and in such cases surveys may be made without expense to the applicants in like manner as the survey of settlement claims under the Act of June 28, 1918 (40 Stat. 632), as amended by section 1 of the Act of April 13, 1926 (44 Stat. 243): *And provided further*, That the minimum payment for any such tract shall be $10, and no person shall be permitted to purchase more than one tract except upon a showing of good faith and necessity satisfactory to the Secretary of the Interior."

Approved, May 26, 1934.

[CHAPTER 363.]

May 28, 1934.
[H.R. 9530.]
[Public, No. 261.]

AN ACT

Granting the consent of Congress to the county of Pierce, a legal subdivision of the State of Washington, to construct, maintain, and operate a toll bridge across Puget Sound, State of Washington, at or near a point commonly known as "The Narrows".

Puget Sound.
Pierce County, Wash., may bridge at "The Narrows".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the county of Pierce, a legal subdivision of the State of Washington, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, State of Washington, at or near a point commonly known as "The Narrows", at a point suitable to the interests of navigation, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Construction.
Vol. 34, p. 84.

Tolls, if charged, to be adjusted to provide for operation and sinking fund.

SEC. 2 If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed thirty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

To be a free bridge after amortizing cost, etc.

Record of expenses and receipts to be kept.

Amendment.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 28, 1934.

[CHAPTER 364.]

AN ACT

To authorize the Secretary of the Interior to issue patents for lots to Indians within the Indian village of Taholah, on the Quinaielt Indian Reservation, Washington.

May 28, 1934.
[S. 1882.]
[Public, No. 262.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized, upon application by any qualified Indian living within the Indian village of Taholah, on the Quinaielt Indian Reservation in the State of Washington, to to [1] issue to such Indian a patent for not to exceed two contiguous lots within said village, one of which lots must be occupied by said applicant: *Provided*, That where pursuant to section 10 of the Act of June 25, 1910 (36 Stat.L. 858), one lot within said Indian village has heretofore been patented to any Indian living thereon said Secretary of the Interior is hereby authorized to patent to such Indian, or to his or her heirs in case of death, one additional contiguous lot wherever available. All patents issued hereunder shall be of the legal effect prescribed by said section 10 of the Act of June 25, 1910, and all lots so patented to said Indians shall be disposed of as provided for in section 1 of that Act.

Quinaielt Indian Reservation, Wash.
Patents to Indians of Taholah village.

Proviso.
Additional lot to prior patentee.
Vol. 36, p. 858, amended.

Legal effect of patents.

Approved, May 28, 1934.

[CHAPTER 365.]

JOINT RESOLUTION

To prohibit the sale of arms or munitions of war in the United States under certain conditions.

May 28, 1934.
[H.J.Res. 347.]
[Pub. Res., No. 28.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That if the President finds that the prohibition of the sale of arms and munitions of war in the United States to those countries now engaged in armed conflict in the Chaco may contribute to the reestablishment of peace between those countries, and if after consultation with the governments of other American Republics and with their cooperation, as well as that of such other governments as he may deem necessary, he makes proclamation to that effect, it shall be unlawful to sell, except under such limitations and exceptions as the President prescribes, any arms or munitions of war in any place in the United States to the countries now engaged in that armed conflict, or to any person, company, or association acting in the interest of either country, until otherwise ordered by the President or by Congress.

Sale of war material in United States.
President by proclamation may prohibit.
Consultation and cooperation with other American Republics.

SEC. 2. Whoever sells any arms or munitions of war in violation of section 1 shall, on conviction, be punished by a fine not exceeding $10,000 or by imprisonment not exceeding two years, or both.

Punishment for violation.

Approved, May 28, 1934.

[CHAPTER 367.]

AN ACT

To regulate the distribution, promotion, retirement, and discharge of commissioned officers of the Marine Corps, and for other purposes.

May 29, 1934.
[H.R. 6803.]
[Public, No. 263.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter commissioned officers of the Marine Corps shall be distributed in grades, promoted, retired, and discharged in like manner and with

Marine Corps, commissioned officers.
Distribution, promotion, etc.

[1] So in original.

Navy system to apply.

the same relative conditions in all respects as are provided for commissioned officers of the line of the Navy, by existing law, or by laws hereafter enacted, except as may be necessary to adapt the said provisions to the Marine Corps, or as herein otherwise provided.

Distribution of general officers.

SEC. 2. That of the authorized number of commissioned officers above the grade of colonel, one shall be the Major General Commandant, two thirds shall be brigadier generals, and the remainder shall be major generals.

Heads of staff departments to be brigadier generals, while so serving.

SEC. 3. That the heads of staff departments shall be general officers while so serving, in addition to the number of general officers otherwise herein provided, with the rank, pay, and allowances of brigadier generals. They shall be carried in the grades or ranks from which appointed.

Major general. Vol. 40, p. 715.

SEC. 4. That promotion to major general of the line shall be from brigadier generals of the line.

General officers of the line computed as grade above colonel.

SEC. 5. That in computing the number of colonels to be recommended for promotion or to be designated for retention on the active list the general officers of the line shall be considered as constituting the grade next above that of colonel.

Computation of commissioned service.

SEC. 6. That commissioned service of officers for the purpose of this Act shall consist of all commissioned service on the active list of the Marine Corps, whether under a temporary or permanent appointment, and all commissioned service on active duty in the Marine Corps Reserve and the National Naval Volunteers.

Selection boards; composition and procedure.

SEC. 7. That selection boards shall consist of not less than six officers on the active list of the Marine Corps, the composition and procedure of the boards to be determined by the Secretary of the Navy: *Provided*, That no officer shall be recommended for advancement unless he shall have received the recommendation of not less than two thirds of the members of the board.

Proviso. Recommendation for advancement.

Selection not jeopardized by staff, etc., duty.

SEC. 8. That administrative staff duty performed by any officer under appointment or detail, and duty in aviation, or in any technical specialty, shall be given weight by the selection board in determining his fitness for promotion equal to that given to line duty equally well performed.

Physical fitness. R.S., sec. 1493, p. 258; U.S.C., p. 1129.

Disqualification by wounds. R.S., sec. 1494, p. 258; U.S.C., p. 1129.

SEC. 9. That section 1493, Revised Statutes (U.S.C., title 34, sec. 665), is so far amended in its application to the Marine Corps as to require that no officer shall be promoted to a higher grade, excepting in the case provided in section 1494, Revised Statutes (U.S.C., title 34, sec. 666), until he has been examined by a board of Naval medical officers and pronounced physically fit to perform all his duties at sea and in the field.

Sea service requirement not applicable. Promotion regardless of length of service in grade.

SEC. 10. That the requirement of sea service in grade shall not apply to promotion of officers of the Marine Corps; and officers in the upper four sevenths of the grades below brigadier general, subject to selection as established by the first section of this Act, shall be eligible for consideration by selection boards and for promotion without regard to length of service in grade: *Provided*, That no officer of the Marine Corps shall be ineligible for consideration for promotion by reason of completion of length of commissioned service until he shall have been once considered by a selection board.

Proviso. No officer completing sufficient service ineligible until once considered by board.

Staff eligible list. Consideration of names on, by subsequent board forbidden.

SEC. 11. That an officer whose name is placed on an eligible list for appointment as head of a staff department shall not be again considered for that office by any subsequent selection board, except as otherwise provided in this section, and shall, in respect to involuntary retirement, be in the same status as if on a promotion list: *Provided*, That the Secretary of the Navy may, in his discretion, with the approval of the President, remove his name from such list

Proviso. Removal of name.

and submit it to the next ensuing selection board for consideration and recommendation. If recommended for appointment by said board and approved by the President, the name of such officer shall be replaced on the eligible list from which removed without prejudice by reason of its having been temporarily removed therefrom. If not recommended by said board, such officer shall be subject to involuntary retirement under the same conditions as provided for in the case of an officer whose name is not on a promotion list.

Replaced, if recommended for appointment.

Involuntary retirement.

SEC. 12. That for the purposes of distribution and promotion in the Marine Corps grade and rank shall be considered as meaning the same.

"Grade" and "rank" synonymous.

SEC. 13. That the Major General Commandant shall be appointed as now provided by law.

Major General Commandant, appointment.

SEC. 14. That the selection board recommending colonels for promotion shall recommend the number of officers of the rank of colonel directed by the Secretary of the Navy for appointment as head of each staff department, and the names of officers so recommended, approved by the President, shall be placed on an eligible list for such appointment, one list for each department. As vacancies occur hereafter, heads of staff departments shall be appointed for four years from officers whose names appear on the eligible lists for the respective departments.

Heads of staff departments.

Preparing eligible lists for appointments.

Filling vacancies.

SEC. 15. That section 7 of the Act of March 4, 1925 (43 Stat.L. 1272; U.S.C., title 34, secs. 624, 630, 663, 669, and 684), and all other laws and parts of laws, insofar as the same are inconsistent with, or in conflict with the provisions of this Act, are, except as they apply to officers heretofore, retired thereunder, hereby repealed.

Repeal provisions.

Vol. 43, p. 1272.

U.S.C., p. 1128.

Exception.

SEC. 16. That officers of the Marine Corps in the ranks or grades of lieutenant colonel and major shall not be retired because of not being on a promotion list or on an eligible list for appointment as head of a staff department, and shall be eligible for consideration for promotion by selection boards without regard to completion of twenty-eight and twenty-one years' commissioned service, respectively. Upon promotion or advancement after the approval of this Act, with the exception of the Major General Commandant, heads of staff departments with the rank of brigadier general, an officer of the Marine Corps who may be appointed as Judge Advocate General of the Navy, and commissioned warrant officers, which officers shall receive the pay and allowances provided by law for their rank, commissioned officers of the Marine Corps shall receive the pay and allowances of the grade or rank from which promoted or advanced: *Provided*, That officers in the grades or ranks stated shall receive the pay and allowances of the grades or ranks in which serving upon attaining the number on the lineal lists of such grades or ranks, as follows: Major general, two (excluding the Major General Commandant); brigadier general, six; colonel, thirty-five (common list); lieutenant colonel, thirty-eight (common list); major, eighty; captain, two hundred and fifty-six; first lieutenant, two hundred and twenty-four.

Nonselection not to subject lieutenant colonel and major to involuntary retirement.

Eligibility for consideration.

Pay and allowances upon promotions after effective date.

Proviso.
Pay, etc., on attaining line number.

SEC. 17. Section 4 of the Act approved February 28, 1925 (43 Stat.L. 1081; U.S.C., title 34, sec. 753), as amended, is hereby amended to the extent that, hereafter, the minimum age limit for enlistment in the Naval Reserve or the Marine Corps Reserve shall be the same as that for enlistment in the Regular Navy.

Naval Reserve or Marine Corps Reserve.

Minimum age for enlistment.

Vol. 43, p. 1081.

U.S.C., p. 1133.

Approved, May 29, 1934.

[CHAPTER 368.]

AN ACT

May 29, 1934.
[H.R. 9068.]
[Public, No. 264.]

To provide for promotion by selection in the line of the Navy in the grades of lieutenant commander and lieutenant; to authorize appointment as ensigns in the line of the Navy all midshipmen who hereafter graduate from the Naval Academy; and for other purposes.

Navy, promotion by selection in the line.
Vol. 39, p. 578; U.S.C., p. 1116.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That except as otherwise provided in this Act, the provisions of existing law with reference to promotion by selection in the line of the Navy and the retirement of officers who are not on the promotion list or who are found not professionally qualified are hereby extended to include and authorize promotion to the grades of lieutenant commander and lieutenant, and the retirement of lieutenants and lieutenants (junior grade). The number to be recommended for promotion to each such grade and to be placed upon the promotion list shall be furnished the selection board for that grade by the Secretary of the Navy and shall be the number of existing vacancies in the grade concerned plus such additional number, if any, as the needs of the service may require.

Lieutenant commander and lieutenant grades.
Retirement of lieutenants and lieutenants (junior grade).
Promotion list to be furnished selection board.

Junior lieutenant, service requirement for promotion.

SEC. 2. That lieutenants (junior grade) who on June 30 of the year of the convening of the board shall have had three years' service in the grade of junior lieutenant shall be eligible for consideration for selection for promotion to the next higher grade.

Recommendation board.
Composition.

SEC. 3. That the board for the recommendation of line officers for promotion to the grades of lieutenant commander and lieutenant shall consist of nine officers on the active list of the line of the Navy above the rank of commander, not restricted by law to the performance of shore duty only, at least one of whom shall be a rear admiral.

Selection for promotion, grades below lieutenant commander.
Vol. 46, p. 1483; U.S.C., Supp. VII, p. 803.
Service requirements modified.
Provisos.
Ineligibility provisions.
Involuntary transfers to retired lists.
Vol. 46, p. 1483; U.S.C., Supp. VII, p. 806.

SEC. 4. That for the purpose of extending section 3 of the Act of March 3, 1931 (46 Stat. 1483; U.S.C., Supp. VII, title 34, sec. 286a), to officers below the rank of lieutenant commander, the said section is amended so that the length of service therein prescribed shall be fourteen years for lieutenants and seven years for lieutenants (junior grade): *Provided*, That no officer of said rank shall become so ineligible prior to June 30 of the second calendar year following the date of this Act: *And provided further*, That the restriction on the number of involuntary transfers in any fiscal year to the retired list prescribed in section 7 of the Act of March 3, 1931 (46 Stat. 1484; U.S.C., Supp. VII, title 34, sec. 286e), shall not apply to the grade of lieutenant and lieutenant (junior grade).

Naval Academy graduates.
Vol. 47, p. 149; U.S.C., Supp. VII, p. 801.

SEC. 5. That section 1 of the Act approved May 6, 1932 (47 Stat. 149; U.S.C., Supp. VII, title 34, sec. 12), is hereby amended by inserting the words "in 1934 and hereafter" after the words "midshipmen who", and the words "*Provided*, That all former midshipmen graduated in 1933 who received a certificate of graduation and honorable discharge and whether they have since been married or not may, upon their own application, if physically qualified, and under such regulations as the Secretary of the Navy may prescribe, be appointed as ensigns prior to August 1, 1934, by the President and shall take rank next after the junior ensign appointed in 1933 and among themselves in accordance with their proficiency as shown by the order of merit at date of graduation: *And provided further*," after the words "Naval Academy" and by striking out "in 1932, and at least 50 per centum of all graduates in subsequent years: *Provided*", so that as amended the said section will read as follows:

Appointment of midshipmen as ensigns.

"That the President of the United States is authorized, by and with the advice and consent of the Senate, to appoint as ensigns in the line of the Navy all midshipmen who in 1934 and hereafter graduate from the Naval Academy: *Provided*, That all former mid-

Provisos.

shipmen graduated in 1933 who received a certificate of graduation and honorable discharge and whether they have since been married or not may, upon their own application, if physically qualified, and under such regulations as the Secretary of the Navy may prescribe, be appointed as ensigns prior to August 1, 1934, by the President and shall take rank next after the junior ensign appointed in 1933 and among themselves in accordance with their proficiency as shown by the order of merit at date of graduation: *And provided further*, That the number of such officers so appointed shall, while in excess of the total number of line officers otherwise authorized by law, be considered in excess of the number of officers in the grade of ensign as determined by any computation, and shall be excluded from any computation made for the purpose of determining the authorized number of line officers in any grade on the active list above the grade of lieutenant (junior grade) until the total number of line officers shall have been reduced below the number otherwise authorized by law."

Class of 1933.

Excess to be carried as extra numbers, etc.

SEC. 6. That hereafter any staff officer on the active list below the rank of lieutenant commander shall be advanced to the next higher rank in his corps when the running mate of such staff officer or an officer junior to such running mate has been promoted to that higher rank in the line of the Navy or when a vacancy in that rank exists in the line of the Navy which will in due course be filled by the promotion of his running mate or an officer junior to his running mate: *Provided*, That such staff officer is found qualified in accordance with law for such advancement. The provisions of law relating to the advancement of staff officers now embodied in sections 255, 321, and 348r (Supplement VII), of title 34, United States Code, are hereby amended in accordance with this section.

Equalization of promotions, staff with line officers.

Proviso. Qualification requirements.

U.S.C., Supp. VII, p. 802.

Approved, May 29, 1934.

[CHAPTER 369.]

AN ACT

To provide for the donation of certain Army equipment to posts of the American Legion.

May 29, 1934.
[S. 1328.]
[Public, No. 265.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is authorized and directed to give to each post of the American Legion to which obsolete or condemned Army rifles, slings, or cartridge belts have been loaned under authority of the Act entitled "An Act authorizing the Secretary of War to loan Army rifles to posts of the American Legion", approved February 10, 1920, as amended, any such equipment now held by such post, and to cancel and release all obligations to the United States incurred pursuant to such Act in connection with loans of such equipment to posts of the American Legion.

American Legion. Obsolete Army equipment donated to.

Vol. 41, pp. 403, 977.

Approved, May 29, 1934.

[CHAPTER 370.]

AN ACT

To amend the laws relating to the length of tours of duty in the Tropics and certain foreign stations in the case of officers and enlisted men of the Army, Navy, and Marine Corps, and for other purposes.

May 29, 1934.
[S. 3397.]
[Public, No. 266.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 (requiring assignments of officers of the Army, Navy, or Marine Corps to permanent duty in the Tropics and at certain foreign stations to be for not less than three years) of the Treasury and Post

Foreign assignments of Army, etc., officers. Provision concerning permanent duty at certain foreign stations repealed.

Vol. 47, p. 1516. U.S.C., Supp. VII, p. 97.

Office Appropriation Act, fiscal year 1934, approved March 3, 1933 (U.S.C., Supp. VII, title 10, sec. 17a), is hereby repealed.

Tour of duty restrictions extended to Asia, certain insular possessions, and Canal Zone. Vol. 38, p. 1078.

SEC. 2. The second and third provisos in the paragraph with the heading "Barracks and Quarters, Philippine Islands" in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1916", approved March 4, 1915 (U.S.C., Supp. VII, title 10, sec. 17), are hereby amended to read as follows: "No officer or enlisted man of the Army shall, except upon his own request, be required to serve in a single tour of duty for more than two years in the Philippine Islands, on the Asiatic Station, or in China, Hawaii, Puerto Rico, or the Panama Canal Zone, except in case of insurrection or of actual or threatened hostilities and except in the discretion of the Secretary of War for temporary emergencies: *Provided*, That the foregoing provision shall not apply to the organization known as the 'Philippine Scouts'".

U.S.C., Supp. VII, p. 97.

Proviso. Philippine Scouts not affected.

Approved, May 29, 1934.

[CHAPTER 371.]

AN ACT

May 30, 1934. [H.R. 2837.] [Public, No. 267.]

To provide for the establishment of the Everglades National Park in the State of Florida and for other purposes.

Everglades National Park, Fla. Establishment, when title to lands is vested in United States. Area, location, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when title to all the lands within boundaries to be determined by the Secretary of the Interior within the area of approximately two thousand square miles in the region of the Everglades of Dade, Monroe, and Collier Counties, in the State of Florida, recommended by said Secretary, in his report to Congress of December 3, 1930, pursuant to the Act of March 1, 1929 (45 Stat., pt. 1, p. 1443), shall have been vested in the United States, said lands shall be, and are hereby, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people and shall be known as the Everglades National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

Vol. 45, p. 1443.

Proviso. Lands secured only by donation.

Acceptance of title.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion and upon submission of evidence of title satisfactory to him, to accept on behalf of the United States, title to the lands referred to in the previous section hereof as may be deemed by him necessary or desirable for national-park purposes: *Provided*, That no land for said park shall be accepted until exclusive jurisdiction over the entire park area, in form satisfactory to the Secretary of the Interior, shall have been ceded by the State of Florida to the United States.

Proviso. Restriction, until exclusive jurisdiction over entire area is ceded.

National Park Service to administer, etc.

SEC. 3. The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service, and for other purposes", as amended: *Provided*, That the provisions of the Act approved June 10, 1920, known as the Federal Water Power Act, shall not apply to this park: *Provided further*, That nothing in this Act shall be construed to lessen any existing rights of the Seminole Indians which are not in conflict with the purposes for which the

Vol. 39, p. 535.

Provisos. Water Power Act not applicable. Vol. 41, p. 1063. Rights of Indians.

Everglades National Park is created: *And provided further*, That the United States shall not expend any public moneys for the administration, protection, or development of the aforesaid park within a period of five years from the date of approval of this Act. No Federal expense for first 5 years.

SEC. 4. The said area or areas shall be permanently reserved as a wilderness, and no development of the project or plan for the entertainment of visitors shall be undertaken which will interfere with the preservation intact of the unique flora and fauna and the essential primitive natural conditions now prevailing in this area. Permanently reserved as a wilderness.

Approved, May 30, 1934.

[CHAPTER 372.]

AN ACT

Making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1935, and for other purposes.

May 30, 1934.
[H.R. 8617.]
[Public, No. 268.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch of the Government for the fiscal year ending June 30, 1935, namely: Legislative appropriations for fiscal year 1935.

SENATE

Senate.

SALARIES AND MILEAGE OF SENATORS

Senators.

For compensation of Senators, $864,000. Compensation.

For mileage of Senators, $38,250. Mileage.

For compensation of officers, clerks, messengers, and others: Officers, clerks, messengers, etc.

OFFICE OF THE VICE PRESIDENT

Vice President's office.

Salaries: Secretary to the Vice President, $4,620; clerk, $2,400; assistant clerks—one $2,280, one $2,160; in all, not to exceed $10,314. Secretary to, and clerks.

CHAPLAIN

Chaplain.

Chaplain of the Senate, $1,512.

OFFICE OF THE SECRETARY

Secretary's office.

Salaries: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of contingent fund of the Senate, $8,000; chief clerk, who shall perform the duties of reading clerk, $5,500 and $1,000 additional so long as the position is held by the present incumbent; financial clerk, $5,000 and $2,000 additional so long as the position is held by the present incumbent; assistant financial clerk, $4,200; minute and Journal clerk, $5,000 and $1,000 additional so long as the position is held by the present incumbent; principal clerk, $3,600; legislative clerk, $4,000 and $1,000 additional so long as the position is held by the present incumbent; enrolling clerk, $4,000 and $1,000 additional so long as the position is held by the present incumbent; printing clerk, $3,540; chief bookkeeper, $3,600; librarian, $3.360; executive clerk, and assistant Journal clerk, at $3,180 each; first assistant librarian, and keeper of stationery, at $3,120 each; assistant librarian, and assistant keeper of stationery, at $2,400 each; clerks—one at $2,880 and $300 additional so long as the position is held by the present incumbent, three at $2,880 each, two at $2,640 each, one at $2,400, four at $2,040 each, two at $1,740 each; messenger in library, $1,380; special officer, Secretary, assistants, clerks, etc.

$2,460; assistant in library, $1,740; laborers—one at $1,620, five at $1,380 each, one in secretary's office, $1,680; in all, not to exceed $108,108.

Document room.

DOCUMENT ROOM

Superintendent, etc.

Salaries: Superintendent, $3,960; first assistant, $3,360; second assistant, $2,400; four assistants, at $1,860 each; skilled laborer, $1,380; in all, not to exceed $16,686.

Committee employees.

COMMITTEE EMPLOYEES

Clerks and messengers.

Clerks and messengers to the following committees: Agriculture and Forestry—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,580; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Appropriations—clerk, $7,000 and $1,000 additional so long as the position is held by the present incumbent; assistant clerk, $4,200; assistant clerk $3,900; three assistant clerks at $3,000 each; two assistant clerks at $2,220 each; messenger, $1,800. To Audit and Control the Contingent Expenses of the Senate—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Banking and Currency—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,400; assistant clerk, $2,220. Civil Service—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Claims—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,580; two assistant clerks at $2,220 each. Commerce—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,580; assistant clerk, $2,400; assistant clerk, $2,220. Conference Majority of the Senate—clerk, $3,900; assistant clerk, $2,880; two assistant clerks at $2,580 each; assistant clerk, $2,220. Conference Minority of the Senate—clerk, $3,900; assistant clerk, $2,880; two assistant clerks at $2,580 each; assistant clerk, $2,220. District of Columbia—clerk, $3,900; two assistant clerks at $2,880 each; assistant clerk, $2,220; additional clerk, $1,800. Education and Labor—clerk, $3,900; assistant clerk, $2,580; assistant clerk, $2,220; additional clerk, $1,800. Enrolled Bills—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Expenditures in the Executive Departments—clerk, $3,900; assistant clerk, $2,580; assistant clerk, $2,220; additional clerk, $1,800. Finance—clerk, $4,200; special assistant to the committee, $3,600; assistant clerk, $2,880; assistant clerk, $2,700; assistant clerk, $2,400; two assistant clerks at $2,220 each; two experts (one for majority and one for the minority) at $3,600 each; messenger, $1,800. Foreign relations—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,580; assistant clerk, $2,220; additional clerk, $1,800; messenger, $1,800. Immigration—clerk, $3,900; assistant clerk, $2,580; assistant clerk, $2,220; additional clerk, $1,800. Indian Affairs—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Interoceanic Canals—clerk, $3,900; assistant clerk, $2,580; assistant clerk, $2,220; additional clerk, $1,800. Interstate Commerce—clerk, $3,900; assistant clerk, $3,600; assistant clerk, $2,880; two assistant clerks at $2,580 each; assistant clerk, $2,220. Irrigation and Reclamation—clerk, $3,900; assistant clerk, $2,580; assistant clerk, $2,220; two additional clerks at $1,800 each. Judiciary—clerk, $3,900; assistant clerk, $2,880; two assistant clerks at $2,580 each; assistant clerk, $2,220. Library—clerk, $3,900; two assistant clerks, at $2,400 each; assistant clerk, $2,220; additional clerk, $1,800. Manufactures—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Military Affairs—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,580; assistant

clerk, $2,400; two assistant clerks at $2,220 each. Mines and Mining—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; two additional clerks, at $1,800 each. Naval Affairs—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,400; two assistant clerks at $2,220 each. Patents—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Pensions—clerk, $3,900; assistant clerk, $2,580; four assistant clerks at $2,220 each. Post Offices and Post Roads—clerk, $3,900; assistant clerk, $2,880; three assistant clerks at $2,220 each; additional clerk, $1,800. Printing—clerk, $3,900; assistant clerk, $2,580; assistant clerk, $2,220; additional clerk, $1,800. Privileges and Elections—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Public Buildings and Grounds—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Public Lands and Surveys—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,580; two assistant clerks at $2,220 each. Revision of the Laws—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Rules—clerk, $3,900 and $200 toward the preparation biennially of the Senate Manual under the direction of the Committee on Rules; assistant clerk, $2,880; assistant clerk, $2,580; assistant clerk, $2,220; additional clerk, $1,800. Territories and Insular Possessions—clerk, $3,900; assistant clerk, $2,580; assistant clerk, $2,220; assistant clerk, $2,000; additional clerk, $1,800; in all, not to exceed $443,880.

Preparing Senate Manual.

CLERICAL ASSISTANCE TO SENATORS

Clerical assistance to Senators.

Allowance to Senators not chairmen of specified committees.

Clerical assistance to Senators who are not chairmen of the committees specifically provided for herein, as follows: Seventy clerks at $3,900 each; seventy assistant clerks at $2,400 each; and seventy assistant clerks at $2,220 each; such clerks and assistant clerks shall be ex officio clerks and assistant clerks of any committee of which their Senator is chairman; seventy additional clerks at $1,800 each, one for each Senator having no more than one clerk and two assistant clerks for himself or for the committee of which he is chairman; messenger, $1,800; in all not to exceed $651,780.

Ex-officio clerks of committees.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

Office of Sergeant at Arms, etc.

Sergeant at Arms and Doorkeeper, secretaries, etc.

Salaries: Sergeant at Arms and Doorkeeper, $8,000; two secretaries (one for the majority and one for the minority), at $5,400 each; two assistant secretaries (one for the majority and one for the minority), at $4,320 each; Deputy Sergeant at Arms and storekeeper, $4,440; clerks—one, $2,640, one at $1,800 from April 1, 1934, to June 30, 1935, both dates inclusive, $2,250, three at $1,800 each; messengers—three (acting as assistant doorkeepers, including one for the minority), at $2,400 each, thirty (including two for minority), at $1,740 each, four, at $1,620 each, one at card door, $2,400, and $480 additional so long as the position is held by the present incumbent; two special messengers, at $1,800 each; clerk on journal work for Congressional Record to be selected by the official reporters, $3,360; upholsterer and locksmith, $2,400; cabinetmaker, $2,040; three carpenters, at $2,040 each; janitor, $2,040; five skilled laborers, $1,680 each; laborer in charge of private passage, $1,680; three female attendants in charge of ladies' retiring rooms, at $1,500 each; three attendants to women's toilet rooms, Senate Office Building, at $1,500 each; telephone operators—chief, $2,460, eleven, at $1,560 each; laborer in charge of Senate toilet rooms in old library space, $1,200; press gallery—superintendent, $3,660; assistant superintendent, $2,520; messengers for service to press correspondents—one, $1,920, one, $1,440; laborers—three, at $1,320 each;

Clerks, messengers, etc.

Laborers, etc.

Superintendent, press gallery.

twenty-five, at $1,260 each; special employees—six, at $1,000 each; twenty-one pages for the Senate Chamber, at the rate of $4 per day each, during the session, $13,680; in all, not to exceed $212,934.

Pages.

Police, Senate Office Building.

Police force for Senate Office Building under the Sergeant at Arms: Special officer, $1,740; thirty-one privates at $1,620 each; in all, not to exceed $46,764.

Post Office.

POST OFFICE

Postmaster, assistant, etc.

Salaries: Postmaster, $3,060; assistant postmaster, $2,880; chief clerk, $2,460; wagon master, $2,040; twenty mail carriers. at $1,620 each; in all, not to exceed $38,556.

Folding Room.

FOLDING ROOM

Salaries.

Salaries: Foreman, $2,460; assistant, $2,160; clerk, $1,740; folders—chief, $2,040, fourteen at $1,440 each; in all, not to exceed $25,704.

Legislative Pay Act of 1929 amended.
Vol. 46, p. 32.

The provisions of the Legislative Pay Act of 1929 are hereby amended so as to correspond with the changes made by this Act in the designations and rates of salary of certain positions under the Senate.

Contingent expenses.

CONTINGENT EXPENSES OF THE SENATE

Automobile for Vice President.

For purchase, exchange, driving, maintenance, and operation of an automobile for the Vice President. $9,000, of which $5,000 shall be immediately available.

Reporting debates, etc.

For reporting the debates and proceedings of the Senate, payable in equal monthly installments, $57,323.

Furniture, cleaning, repairing, etc.

For services in cleaning, repairing, and varnishing furniture, $2,000.

Inquiries and investigations.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, $118,955: *Provided*, That no part of this appropriation shall be expended for services, personal, professional, or otherwise, in excess of the rate of $3,600 per annum: *Provided further*, That no part of this appropriation shall be expended for per diem and subsistence expenses except in accordance with the provisions of the Subsistence Expense Act of 1926, approved June 3, 1926, as amended.

Provisos.
Salary restriction.

Per diem and subsistence.
Vol. 44, p. 688.
U.S.C., Supp. VII, p. 53.

Joint Committee on Internal Revenue Taxation.
One half expenses.

For payment of one half of the salaries and other expenses of the Joint Committee on Internal Revenue Taxation as authorized by law, $25,500.

Folding, etc.

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $10,000.

Fuel, oil, advertising, etc.

For fuel, oil, cotton waste, and advertising, exclusive of labor, $2,000.

Senate kitchens and restaurants.

For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under the supervision of the Committee on Rules, United States Senate, fiscal year 1934, $35,000.

Operation restriction.

No part of any appropriation contained in this Act, except the appropriation made herein for the Senate kitchens and restaurants for the fiscal year 1934, and except the appropriations available for heated and lighted space and janitor service for restaurants and kitchens, shall be used for the operation of any restaurant.

Vehicles, etc.

For maintaining, exchanging, and equipping motor vehicles for carrying the mails and for official use of the offices of the Secretary and Sergeant at Arms, $7,780.

Materials for folding.

For materials for folding, $1,500.

Miscellaneous items.

For miscellaneous items, exclusive of labor, $187,345, of which $90,000 shall be for the fiscal year 1934.

Packing boxes.

For packing boxes, $970.

Postage stamps.

Postage stamps: For office of Secretary, $250; office of Sergeant at Arms, $100; in all, $350.

Furniture, purchase, etc.

For the purchase of furniture, $5,000.

For materials for furniture and repairs of same, exclusive of labor, $3,000.

Stationery.

For stationery for Senators for the first session of the Seventy-fourth Congress and for the President of the Senate, including $7,360 for stationery for committees and officers of the Senate, $19,500.

Warehouse.

For rent of warehouse for storage of public documents, $2,000.

HOUSE OF REPRESENTATIVES

House of Representatives.

SALARIES AND MILEAGE OF MEMBERS

Members.

Pay of Members, Delegates, and Resident Commissioners.

For compensation of Members of the House of Representatives, Delegates from Territories, the Resident Commissioner from Puerto Rico, and the Resident Commissioners from the Philippine Islands, $3,964,500.

Mileage.

For mileage of Representatives, the Delegate from Hawaii, and the Resident Commissioner from Puerto Rico, and for expenses of the Delegate from Alaska and the Resident Commissioners from the Philippine Islands, $131,250.

Officers, clerks, messengers, etc.

For compensation of officers, clerks, messengers, and others:

Speaker's office.

OFFICE OF THE SPEAKER

Secretary, etc.

Salaries: Secretary to the Speaker, $4,620; clerk to Speaker, $2,400; clerk to Speaker, $1,440; messenger to Speaker, $1,680; in all not to exceed $9,126.

Speaker's table.

THE SPEAKER'S TABLE

Parliamentarian, assistant, etc.

Salaries: Parliamentarian, $4,500, and for preparing Digest of the Rules, $1,000 per annum; Assistant Parliamentarian, $2,760; messenger to Speaker's Table, $1,740; in all not to exceed $9,000.

Chaplain.

CHAPLAIN

Chaplain of the House of Representatives, $1,512.

Clerk's office.

OFFICE OF THE CLERK

Clerk of the House, clerks, etc.

Salaries: Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $8,000; Journal clerk, two reading clerks, and tally clerk, at $5,000 each; enrolling clerk, $4,000; disbursing clerk, $3,960; file clerk, $3,780; chief bill clerk, $3,540; assistant enrolling clerk, $3,180; assistant to disbursing clerk, $3,120; stationery clerk, $2,880; librarian, $2,760; assistant librarian, and assistant file clerk, at $2,520 each; assistant Journal clerk, and assistant librarian, at $2,460 each; clerks—one $2,460, three at $2,340 each; bookkeeper, and assistant in disbursing office, at $2,160 each; four assistants to chief bill clerk at $2,100 each; stenographer to the Clerk, $1,980; assistant in stationery room, $1,740; three messengers at $1,680 each; stenographer to Journal

clerk, $1,560; laborers—three at $1,440 each, nine at $1,260 each; telephone operators—assistant chief, $1,620, twenty-one at $1,560 each; substitute telephone operator, when required, at $4 per day, $1,460; property custodian and superintendent of furniture and repair shop, who shall be a skilled cabinetmaker or upholsterer and experienced in the construction and purchase of furniture, $3,960; two assistant custodians at $3,360 each; locksmith and typewriter repairer, $1,860; messenger and clock repairer, $1,740; operation, maintenance, and repair of motor vehicles, $1,200; in all not to exceed $148,332.

Committee employees.

COMMITTEE EMPLOYEES

Clerks, messengers, and janitors.

Clerks, messengers, and janitors to the following committees: Accounts—clerk, $3,300; assistant clerk, $2,460; janitor, $1,560. Agriculture—clerk, $3,300; assistant clerk, $2,460; janitor, $1,560. Appropriations—clerk, $7,000 and $1,000 additional so long as the position is held by the present incumbent; assistant clerk, $5,000 and $1,000 additional so long as the position is held by the present incumbent; three assistant clerks at $3,900 each; assistant clerk, $3,600; two assistant clerks at $3,300 each; messenger, $1,680. Banking and Currency—clerk, $2,760; assistant clerk, $1,740; janitor, $1,260. Census—clerk, $2,760; janitor, $1,260. Civil Service—clerk, $2,760; janitor, $1,260. Claims—clerk, $3,300; assistant clerk, $1,740; janitor, $1,260. Coinage, Weights, and Measures—clerk, $2,760; janitor, $1,260. Disposition of Useless Executive Papers—clerk, $2,760. District of Columbia—clerk, $3,300; assistant clerk, $2,460; janitor, $1,260. Education—clerk, $2,760. Election of President, Vice President, and Representatives in Congress—clerk, $2,760. Elections Numbered 1—clerk, $2,760; janitor, $1,260. Elections Numbered 2—clerk, $2,760; janitor, $1,260. Elections Numbered 3—clerk, $2,760; janitor, $1,260. Enrolled Bills—clerk, $2,760; janitor, $1,260. Expenditures in Executive Departments—clerk, $3,300; janitor, $1,260. Flood Control—clerk, $2,760; janitor, $1,260. Foreign Affairs—clerk, $3,300; assistant clerk, $2,460; janitor, $1,260. Immigration and Naturalization—clerk, $3,300; janitor, $1,260. Indian Affairs—clerk, $3,300; assistant clerk, $2,460; janitor, $1,260. Insular Affairs—clerk, $2,760; janitor, $1,260. Interstate and Foreign Commerce—clerk, $3,900; additional clerk, $2,640; assistant clerk, $2,100; janitor, $1,560. Irrigation and Reclamation—clerk, $2,760; janitor, $1,260. Invalid Pensions—clerk, $3,300; assistant clerk, $2,880; expert examiner, $2,700; stenographer, $2,640; janitor, $1,500. Judiciary—clerk, $3,900; assistant clerk, $2,160; assistant clerk, $1,980; janitor, $1,500. Labor—clerk, $2,760; janitor, $1,260. Library—clerk, $2,760; janitor, $1,260. Merchant Marine, Radio, and Fisheries—clerk, $2,760; janitor, $1,260. Military Affairs—clerk, $3,300; assistant clerk, $2,100; janitor, $1,560. Mines and Mining—clerk, $2,760; janitor, $1,260. Naval Affairs—clerk, $3,300; assistant clerk, $2,100; janitor, $1,560. Patents—clerk, $2,760; janitor, $1,260. Pensions—clerk, $3,300; assistant clerk, $2,160; janitor, $1,260. Post Office and Post Roads—clerk, $3,300; assistant clerk, $2,100; janitor, $1,560. Printing—clerk, $2,760; janitor, $1,560. Public Buildings and Grounds—clerk, $3,300; assistant clerk, $1,740; janitor, $1,260. Public Lands—clerk, $2,760; assistant clerk, $1,740; janitor, $1,260. Revision of the Laws—clerk, $3,300; janitor, $1,260. Rivers and Harbors—clerk, $3,300; assistant clerk, $2,460; janitor, $1,560. Roads—clerk, $2,760; assistant clerk, $1,740; janitor, $1,260. Rules—clerk, $3,300; assistant clerk, $2,100; janitor, $1,260. Territories—clerk, $2,760; janitor, $1,260. War Claims—clerk, $3,300; assistant clerk, $1,740; janitor, $1,260. Ways and Means—clerk, $4,620;

assistant clerk and stenographer, $2,640; assistant clerk, $2,580; clerk for minority, $3,180; janitors—one, $1,560; one, $1,260. World War Veterans' Legislation—clerk, $3,300; assistant clerk, $2,460; in all, not to exceed $266,400.

OFFICE OF SERGEANT AT ARMS

Office of Sergeant at Arms.

Salaries: Sergeant at Arms, $8,000; Deputy Sergeant at Arms, $3,180; cashier, $4,920; two bookkeepers at $3,360 each; Deputy Sergeant at Arms in charge of pairs, pair clerk and messenger, and assistant cashier, at $2,820 each; stenographer and typewriter, $600; skilled laborer, $1,380; hire of automobile, $600; in all not to exceed $30,534.

Sergeant at Arms, deputy, cashier, etc.

Police force, House Office Building, under the Sergeant at Arms: Lieutenant, $1,740; sergeant, $1,680; thirty-seven privates at $1,620 each; in all not to exceed $57,024.

Police, House Office Building.

OFFICE OF DOORKEEPER

Doorkeeper's office.

Salaries: Doorkeeper, $6,000; special employee, $2,820; superintendent of House press gallery, $3,660; assistant to the superintendent of the House press gallery, $2,520; chief janitor, $2,700; messengers—seventeen at $1,740 each, fourteen on soldiers' roll at $1,740 each; laborers—seventeen at $1,260 each, two (cloakroom) at $1,380 each, one (cloakroom) $1,260, and seven (cloakroom) at $1,140 each; three female attendants in ladies' retiring rooms at $1,680 each, attendant for the ladies' reception room, $1,440; superintendent of folding room, $3,180; foreman of folding room, $2,640; chief clerk to superintendent of folding room, $2,460; three clerks at $2,160 each; janitor, $1,260; laborer, $1,260; thirty-one folders at $1,440 each; shipping clerk, $1,740; two drivers at $1,380 each; two chief pages at $1,980 each; two telephone pages at $1,680 each; two floor managers of telephones (one for the minority) at $3,180 each; two assistant floor managers in charge of telephones (one for the minority) at $2,100 each; forty-one pages, during the session, including ten pages for duty at the entrances to the Hall of the House, at $4 per day each, $26,716; press-gallery page, $1,920; superintendent of document room (Elmer A. Lewis), $3,960; assistant superintendent of document room, $2,760 and $420 additional so long as the position is held by the present incumbent; clerk, $2,320; assistant clerk, $2,160; eight assistants at $1,860 each; janitor, $1,440; messenger to pressroom, $1,560; maintenance and repair of folding room motor truck, $500; in all not to exceed $231,750.

Doorkeeper, special employee, etc.

Messengers, etc.

Folding room.

Pages.

Document room.

SPECIAL AND MINORITY EMPLOYEES

Special and minority employees.

For the minority employees authorized and named in the House Resolutions Numbered 51 and 53 of December 11, 1931: Two at $5,000 each, four at $2,820 each; in all, not to exceed $19,152.

Minority employees.

Special employees: Assistant foreman of the folding room, authorized in the resolution of September 30, 1913, $1,980; laborer, authorized and named in the resolution of April 28, 1914, $1,380; laborer, authorized and named in the resolution of December 19, 1901, $1,380; clerk, under the direction of the Clerk of the House, named in the resolution of February 13, 1923, $3,060; in all, not to exceed $7,020.

Special employees.

Successors to any of the employees provided for in the two preceding paragraphs may be named by the House of Representatives at any time.

Appointment of successors.

Office of majority floor leader: Legislative clerk, $3,960; clerk, $3,180; assistant clerk, $2,100; for official expenses of the majority

Majority floor leader.

leader, as authorized by House Resolution Numbered 101, Seventy-first Congress, adopted December 18, 1929, $2,000; in all, not to exceed $10,316.

Conference minority.

Conference minority: Clerk, $3,180; legislative clerk, $3,060; assistant clerk, $2,100; janitor, $1,560; in all, not to exceed $8,910. The foregoing employees to be appointed by the minority leader.

Caucus rooms, messengers.

Two messengers, one in the majority caucus room and one in the minority caucus room, to be appointed by the majority and minority whips, respectively, at $1,740 each; in all, not to exceed $3,132.

Post Office.

POST OFFICE

Postmaster, assistant, etc.

Salaries: Postmaster, $5,000; assistant postmaster, $2,880; registry and money-order clerk, $2,100; forty-one messengers (including one to superintend transportation of mails) at $1,740 each; substitute messengers and extra services of regular employees, when required, at the rate of not to exceed $145 per month each, $1,740; laborer, $1,260; in all not to exceed, $75,938.

Motor vehicle.

For the purchase, exchange, maintenance, and repair of motor vehicle for carrying the mails, $2,500.

OFFICIAL REPORTERS OF DEBATES

Official reporters, etc.

Salaries: Seven official reporters of the proceedings and debates of the House at $7,500 each; clerk, $3,360; six expert transcribers at $1,740 each; janitor, $1,440; in all not to exceed $60,966.

COMMITTEE STENOGRAPHERS

Stenographers to committees.

Salaries: Four stenographers to committees, at $7,000 each; janitor, $1,440; in all, not to exceed, $26,496.

"During the session" to mean 181 days.

Whenever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean the one hundred and eighty-one days from January 1 to June 30, 1935, both inclusive.

Members, etc.

CLERK HIRE, MEMBERS AND DELEGATES

Clerk hire, etc.

For clerk hire necessarily employed by each Member, Delegate, and Resident Commissioner, in the discharge of his official and representative duties, in accordance with the Act entitled "An Act to fix the compensation of officers and employees of the legislative branch of the Government", approved June 20, 1929, $1,980,000.

Vol. 46, p. 32.
U.S.C., Supp. VII, p. 38.

Contingent expenses.

CONTINGENT EXPENSES OF THE HOUSE

Furniture, etc.

For furniture and materials for repairs of the same, including not to exceed $27,500 for labor, tools, and machinery for furniture repair shops, $41,500.

Packing boxes.

For packing boxes, $3,500.

Miscellaneous items.

For miscellaneous items, exclusive of salaries unless specifically ordered by the House of Representatives, including reimbursement to the official stenographers to committees for the amounts actually paid out by them for transcribing hearings, and including materials for folding, $43,000: *Provided*, That no part of any appropriation contained in this Act, except the appropriation made herein for the Senate kitchens and restaurants for the fiscal year 1934, and except the appropriations available for heated and lighted space and janitor service for restaurants and kitchens, shall be used for the operation of any restaurant.

Proviso.
Restaurant operation, restriction.

Committee reports of hearings.

For stenographic reports of hearings of committees other than special and select committees, $25,000.

For expenses of special and select committees authorized by the House, $49,500. Special and select committees.

For payment of one half of the salaries and other expenses of the Joint Committee on Internal Revenue Taxation as authorized by law, $25,500. Joint Committee on Internal Revenue Taxation, half expenses.

No part of the appropriations contained herein for the contingent expenses of the House of Representatives shall be used to defray the expenses of any committee consisting of more than six persons (not more than four from the House and not more than two from the Senate), nor to defray the expenses of any other person except the Sergeant at Arms of the House or a representative of his office and except the widow and/or minor children of the deceased, to attend the funeral rites and/or burial of any person who at the time of his or her death is a Representative, a Delegate from a Territory, or a Resident Commissioner from Puerto Rico or the Philippine Islands. Expenditures restricted. Funeral expenses limited.

For telegraph and telephone service, exclusive of personal services, $90,000. Telegraph and telephone service.

For stationery for Representatives, Delegates, and Resident Commissioners, for the first session of the Seventy-fourth Congress, and for stationery for the use of the committees and officers of the House (not to exceed $5,000), $60,000. Stationery.

For medical supplies, equipment, and contingent expenses for the emergency room and for the attending physician and his assistants, including an allowance of not to exceed $30 per month each to three assistants as provided by the House resolutions adopted July 1, 1930, and January 20, 1932, $2,500. Emergency room.

That the present incumbent as attending physician be advanced one grade as an extra number, provided that this shall not be considered as affecting the opportunity for advancement of any other person. Naval rank of attending physician.

Postage stamps: Postmaster, $250; Clerk, $450; Sergeant at Arms, $300; Doorkeeper, $150; in all $1,150. Postage stamps.

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $20,000. Folding.

For preparation and editing of the laws as authorized by the Act approved May 29, 1928 (U.S.C., Supp. VI, title 1, sec. 59), $6,500, to be expended under the direction of the Committee on Revision of the Laws. United States Code, preparation, etc. Vol. 45, p. 1008; U.S.C., Supp. VII, p. 4.

For assistants in compiling lists of reports to be made to Congress by public officials; compiling copy and revising proofs for the House portion of the Official Register; preparing and indexing the statistical reports of the Clerk of the House; compiling the telephone and Members' directories; preparing and indexing the daily calendars of business; preparing the official statement of Members' voting records; preparing lists of congressional nominees and statistical summary of elections; preparing and indexing questions of order printed in the Appendix to the Journal pursuant to House Rule III; for recording and filing statements of political committees and candidates for election to the House of Representatives pursuant to the Federal Corrupt Practices Act, 1925 (U.S.C., title 2, secs. 241–256); and for such other assistance as the Clerk of the House may deem necessary and proper in the conduct of the business of his office, $5,000: *Provided*, That no part of this appropriation shall be used to augment the annual salary of any employee of the House of Representatives. Clerical assistance to Clerk of House. Specified objects, etc. Recording, etc., political statements. Vol. 43, p. 1071. U.S.C., p. 15. *Proviso.* Use restricted.

For driving, maintenance, repair, and operation of an automobile for the Speaker, $4,000. Automobile for Speaker, care, etc.

Capitol Police.

CAPITOL POLICE

Pay.

Salaries: Captain, $2,460; three lieutenants, at $1,740 each; two special officers, at $1,740 each; three sergeants, $1,680 each; fifty-two privates, at $1,620 each; one half of said privates to be selected by the Sergeant at Arms of the Senate and one half by the Sergeant at Arms of the House; in all not to exceed $90,396.

Uniforms, etc.

For purchasing and supplying uniforms, for maintenance and repair of motor-propelled passenger-carrying vehicles, and for contingent expenses, $9,710, of which $500 shall be immediately available for the exchange of one such vehicle.

Division of disbursement.

One half of the foregoing amounts under "Capitol police" shall be disbursed by the Secretary of the Senate and one half by the Clerk of the House.

Joint Committee on Printing.

JOINT COMMITTEE ON PRINTING

Clerk, assistant, etc. Vol. 28, p. 603. U.S.C., p. 1418.

Salaries: Clerk, $4,000 and $800 additional so long as the position is held by the present incumbent; inspector under section 20 of the Act approved January 12, 1895 (U.S.C., title 44, sec. 49), $2,820; assistant clerk and stenographer, $2,400; for expenses of compiling, preparing, and indexing the Congressional Directory, $1,600; in all not to exceed $10,618, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House.

Congressional Directory.

Office of Legislative Counsel.

OFFICE OF LEGISLATIVE COUNSEL

Salaries, etc.

For salaries and expenses of maintenance of the office of Legislative Counsel, as authorized by law, $70,000, of which $35,000 shall be disbursed by the Secretary of the Senate and $35,000 by the Clerk of the House of Representatives.

Statement of Appropriations.

STATEMENT OF APPROPRIATIONS

Preparing, second session of Seventy-third Congress.

For preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives of the statements for the second session of the Seventy-third Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills, as required by law, $4,000, to be paid to the persons designated by the chairman of such committees to do the work.

Architect of the Capitol.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

Architect, assistant, and office personnel.

Salaries: For the Architect of the Capitol, Assistant Architect of the Capitol, and other personal services at rates of pay provided by law; and the Assistant Architect of the Capitol shall act as Architect of the Capitol during the absence or disability of that official or whenever there is no Architect; $43,650.

Capitol Buildings and grounds.

CAPITOL BUILDINGS AND GROUNDS

Maintenance, repair, etc.

Capitol Buildings: For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including minor improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; personal and other services; cleaning and repairing works of art; purchase or exchange (not to exceed $1,000), mainte-

nance, and driving of motor-propelled passenger-carrying office vehicle; pay of superintendent of meters, and $300 additional for the maintenance of an automobile for his use, who shall inspect all gas and electric meters of the Government in the District of Columbia without additional compensation; and not exceeding $300 for the purchase of technical and necessary reference books, periodicals, and city directory; $412,000, of which sum $181,000 shall be immediately available.

Travel allowance.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $1,750.

Improving grounds.

Capitol Grounds: For care and improvement of grounds surrounding the Capitol, Senate and House Office Buildings; Capitol power plant; personal and other services; care of trees; planting; fertilizers; repairs to pavements, walks, and roadways; purchase of waterproof wearing apparel; maintenance of signal lights; and for snow removal by hire of men and equipment or under contract without compliance with sections 3709 (U.S.C., title 41, sec. 5) and 3744 (U.S.C., title 41, sec. 16) of the Revised Statutes; $96,358.

R.S., secs. 3709, 3744; pp. 733, 738.
U.S.C., pp. 1309 1310.

Capitol garage.

Capitol garages: For maintenance, repairs, alterations, personal and other services, and all necessary incidental expenses, $7,430.

Subway, Capitol and Senate Office Buildings.

Subway transportation, Capitol and Senate Office Buildings: For repairs, rebuilding, and maintenance of the subway cars connecting the Senate Office Building with the Senate wing of the United States Capitol and for personal and other services, including maintenance of the track and electrical equipment connected therewith, $1,950.

Senate Office Building.
Maintenance, etc.

Senate Office Building: For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment and for labor and material incident thereto and repairs thereof; and for personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, acting through the Architect of the Capitol, who shall be its executive agent, including replacing roof, to be immediately available, $60,400; for additional painting, including exterior window frames, to be immediately available, $12,000; for completing pointing the exterior stonework, to be immediately available, $10,000; for electrical equipment for old heating room, $500; for repairs to electrical circuit in subway, $200; in all, $300,780.

Special improvements.

House Office Buildings.
Maintenance, etc.

House Office Buildings: For maintenance, including miscellaneous items, and for all necessary services, $289,547, of which sum $2,955 shall be immediately available.

Capitol power plant.
Maintenance, etc.

Capitol power plant: For lighting, heating, and power for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and the grounds about the same, Botanic Garden, Capitol garages, folding and storage rooms of the Senate, Government Printing Office, and Washington City post office; personal and other services, engineering instruments, fuel, oil, materials, labor, advertising, and purchase of waterproof wearing apparel in connection with the maintenance and operation of the heating, lighting, and power plant, $443,642.

Purchases independent of supply committee.
Vol. 36, p. 531.
U.S.C., p. 1309.

The appropriations under the control of the Architect of the Capitol may be expended without reference to section 4 of the Act approved June 17, 1910 (U.S.C., title 41, sec. 7), concerning purchases for executive departments.

Reimbursement for current to designated buildings.

The Government Printing Office and the Washington City post office shall reimburse the Capitol power plant for heat, light, and power furnished during the fiscal year 1935 and the amounts so reimbursed shall be covered into the Treasury.

Library Building and grounds.

LIBRARY BUILDING AND GROUNDS

Operating force.

Salaries: For chief engineer and all personal services at rates of pay provided by law, $42,048.

Trees, etc.

For trees, shrubs, plants, fertilizers, and skilled labor for the grounds of Library of Congress, $1,000.

Maintenance, repair, etc.

For necessary expenditures for the Library Building under the jurisdiction of the Architect of the Capitol, including minor improvements, maintenance, repair, equipment, supplies, material, and appurtenances, and personal and other services in connection with the mechanical and structural maintenance of such building, $39,640.

Furniture, etc.

For furniture, including partitions, screens, shelving, and electrical work pertaining thereto and repairs thereof, $13,965.

Botanic Garden.

BOTANIC GARDEN

Director and personnel.

Salaries: For the director and other personal services, $82,870, all under the direction of the Joint Committee on the Library: *Provided*, That the quarters, heat, light, fuel, and telephone service heretofore furnished for the director's use in the Botanic garden shall not be regarded as a part of his salary or compensation, and such allowances may continue to be so furnished without deduction from his salary or compensation notwithstanding the provisions of section 3 of the Act of March 5, 1928 (U.S.C., Supp. VI, title 5, sec. 75a), or any other law.

Proviso. Quarters, etc., allowed Director. Vol. 45, p. 193.

U.S.C., Supp. VII, p. 19.

Maintenance, repairs, etc.

Maintenance, operation, repairs, and improvements: For all necessary expenses incident to maintaining, operating, repairing, and improving the Botanic Garden, and the nurseries, buildings, grounds, and equipment pertaining thereto, including procuring fertilizers, soils, tools, trees, shrubs, plants, and seeds; materials and miscellaneous supplies, including rubber boots and aprons when required for use by employees in connection with their work; not to exceed $25 for emergency medical supplies; disposition of waste; traveling expenses of the director and his assistants not to exceed $600; streetcar fares not exceeding $25; office equipment and contingent expenses; the prevention and eradication of insect and other pests and plant diseases by purchase of materials and procurement of personal services by contract without regard to the provisions of any other Act; repair, maintenance, and operation, of motor trucks and passenger motor vehicle; purchase of botanical books, periodicals, and books of reference, not to exceed $100; repairs and improvements to director's residence; and all other necessary expenses; all under the direction of the Joint Committee on the Library; $28,725.

Minor purchases without advertising.

The sum of $100 may be expended at any one time by the Botanic Garden for the purchase of plants, trees, shrubs, and other nursery stock, without reference to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5).

R.S., sec. 3709, p. 733; U.S.C., p. 1309.

Distribution of shrubbery, etc.

No part of the appropriations contained herein for the Botanic Garden shall be used for the distribution, by congressional allotment, of trees, plants, shrubs, or other nursery stock.

Library of Congress.

LIBRARY OF CONGRESS

SALARIES

Librarian and personnel.

For the Librarian, Chief Assistant Librarian, and other personal services, $774,341, of which amount $1,670, or so much thereof as may be necessary, shall be immediately available for the salaries of additional assistants in the rare-book room.

For the Register of Copyrights, assistant register, and other personal services, $224,442. Register of Copyrights, etc.

LEGISLATIVE REFERENCE SERVICE Legislative Reference Service.

To enable the Librarian of Congress to employ competent persons to gather, classify, and make available, in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress and committees and Members thereof, including not to exceed $5,700 for employees engaged on piecework and work by the day or hour at rates to be fixed by the Librarian, $66,662. Personnel.

DISTRIBUTION OF CARD INDEXES Card Indexes.

For the distribution of card indexes and other publications of the Library, including personal services, freight charges (not exceeding $500), expressage, postage, traveling expenses connected with such distribution, expenses of attendance at meetings when incurred on the written authority and direction of the Librarian, and including not to exceed $52,650, for employees engaged in piecework and work by the day or hour and for extra special services of regular employees at rates to be fixed by the Librarian; in all, $162,260. Distribution, etc.

TEMPORARY SERVICES

For special and temporary service, including extra special services of regular employees, at rates to be fixed by the Librarian, $2,700. Temporary services.

INDEX TO STATE LEGISLATION State legislation.

To enable the Librarian of Congress to prepare an index to the legislation of the several States, together with a supplemental digest of the more important legislation, as authorized and directed by the Act entitled "An Act providing for the preparation of a biennial index to State legislation", approved February 10, 1927 (U.S.C., Supp. VI, title 2, secs. 164, 165), including personal and other services within and without the District of Columbia, including not to exceed $2,500 for special and temporary service at rates to be fixed by the Librarian, travel, necessary material and apparatus, and for printing and binding the indexes and digests of State legislation for official distribution only, and other printing and binding incident to the work of compilation, stationery, and incidentals, $36,420, of which $6,700 shall be immediately available for printing and binding. Preparing index and digest of. Vol. 44, p. 1066. U.S.C., Supp. VII, p. 10.

SUNDAY OPENING Sunday, etc., opening.

To enable the Library of Congress to be kept open for reference use on Sundays and on holidays within the discretion of the Librarian, including the extra services of employees and the services of additional employees under the Librarian, at rates to be fixed by the Librarian, $16,200. Expenses.

UNION CATALOGUES Union Catalogues.

To continue the development and maintenance of the Union Catalogues, including personal services within and without the District of Columbia (and not to exceed $1,400 for special and temporary service, including extra special services of regular employees, at rates to be fixed by the Librarian), travel, necessary material and apparatus, stationery, photostat supplies, and incidentals, $18,100. Development, maintenance, etc.

Increase of the Library.

INCREASE OF THE LIBRARY

Purchase of books, etc.

For purchase of books, miscellaneous periodicals and newspapers, and all other material for the increase of the Library, including payment in advance for subscription books and society publications, and for freight, commissions, and traveling expenses, including expenses of attendance at meetings when incurred on the written authority and direction of the Librarian in the interest of collections, and all other expenses incidental to the acquisition of books, miscellaneous periodicals and newspapers, and all other material for the increase of the Library, by purchase, gift, bequest, or exchange, to continue available during the fiscal year 1936, $100,000.

Law books, etc.

For the purchase of books and for periodicals for the law library, including payment for legal society publications and for freight, commissions, and all other expenses incidental to the acquisition of law books, $50,000.

Reference books for Supreme Court.

For the purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress, and purchased by the Marshal of the Supreme Court, under the direction of the Chief Justice, $2,500.

Books for adult blind.
Vol. 46, p. 1487.
U.S.C., Supp. VII, p. 9.

To enable the Librarian of Congress to carry out the provisions of the Act entitled "An Act to provided [1] books for the adult blind," approved March 3, 1931 (U.S.C., Supp. VI, title 2, sec. 135a), $99,620.

PRINTING AND BINDING

Printing and binding.

For miscellaneous printing and binding for the Library of Congress, including the Copyright Office, and the binding, rebinding, and repairing of library books, and for the Library Building, $200,000.

Catalogue of Title Entries.

For the publication of the Catalogue of Title Entries of the Copyright Office, $45,000.

Catalogue cards.

For the printing of catalogue cards, $120,000.

CONTINGENT EXPENSES OF THE LIBRARY

Contingent expenses.

For miscellaneous and contingent expenses, stationery, office supplies, stock, and materials directly purchased, miscellaneous traveling expenses, postage, transportation, incidental expenses connected with the administration of the Library and Copyright Office, including

Attendance at meetings.

not exceeding $500 for expenses of attendance at meetings when incurred on the written authority and direction of the Librarian, $9,000.

Photoduplicating expenses.

For paper, chemicals, and miscellaneous supplies necessary for the operation of the photoduplicating machines of the Library and the making of photoduplicate prints, $5,000.

Library building.

LIBRARY BUILDING

Salaries.

Salaries: For the superintendent, disbursing officer, and other personal services, in accordance with the Classification Act of 1923, as amended, $145,640.

Sunday, etc., opening.

For extra services of employees and additional employees under the Librarian to provide for the opening of the Library Building on Sundays and on legal holidays, at rates to be fixed by the Librarian, $3,600.

Temporary, etc., services.

For special and temporary services in connection with the custody, care, and maintenance of the Library Building, including extra special services of regular employees at the discretion of the Librarian, at rates to be fixed by the Librarian, $450.

[1] So in original.

For mail, delivery, and telephone services, rubber boots, rubber coats, and other special clothing for workmen, uniforms for guards, stationery, miscellaneous supplies, and all other incidental expenses in connection with the custody and maintenance of the Library Building, $8,900. Incidentals, etc.

For any expense of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the board, $500. Trust Fund Board, expenses.

GOVERNMENT PRINTING OFFICE

Government Printing Office.

To provide the Public Printer with a working capital for the following purposes for the execution of printing, binding, lithographing, mapping, engraving, and other authorized work of the Government Printing Office for the various branches of the Government: For salaries of Public Printer and Deputy Public Printer; for salaries, compensation, or wages of all necessary officers and employees additional to those herein appropriated for, including employees necessary to handle waste paper and condemned material for sale; to enable the Public Printer to comply with the provisions of law granting holidays and half holidays and Executive orders granting holidays and half holidays with pay to employees; to enable the Public Printer to comply with the provisions of law granting annual leave to employees with pay; rents, fuel, gas, heat, electric current, gas and electric fixtures; bicycles, motor-propelled vehicles for the carriage of printing and printing supplies, and the maintenance, repair, and operation of the same, to be used only for official purposes, including operation, repair, and maintenance of motor-propelled passenger-carrying vehicles for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer; freight, expressage, telegraph, and telephone service, furniture, typewriters, and carpets; traveling expenses; stationery, postage, and advertising; directories, technical books, newspapers and magazines, and books of reference (not exceeding $500); adding and numbering machines, time stamps, and other machines of similar character; rubber boots, coats, and gloves; machinery (not exceeding $300,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; for expenses authorized in writing by the Joint Committee on Printing for the inspection of printing and binding equipment, material, and supplies and Government printing plants in the District of Columbia or elsewhere (not exceeding $1,000); for salaries and expenses of preparing the semimonthly and session indexes of the Congressional Record under the direction of the Joint Committee on Printing (chief indexer at $3,480, one cataloguer at $3,180, two cataloguers at $2,460 each, and one cataloguer at $2,100); and for all the necessary labor, paper, materials, and equipment needed in the prosecution and delivery and mailing of the work; in all, $2,500,000, to which shall be charged the printing and binding authorized to be done for Congress including supplemental and deficiency estimates of appropriations, the printing and binding for use of the Government Printing Office, and printing and binding (not exceeding $2,000) for official use of the Architect of the Capitol when authorized by the Secretary of the Senate; in all to an amount

Printing and binding.

Public Printer, Deputy, etc.

Leaves of absence, etc.

Machinery, etc.

Inspection, etc., expenses.

Indexes, Congressional Record.

Provisos.
Working capital, printing and binding.
Vol. 47, p. 397.
Immediately available.
Use authorized.
Ante, p. 98.

not exceeding this sum: *Provided*, That $500,000 of the unexpended balance of the appropriation for public printing and binding, Government Printing Office, fiscal year 1933, shall be credited to the appropriation for public printing and binding, Government Printing Office, fiscal year 1934, and be immediately available for the purposes of the working capital for the fiscal year 1934 and be subjected to obligation for printing and binding for Congress and to enable the Public Printer to comply with the provision of law granting annual leave of absence to employees, with pay, in fiscal year 1934, in addition to the sum authorized by Public Law Numbered 26, approved May 29, 1933.

Congressional work.

Printing and binding for Congress chargeable to the foregoing appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress within the fiscal year for which this appropriation is made.

Payment for work ordered by departments, etc.

During the fiscal year 1935 any executive department or independent establishment of the Government ordering printing and binding from the Government Printing Office shall pay promptly by check to the Public Printer upon his written request, either in advance or upon completion of the work, all or part of the estimated or actual cost thereof, as the case may be, and bills rendered by the Public Printer in accordance herewith shall not be subject to audit or certification in advance of payment: *Provided*, That proper adjustments on the basis of the actual cost of delivered work paid for in advance shall be made monthly or quarterly and as may be agreed upon by the Public Printer and the department or establishment concerned.

Proviso.
Adjustments of accounts.

Sums paid for work credited to working capital.

All sums paid to the Public Printer for work that he is authorized by law to do shall be deposited to the credit, on the books of the Treasury Department, of the appropriation made for the working capital of the Government Printing Office, for the year in which the work is done, and be subject to requisition by the Public Printer.

Estimates for departments, etc., to be incorporated in a single item.

All amounts in the Budget for the fiscal year 1936 for printing and binding for any department or establishment, so far as the Bureau of the Budget may deem practicable, shall be incorporated in a single item for printing and binding for such department or establishment and be eliminated as a part of any estimate for any other purpose. And if any amounts for printing and binding are included as a part of any estimates for any other purposes, such amounts shall be set forth in detail in a note immediately following the general estimate for printing and binding: *Provided*, That the foregoing requirements shall not apply to work to be executed at the Bureau of Engraving and Printing.

Proviso.
Engraving and Printing Bureau excepted.

Restriction on paying detailed employees.

No part of any money appropriated in this Act shall be paid to any person employed in the Government Printing Office while detailed for or performing service in any other executive branch of the public service of the United States unless such detail be authorized by law.

Office of Superintendent of Documents.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

Superintendent and personnel.
Vol. 46, p. 1003.
U.S.C., Supp. VII, p. 34.

For the Superintendent of Documents, assistant superintendent, and other personal services in accordance with the Classification Act of 1923, as amended, and compensation of employees paid by the hour who shall be subject to the provisions of the Act entitled "An Act to regulate and fix rates of pay for employees and officers of

the Government Printing Office", approved June 7, 1924 (U.S.C., title 44, sec. 40), $481,612: *Provided*, That for the purpose of conforming to section 3 of this Act this appropriation shall be considered a separate appropriation unit.

Vol. 43, p. 658. U.S.C., p. 1417. *Proviso.* Item a separate unit.

For furniture and fixtures, typewriters, carpets, labor-saving machines and accessories, time stamps, adding and numbering machines, awnings, curtains, books of reference; directories, books, miscellaneous office and desk supplies, paper, twine, glue, envelops, postage, car fares, soap, towels, disinfectants, and ice; drayage, express, freight, telephone and telegraph service; traveling expenses (not to exceed $200); repairs to buildings, elevators, and machinery; preserving sanitary condition of building; light, heat, and power; stationery and office printing, including blanks, price lists, and bibliographies, $85,000; for catalogues and indexes, not exceeding $30,000; for supplying books to depository libraries, $85,000; in all, $200,000: *Provided*, That no part of this sum shall be used to supply to depository libraries any documents, books, or other printed matter not requested by such libraries, and the requests therefor shall be subject to approval by the Superintendent of Documents.

Contingent expenses.

Proviso. Supplying depository libraries restricted.

In order to keep the expenditures for printing and binding for the fiscal year 1935 within or under the appropriations for such fiscal year, the heads of the various executive departments and independent establishments are authorized to discontinue the printing of annual or special reports under their respective jurisdictions: *Provided*, That where the printing of such reports is discontinued the original copy thereof shall be kept on file in the offices of the heads of the respective departments or independent establishments for public inspection.

Printing reports of departments.

Proviso. Originals to be kept.

Purchases may be made from the foregoing appropriation under the "Government Printing Office", as provided for in the Printing Act approved January 12, 1895, and without reference to section 4 of the Act approved June 17, 1910 (U.S.C., title 41, sec. 7), concerning purchases for executive departments.

Purchases independent of supply committee. Vol. 28, p. 601; Vol. 36, p. 531. U.S.C., p. 1309.

SEC. 2. No part of the funds herein appropriated shall be used for the maintenance or care of private vehicles.

Private vehicle restriction.

SEC. 3. In expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, the average of the salaries of the total number of persons under any grade in the Botanic Garden, the Library of Congress, or the Government Printing Office, shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Average salaries in designated offices not to be exceeded. Vol. 46, p. 1003. U.S.C., Supp. VII, p. 34.

Proviso. Not applicable to clerical-mechanical service. Vol. 42, p. 1490. U.S.C., p. 66.

Transfer to another position without reduction.

Higher salary rates allowed.

If only one position in a grade.

SEC. 4. For the purpose of carrying out the provisions of Public Act Numbered 125, entitled "An Act to provide for the appointment of a commission to establish the boundary line between the District of Columbia and the Commonwealth of Virginia", approved March

D.C.-Va. Boundary Commission. Salaries and expenses. *Ante*, p. 454.

21, 1934, including salaries, travel and subsistence expenses as authorized by law, to be immediately available, $10,000.

Foreign Service officers, etc.
Losses due to appreciation of foreign currencies.
Ante, p. 466.
Post, p. 1060.

SEC. 5. For the purpose of carrying into effect the provisions of the Act entitled "An Act to authorize annual appropriations to meet losses sustained by officers and employees of the United States in foreign countries due to appreciation of foreign currencies in their relation to the American dollar, and for other purposes", approved March 26, 1934, and for each and every object and purpose specified therein, to be immediately available, $7,438,000.

Citation of Act.

SEC. 6. This Act may be cited as the "Legislative Branch Appropriation Act, 1935."

Approved, May 30, 1934.

[CHAPTER 373.]

June 4, 1934.
[S. 195.]
[Public, No. 269.]

AN ACT

Respecting contracts of industrial life insurance in the District of Columbia.

District of Columbia.
Contracts of industrial life insurance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That policies of industrial weekly payment life insurance hereafter issued or delivered in the District of Columbia shall be subject to the following conditions, in addition to any others prescribed by law and not inconsistent with the provisions of this Act.

GOOD FAITH

Good faith of insured in determining validity of policy.

SEC. 2. If payment of such a policy shall be refused because of unsound health at or prior to the date of the policy, the good faith of both applicant and insured shall constitute a material element in determining the validity of the policy; and it shall not be held invalid because of unsound health unless the insurer shall prove that, at or before the date of issue of the policy, the insured or applicant had knowledge of, or reason to know, the facts on which the defense is based, or shall prove that the insurance was procured by the insured or applicant in bad faith or with intent to defraud the company, any provision, agreement, condition, waranty,[1] or clause contained in said policy, or endorsed thereon, or added or attached thereto, to the contrary notwithstanding. Proof by the insurer of fraud, intent to deceive, unsound health, bad faith, breach or[1] warranty or condition precedent, or other matter of defense, shall be subject to the provisions of section 657 of the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901, as amended (D.C. Code, title 5, sec. 183).

Proof of fraud, etc.

D.C. Code, sec. 657.
Vol. 31, p. 1294.

INCONTESTABILITY

Incontestability of policy on grounds relating to health after two years.

When policy provides shorter period.

SEC. 3. Every such policy shall be incontestable upon any ground relating to health after two years from its date of issue (notwithstanding a longer period may be named therein), provided the insured shall be alive at the end of said period. If the policy by its terms shall be incontestable after a shorter period than herein provided, the terms of the policy with regard to such period of limitation shall govern.

[1] So in original.

ASSIGNMENT

Assignment permitted.

SEC. 4. Nothing contained in the terms of any such policy shall operate to prevent its valid assignment by the insured; but the company issuing the policy so assigned shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless before such payment the company shall have written notice of such assignment.

Notice to issuing company.

BENEFICIARY

Beneficiary; right to proceeds.

SEC. 5. Any individual designated with the consent of the insurer, evidenced by the signature of its president or secretary, or designated upon a form furnished by and filed with the insurer, as beneficiary of such a policy shall be entitled to the proceeds of such policy after the death of the insured in priority to all other claimants, and may sue in his own name for such proceeds if payment is refused by the insurer: *Provided*, That upon the expiration of fifteen days after the death of the insured, unless proof of claim in the manner and form required by the Policy, accompanied by the policy for surrender, has theretofore been made by or on behalf of such designated beneficiary, the insurer may pay to any other claimant permitted by the policy. A person specified as one to whom the insured desires payment made, but not formally designated as beneficiary, shall be deemed a beneficiary for the purposes of this section, provided such designation be made in writing and filed with the company during the lifetime of the insured.

Proviso. Payment of claim.

Beneficiary "specified" but not "designated."

Approved, June 4, 1934.

[CHAPTER 374.]

AN ACT

To amend an Act entitled "An Act to incorporate the Mount Olivet Cemetery Company in the District of Columbia."

June 4, 1934.
[S. 1757.]
[Public, No. 270.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to incorporate the Mount Olivet Cemetery Company in the District of Columbia", approved on the 10th day of June 1862 (12 Stat.L. 426) be, and the same hereby is, amended by adding at the end of section 2 of the said Act of the 10th day of June 1862 the following:

District of Columbia. Mount Olivet Cemetery Company. Vol. 12, p. 426, amended.

"The said corporation may use for burial purposes the tracts of land now owned by it and known, respectively, as the 'Hoover tract', designated for purposes of assessment and taxation as parcel 153/23, fronting on Bladensburg Road and the 'Merten's tract', designated for purposes of assessment and taxation as parcel 153/42, fronting on West Virginia Avenue, the said two tracts having an aggregate area of approximately twelve and twenty-five one-hundredths acres, and all of the provisions of the aforesaid Act of the 10th day of June 1862 shall apply to both of the said tracts with like effect as if the provisions of this Act had been included therein at the time of its enactment: *Provided*, That no part of parcel 153/23 lying within one hundred and twenty feet of Bladensburg Road shall be used for burial purposes; the strip of land hereby exempted from use for burial purposes being the easterly one hundred and twenty feet by full width of said parcel 153/23 fronting on Bladensburg Road."

Additional tracts set aside for burial purposes. Description.

Proviso. Area excluded.

Approved, June 4, 1934.

[CHAPTER 375.]

AN ACT

June 4, 1934.
[S. 2508.]
[Public, No. 271.]

Authorizing the Secretary of the Interior, with the approval of the National Capital Park and Planning Commission and the Attorney General of the United States, to make equitable adjustments of conflicting claims between the United States and other claimants of lands along the shores of the Potomac River, Anacostia River, and Rock Creek in the District of Columbia.

District of Columbia. Equitable adjustment of conflicting land claims along the shores of the Potomac and Anacostia Rivers, etc., authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of establishing and making clear the title of the United States in and to any part or parcel of land or water in, under, and adjacent to the Potomac River, the Anacostia River, or Eastern Branch, and Rock Creek, including the shores and submerged or partly submerged land, as well as the banks of said waterways, and also the upland immediately adjacent thereto, including made land, flat lands and marsh lands, in which persons and corporations and others may have or pretend to have any right, title, claim, or interest adverse to the complete title of the United States as set forth in an Act entitled "An Act providing for the protection of the interest of the United States in lands and water comprising any part of the Potomac River, the Anacostia River, Eastern Branch, and Rock Creek, and adjacent lands thereto", approved April 27, 1912 (37 Stat. 93), and in order to facilitate the same, by making equitable adjustments of such claims and controversies between the United States of America and such adverse claimants, the Secretary of the Interior is authorized to make and accept, on behalf of the United States, by way of compromise when deemed to be in the public interest such conveyances, including deeds of quit-claim and restrictive and collateral covenants, of the lands in dispute as shall be also approved by the National Capital Park and Planning Commission and the Attorney General of the United States.

Vol. 37, p. 93.

Conveyances by way of compromise.

Approval required.

Approved, June 4, 1934.

[CHAPTER 376.]

AN ACT

June 4, 1934.
[S. 2580.]
[Public, No. 272.]

To exempt from taxation certain property of the National Society United States Daughters of 1812 in the District of Columbia.

District of Columbia. National Society United States Daughters of 1812. Certain real property of, exempt from taxation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the property situated in square numbered 210 in the city of Washington, District of Columbia, described as lot 811, occupied and used by the National Society United States Daughters of 1812, is hereby exempt from all taxation so long as the same is so occupied and used, subject to the provisions of section 8 of the Act of March 3, 1877, as amended and supplemented (D.C. Code, title 20, sec. 712), providing for exemptions of church and school property.

Vol. 19, p. 399.

Approved, June 4, 1934.

[CHAPTER 377.]

AN ACT

June 4, 1934.
[S. 3257.]
[Public, No. 273.]

To change the designation of Four-and-a-half Street southwest to Fourth Street.

District of Columbia. Designation of Four-and-a-half Street southwest changed to Fourth Street.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the street designated as "Four-and-a-half Street" running south from the center of the Mall to P Street south be, and the same is hereby, changed to Fourth Street, thereby giving this street for its entire length from Pennsylvania Avenue northwest to P Street south the designation of Fourth Street.

Approved, June 4, 1934.

[CHAPTER 378.]

AN ACT

To dissolve the Ellen Wilson Memorial Homes.

June 4, 1934.
[S. 3442.]
[Public, No. 274.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the body corporate and politic created under the Act entitled "An Act to incorporate the Ellen Wilson Memorial Homes", approved March 3, 1915, be, and the same is hereby, granted the right to dissolve under the supervision of the Supreme Court of the District of Columbia and to have its assets distributed among the persons determined by said court to be entitled thereto, all in the manner prescribed by subchapter 14 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended; and jurisdiction over said corporation for the purposes aforesaid is hereby conferred upon said court as fully and effectually as though said corporation had been created pursuant to the general incorporation provisions contained in the last-mentioned Act, as amended.

District of Columbia.
Ellen Wilson Memorial Homes Corporation granted right to dissolve.

Vol. 38, p. 954.
Distribution of assets.
Vol. 31, p. 1316.

Jurisdiction of court.

SEC. 2. That Congress reserves the right to repeal, alter, or amend this Act.

Rights reserved.

Approved, June 4, 1934.

[CHAPTER 379.]

AN ACT

To authorize the construction and operation of certain bridges across the Monongahela, Allegheny, and Youghiogheny Rivers in the county of Allegheny, Pennsylvania.

June 4, 1934.
[H.R. 8241.]
[Public, No. 275.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, Allegheny County Authority and the County of Allegheny, Pennsylvania, or either of them, their successors and assigns, or the successors or assigns of either of them, be, and are hereby, authorized to construct, maintain, and operate bridges and approaches thereto at any or all of the following points within the county of Allegheny, Pennsylvania:

Bridge construction in Allegheny County, Pa.

(a) Across the Monongahela River, at a point suitable to the interests of navigation, from Pittsburgh to Homestead, Pennsylvania, near to, and to replace, existing Brown's Bridge.

Monongahela River, Pittsburgh to Homestead.

(b) Across the Allegheny River, at a point suitable to the interests of navigation, from Pittsburgh to O'Hara Township, Pennsylvania, near Dam Numbered 2, to replace the existing Highland Park Bridge.

Allegheny River, Pittsburgh to O'Hara Township.

(c) Across the Monongahela River, at a point suitable to the interests of navigation, in the city of Pittsburgh, Pennsylvania, between the Wabash and Point Bridges.

Monongahela River, Pittsburgh.

(d) Across the Monongahela River, at a point suitable to the interests of navigation, from the Glenwood to the Hays sections of the city of Pittsburgh, Pennsylvania, to replace existing Glenwood Bridge.

(e) Across the Monongahela River, at a point suitable to the interests of navigation, from Dravosburg to McKeesport, Pennsylvania, to replace existing Dravosburg Bridge.

Dravosburg to McKeesport.

(f) Across the Youghiogheny River, at a point suitable to the interests of navigation, in the city of McKeesport, to replace existing Fifth Avenue Bridge.

Youghiogheny River, at McKeesport.

Monongahela River. Boroughs of Rankin and Whittaker.

Construction. Vol. 34, p. 84.

(g) Across the Monongahela River, at a point suitable to the interests of navigation, from the Borough of Rankin to the Borough of Whittaker, Pennsylvania, to replace existing Rankin Bridge, all in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Tolls to be adjusted to provide for operation and amortization costs.

SEC. 2. If tolls are charged for the use of said bridges or any of them, or the approaches to them or any of them, the rates of toll may be so adjusted as to provide a fund sufficient to pay such part or all of any one or more of the following items as shall not be from time to time otherwise provided for, namely: (a) The reasonable cost of maintenance, repair, and operation of said bridges and approaches; and (b) the amortization, within a reasonable time and under reasonable conditions, of any loan or loans, including reasonable interest, taxes, and financing charges, made or to be made in connection with the construction of any of said bridges and approaches.

Record of expenditures and receipts.

SEC. 3. An accurate record of the cost of the bridges and their approaches and of all expenditures for maintaining, repairing, and operating the same and of tolls collected from time to time shall be kept and shall at all reasonable times be available for the information of all persons interested in the construction, operation, and maintenance thereof.

Right to sell, etc., conferred.

SEC. 4. The right to sell, assign, transfer, mortgage, or pledge any or all the rights, powers, and privileges conferred by this Act is hereby granted to the said Allegheny County Authority and the County of Allegheny, Pennsylvania, or either of them, their successors or assigns, or the successors or assigns of either of them; and if such rights, powers, and privileges shall be sold, assigned, or transferred to, or shall be acquired through mortgage, pledge, foreclosure, or otherwise by the United States of America acting by or through the President, the Federal Emergency Administrator of Public Works or such other agency or agencies as may be designated or created for such purpose pursuant to the National Industrial Recovery Act or any amendment or supplement thereto, or otherwise, or by any person, corporation, or political subdivision, the United States of America or such person, corporation, or political subdivision is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon the United States of America, such person, corporation, or political subdivision.

If acquired by United States.

Amendment.

SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 4, 1934.

[CHAPTER 380.]

June 4, 1934.
[H.R. 8714.]
[Public, No. 276.]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Pee Dee River and a bridge across the Waccamaw River, both at or near Georgetown, South Carolina.

Pee Dee and Waccamaw Rivers. Time extended for bridging, at Georgetown, S.C.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Pee Dee River and a bridge across the Waccamaw River, both at or near Georgetown, South Carolina, authorized to be built by the county of Georgetown, South Carolina, by an Act of Congress approved May 29, 1930, heretofore extended by Acts of Congress approved February 14, 1933, and May 12, 1933, are hereby further extended one and three years, respectively, from May 30, 1934.

Vol. 46, p. 479; Vol. 47, p. 804.
Ante, p. 54.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved. Amendment.

Approved, June 4, 1934.

[CHAPTER 381.]

AN ACT

June 4, 1934.
[H.R. 8937.]
[Public, No. 277.]

Granting the consent of Congress to the State of Indiana to construct, maintain, and operate a free highway bridge across the Wabash River, at or near Delphi, Indiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Indiana to construct, maintain, and operate a free highway bridge and approaches thereto, across the Wabash River, at a point suitable to the interests of navigation, at or near Delphi, Carroll County, Indiana, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906. Wabash River. Indiana may bridge, at Delphi. Construction. Vol. 34, p. 84. Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 4, 1934.

[CHAPTER 382.]

AN ACT

June 4, 1934.
[H.R. 8951.]
[Public, No. 278.]

Authorizing the city of Shawneetown, Illinois, to construct, maintain, and operate a toll bridge across the Ohio River at or near a point between Washington Avenue and Monroe Street in said city of Shawneetown and a point opposite thereto in the county of Union and State of Kentucky.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the city of Shawneetown, Illinois, be and is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near a point between Washington Avenue and Monroe Street in the city of Shawneetown, Illinois, and a point opposite thereto in the county of Union and State of Kentucky, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act. Ohio River. Shawneetown, Ill., may bridge. Location. Construction. Vol. 34, p. 84.

SEC. 2. There is hereby conferred upon the city of Shawneetown, Illinois, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid, according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State. Acquisition of approaches.

SEC. 3. The said city of Shawneetown, Illinois, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906. Toll rates.

Rates applied to operation, sinking fund, etc.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period not to exceed thirty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches, under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Maintenance, as free bridge, after amortizing costs.

Record of expenditures and receipts.

Amendment.

SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 4, 1934.

[CHAPTER 383.]

June 4, 1934.
[H.R. 9000.]
[Public, No. 279.]

AN ACT

Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Susquehanna River at or near Holtwood, Lancaster County.

Susquehanna River. Pennsylvania may bridge, at Holtwood.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a bridge and approaches thereto across the Susquehanna River, at a point suitable to the interests of navigation, at or near Holtwood, Lancaster County, Pennsylvania, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Construction.
Vol. 34, p. 84.

Use of tolls to provide for operation and sinking fund.

SEC. 2. If tolls are charged for the use of such bridge, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Maintenance as free bridge after amortizing costs.

Record of expenditures and receipts.

Amendment.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 4, 1934.

[CHAPTER 384.]

AN ACT

June 4, 1934.
[H.R. 9065.]
[Public, No. 280.]

Granting the consent of Congress to the Department of Public Works of the Commonwealth of Massachusetts to construct, maintain, and operate a free highway bridge across the Connecticut River at Turners Falls, Massachusetts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Department of Public Works, Commonwealth of Massachusetts, to construct, maintain, and operate a free highway bridge and approaches thereto across the Connecticut River, at a point suitable to the interests of navigation, at Montague (Turners Falls) and Gill (Riverside), Massachusetts, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Connecticut River. Massachusetts may bridge, at Turners Falls.

Construction. Vol. 34, p. 84.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 4, 1934.

[CHAPTER 385.]

AN ACT

June 4, 1934.
[H.R. 9257.]
[Public, No. 281.]

Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Susquehanna River at or near Bainbridge, Lancaster County, and Manchester, York County.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania, acting through its Department of Highways, to construct, maintain, and operate a bridge and approaches thereto across the Susquehanna River at a point suitable to the interests of navigation at or near Bainbridge, Lancaster County, and Manchester, York County, and between the counties of York and Lancaster, in the Commonwealth of Pennsylvania, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Susquehanna River. Pennsylvania may bridge, Bainbridge to Manchester.

Construction. Vol. 34, p. 84.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Use of tolls to provide for operation and sinking fund.

Maintenance as free bridge, after amortizing costs.

Record of expenditures and receipts.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 4, 1934.

[CHAPTER 386.]

AN ACT

June 4, 1934.
[H.R. 9271.]
[Public, No. 282.]

Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Susquehanna River at or near Millersburg, Dauphin County, Pennsylvania.

Susquehanna River. Pennsylvania may bridge, at Millersburg.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania, acting through its Department of Highways, to construct, maintain, and operate a bridge and approaches thereto across the Susquehanna River, at a point suitable to the interests of navigation, at or near Millersburg, Dauphin County, and between the counties of Dauphin and Perry, in the Commonwealth of Pennsylvania, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Construction. Vol. 34, p. 84.

Use of tolls to provide for operation and sinking fund.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same and the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Maintenance as free bridge, after amortizing costs.

Record of expenditures and receipts.

Amendment.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 4, 1934.

[CHAPTER 387.]

AN ACT

June 4, 1934.
[H.R. 9502.]
[Public, No. 283.]

Authorizing the State Highway Departments of the States of Minnesota and North Dakota to construct, maintain, and operate certain free highway bridges across the Red River from Moorhead, Minnesota, to Fargo, North Dakota.

Red River. Minnesota and North Dakota may bridge, Moorhead to Fargo.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the State Highway Departments of the States of Minnesota and North Dakota are hereby authorized to construct, maintain, and operate two free highway bridges and approaches thereto across the Red River, at points suitable to the interests of navigation, between Fargo, North Dakota, and Moorhead, Minnesota, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Construction. Vol. 34, p. 84.

Acquisition of approaches, etc.

SEC. 2. There is hereby conferred upon the State Highway Departments of the States of Minnesota and North Dakota all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the

location, construction, operation, and maintenance of such bridges and their approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Amendment.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 4, 1934.

[CHAPTER 388.]

AN ACT

June 4, 1934.
[S. 2623.]
[Public, No. 284.]

To amend the Act entitled "An Act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes", approved March 19, 1906, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes" approved March 19, 1906, as amended, is amended to read as follows:

District of Columbia.
Amendments to Act requiring erection of fire escapes in.
Vol. 34, pp. 70, 1247.

"That it shall be the duty of the owner entitled to the beneficial use, rental, or control of any building three or more stories in height, constructed or used or intended to be used as an apartment house, tenement house, flat, rooming house, lodging house, hotel, hospital, seminary, academy, school, college, institute, dormitory, asylum, sanitarium, hall, place of amusement, office building, or store, or of any building three or more stories in height, or over thirty feet in height, other than a private dwelling, in which sleeping quarters for the accommodation of ten or more persons are provided above the first floor, to provide and cause to be erected and fixed to every such building one or more suitable fire escapes, connecting with each floor above the first floor by easily accessible and unobstructed openings, in such location and numbers and of such material, type, and construction as the Commissioners of the District of Columbia may determine; except that buildings designed and built as single-family dwellings, and converted to use as apartment houses, in which not more than three families reside, including the owner or lessee, or rooming houses in which sleeping accommodations are provided for less than ten persons above the first floor, not more than three stories, nor more than forty feet in height, and having a total floor area not more than three thousand square feet above the first floor, shall be exempted from the provisions of section 1 of this Act; and except that buildings used solely as apartment houses, not more than three stories, nor more than forty feet in height, so arranged that not more than five apartments per floor open directly, without an intervening hall or corridor, on a fire-resistive stairway, three feet or more in width, enclosed with masonry walls in which fire-resistive doors are provided at all openings, shall be exempted from the provisions of this section.

Duty of owner of apartment, etc., house to provide fire escape.

Single-family dwellings converted into not exceeding three-family apartments.

Sleeping accommodations for less than ten persons.

Other specifications.

Fire escapes not required.

"SEC. 2. It shall be the duty of the owner entitled to the beneficial use, rental, or control of any building already erected, or which may hereafter be erected, in which ten or more persons are employed at the same time in any of the stories above the second story, except three-story buildings used exclusively as stores or for office purposes, and having at least two stairways from the ground floor each three or more feet wide and separated from each other by a distance of

Buildings occupied by ten or more persons above second story.

Except stores, etc. having two stairways.

at least thirty feet, from one of which stairways shall be easy access to the roof, to provide and cause to be erected and affixed thereto a sufficient number of the aforesaid fire escapes, the location and number of the same to be determined by the Commissioners, and to keep the hallways and stairways in every such building as is used and occupied at night properly lighted, to the satisfaction of the Commissioners, from sunset to sunrise.

Night lights.

Guide signs, standpipes, fire extinguishers, etc.

"SEC. 3. It shall be the duty of the owner entitled to the beneficial use, rental, or control of any building used or intended to be used as set forth in section 1 of this Act where fire escapes are required, or any building in which 10 or more persons are employed, as set forth in section 2 of this Act where fire escapes are required, also to provide, install, and maintain therein proper and sufficient guide signs, guide lights, exit lights, hall and stairway lights, standpipes, fire extinguishers, and alarm gongs and striking stations in such locations and numbers and of such type and character as the Commissioners may determine; except that in buildings less than six stories in height, standpipes will not be required when fire extinguishers are installed in such numbers and of such type and character as the Commissioners may determine.

Requirements modified for buildings of less than six stories.

Commissioners to adopt and enforce necessary regulations.

"SEC. 4. The Commissioners are hereby authorized and directed to issue such orders and to adopt and enforce such regulations not inconsistent with law as may be necessary to accomplish the purposes and carry into effect the provisions of this Act, and to require any alterations or changes that may become necessary in buildings now or hereafter erected, in order properly to locate or relocate fire escapes, or to afford access to fire escapes, and to require any changes or alterations in any building that may be necessary in order to provide for the erection of additional fire escapes, or for the installation of other appliances required by this Act, when in the judgment of the Commissioners such additional fire escapes or appliances are necessary.

To require building alterations where necessary to install fire escapes, appliances, etc.

Fireproof enclosures for elevator shafts.

"SEC. 5. Each elevator shaft and stairway extending to the basement of the buildings heretofore mentioned shall terminate in a fireproof compartment or enclosure separating the elevator shaft and stairs from other parts of the basement, and no opening shall be made or maintained in such compartment or enclosure unless the same be provided with fireproof doors.

Certain fireproof buildings exempt.

"Such buildings as are used solely for office buildings above the second floor and defined under the building regulations of the District of Columbia to be fireproof are exempted from the requirements of this Act as to fire escapes, guide signs, and alarm gongs; but when the face of a wall of any such fireproof building is within thirty feet of a combustible building or structure, or when the side or sides, front or rear of such building or structure faces within thirty feet of a combustible building, or contains a light or air shaft or similar recess within thirty feet of a combustible building, then each and every window or opening in said wall or walls shall be protected from fire by automatic iron shutters or wire glass in fireproof sash and frames.

Automatic iron shutters.

Unobstructed halls or stairways.

"SEC. 6. It shall be unlawful to obstruct any hall, passageway, corridor, or stairway in any building enumerated in this Act with baggage, trunks, furniture, cans, or with any other thing whatsoever.

Free access to fire escape; no obstacle upon.

"SEC. 7. No door or window leading to any fire escape shall be covered or obstructed by any fixed grating or barrier, and no person shall at any time place any incumbrance or obstacle upon any fire escape or upon any platform, ladder, or stairway leading to or from any fire escape.

Violations.

"SEC. 8. Any person failing or neglecting to provide fire escapes, guide signs, guide lights, exit lights, hall and stairway lights, standpipes, fire extinguishers, alarm gongs and striking stations, or other appliances required by this Act after notice from the Commissioners so to do, shall, upon conviction thereof, be punished by a fine of not less than $10 nor more than $100, and shall be punished by a further fine of $5 for each day that he fails to comply with such notice. Any person violating any other provision of this Act or regulations promulgated hereunder shall be punished, upon conviction thereof, by a fine of not less than $10 nor more than $100 for each offense.

Penalties.

Scope of notice.

"SEC. 9. The notice from the Commissioners requiring the erection of fire escapes and other appliances enumerated in this Act shall specify the character and number of fire escapes or other appliances to be provided, the location of the same, and the time within which said fire escapes or other appliances shall be provided, and in no case shall more than ninety days be allowed for compliance with said notice unless the Commissioners shall, in their discretion, deem it necessary to extend their time.

Service of notice.

"SEC. 10. Such notice shall be deemed to have been served if delivered to the person to be notified, or if left with any adult person at the usual residence or place of business of the person to be notified in the District of Columbia, or if no such residence or place of business can be found in said District by reasonable search, if left with any adult person at the office of any agent of the person to be notified, provided such agent has any authority or duty with reference to the building to which said notice relates, or if no such office can be found in said District by reasonable search if forwarded by registered mail to the last-known address of the person to be notified and not returned by the post-office authorities, or if no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by the preceding clause of this section be returned by the post-office authorities, if published on ten consecutive days in a daily newspaper published in the District of Columbia, or if by reason of an outstanding unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable doubt, if served on the owner of record in the manner herin-[1] before in this section provided, or if delivered to the agent, trustee, executor, or other legal representative of the estate of such person. Any notice to a corporation shall, for the purposes of this Act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property in their own right, and notice to a foreign corporation shall, for the purposes of this Act, be deemed to have been served if served on any agent of such corporation personally, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District of Columbia: *Provided*, That in case of failure or refusal of the owner entitled to the beneficial use, rental, or control of any buildings specified in this Act, to comply with the requirements of the notice provided for in section 9, the Commissioners are hereby empowered and it is their duty to cause such erection of fire escapes and other appliances mentioned in the notice provided for, and they are hereby authorized to assess the costs thereof as a tax against the buildings on which they are erected and the ground on which the same stands, and to issue tax-lien certificates against such building and grounds for the amount of such assessments, bearing interest at the rate of 10 per

By mail.

Publication, if not delivered.

Notice to a corporation.

Proviso.
Failure to comply.

[1] So in original.

centum per annum, which certificates may be turned over by the Commissioners to the contractor for doing the work.

Injunction to restrain use, etc., of building.

"SEC. 11. The Supreme Court of the District of Columbia, in term time or in vacation, may, upon a petition of the District of Columbia, filed by its said Commissioners, issue an injunction to restrain the use or occupation of any building in the District of Columbia in violation of any of the provisions of this Act.

"SEC. 12. As used in this Act—

Definitions.

"(a) The terms 'apartment house', 'tenement house', and 'flat' mean a building in which rooms in suites are provided for occupancy by three or more families.

"(b) The term 'rooming house' means a building in which rooms are rented and sleeping quarters provided to accommodate ten or more persons, not including the family of the owner or lessee.

"(c) The term 'lodging house' means a building in which sleeping quarters are provided to accommodate ten or more transients.

"(d) The term 'hotel' means a building in which meals are served and rooms are provided for the accommodation of ten or more transients.

"(e) The term 'elevator shaft' includes a dumbwaiter shaft.

"(f) The term 'fire escape' means an exterior open stairway or arrangement of ladders constructed entirely of incombustible materials and of approved design, or an interior or exterior stairway of fire-resistive construction with enclosing walls of masonry with fire-resistive doors and windows.

"(g) The term 'standpipe' means a vertical iron or steel pipe provided with hose connections and valves, so arranged as to supply water for fire-fighting purposes.

"(h) The terms 'fireproof' and 'fire-resistive' have the same meaning as is ascribed to the term 'fire-resistive' in the Building Code of the District of Columbia.

Saving provisions.

"SEC. 13. All Acts or parts of Acts inconsistent with this Act are hereby repealed."

Approved, June 4, 1934.

[CHAPTER 389.]

June 4, 1934.
[H.R. 9061.]
[Public, No. 285.]

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1935 and for other purposes.

District of Columbia. Appropriations for expenses of, fiscal year 1935, from District revenues and $5,700,000 from the Treasury.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1935, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and,

Less 70 percent of Public Works Administration allotments.

in addition a sum equal to $5,700,000 less a sum equal to 70 per centum of the amounts expended under the allotments from the Public Works Administration of $1,759,500 for sewers and $148,650 for park improvements is appropriated, out of any money in the Treasury not otherwise appropriated, to be advanced July 1, 1934, and all of the remainder out of the combined revenues of the District of Columbia, namely:

GENERAL EXPENSES

General expenses.

EXECUTIVE OFFICE

Executive Office.

For personal services, $42,714, plus so much as may be necessary to compensate the Engineer Commissioner at such rate in grade 8 of the professional and scientific service of the Classification Act of 1923, as amended, as may be determined by the Board of Commissioners: *Provided*, That in expending appropriations or portions of appropriations contained in this Act for the payment of personal services in accordance with the the[1] Classification Act of 1923, as amended, with the exception of the two civilian Commissioners the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service; (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act; (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit; (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Office personnel.
Additional, for Engineer Commissioner.

Provisos.
Salaries limited to average rates under Classification Act; exceptions.
Vol. 42, p. 1488; Vol. 45, p. 776; Vol. 46, p. 1003.
U.S.C., p. 65; Supp. VII, p. 34.

Restriction not applicable to clerical-mechanical services.

No reduction in fixed salaries.
Vol. 42, p. 1490; Vol. 46, p. 1005.

Transfer to another position without pay reduction.

Higher rates permitted.

If only one position in a grade.

Purchasing division: For personal services, $51,570.

Purchasing division.

Building inspection division: For personal services, $100,719.

Building inspection division.

Plumbing inspection division: For personal services, $31,851; two members of plumbing board at $135 each; in all, $32,121.

Plumbing inspection division.

PUBLIC CONVENIENCE STATIONS

Public convenience stations.

For maintenance of public convenience stations, including compensation of necessary employees, $12,847.

Maintenance.

CARE OF THE DISTRICT BUILDING

Care of District Building.

For personal services, including temporary labor, and service of cleaners as necessary at not to exceed 48 cents per hour, $84,672: *Provided*, That no other appropriation made in this Act shall be available for the employment of additional assistant engineers or watchmen for the care of the District Building.

Operating force.

Proviso.
Employment of additional assistant engineers or watchmen.

For fuel, light, power, repairs, laundry, and miscellaneous supplies, $28,000.

Operating supplies.

ASSESSOR'S OFFICE

Assessor's office.

For personal services, $203,238.

COLLECTOR'S OFFICE

Collector's office.

For personal services, $41,220.

AUDITOR'S OFFICE

Auditor's office.

For personal services $112,230; and the compensation of the present incumbent of the position of disbursing officer of the District of Columbia shall be exclusive of his compensation as United States property and disbursing officer for the National Guard of the District of Columbia.

Personal services.
Present disbursing officer permitted other duties.

[1] So in original.

Corporation counsel's office.

OFFICE OF CORPORATION COUNSEL

Extra pay, Public Utilities Commission.

Corporation counsel, including extra compensation as general counsel of the Public Utilities Commission, and other personal services, $89,568.

Alcoholic Beverage Control Board.

ALCOHOLIC BEVERAGE CONTROL BOARD

Salaries and expenses. Purchase of samples.

For personal services, advertising, printing and binding, street-car and bus transportation, telephone service, not exceeding $500 for the purchase of samples, and other necessary contingent and miscellaneous expenses, $37,492.

Coroner's office.

CORONER'S OFFICE

Services, including deputies.

For personal services, including deputy coroners, in accordance with the Classification Act of 1923, as amended, $9,162.

Vol. 46, p. 1003.

Morgue, etc., expenses.

For the maintenance of a nonpassenger-carrying motor wagon for the morgue, jurors' fees, witness fees, ice, disinfectants, telephone service, and other necessary supplies, repairs to the morgue, and the necessary expenses of holding inquests, including stenographic services in taking testimony, and photographing unidentified bodies, $3,750.

Office of Superintendent of Weights, etc.

OFFICE OF SUPERINTENDENT OF WEIGHTS, MEASURES, AND MARKETS

Personal services.

For personal services, $40,626.

Inspection, etc.

For purchase of commodities, including personal services, in connection with investigation and detection of sales of short weight and measure, $500.

Markets.

For maintenance and repairs to markets, $5,500.

Vehicles.

For maintenance and repair of nonpassenger-carrying motor vehicles, $1,750.

For the purchase and exchange of one nonpassenger-carrying motor vehicle, $530.

Farmers' Produce Market, improvements.

For the construction of shelters, paving, and for such other improvements as the Commissioners may deem necessary at the Farmers' Produce Market, $22,500.

Engineer department. Chief Clerk's office.

OFFICE OF CHIEF CLERK, ENGINEER DEPARTMENT

For personal services, $26,397.

Municipal Architect's office.

MUNICIPAL ARCHITECT'S OFFICE

Personal services.

For personal services, $42,228.

Apportionments.

All apportionments of appropriations for the use of the municipal architect in payment of personal services employed on construction work provided for by said appropriations shall be based on an amount not exceeding 3 per centum of a total of not more than $2,000,000 of appropriations made for such construction projects and not exceeding 2¾ per centum of a total of the appropriations in excess of $2,000,000.

Public Utilities Commission.

PUBLIC UTILITIES COMMISSION

Commissioners, people's counsel, etc. Experts.

For two commissioners, people's counsel, and for other personal services, $50,000, of which amount not to exceed $5,000 may be used for the employment of expert services by contract or otherwise and without reference to the Classification Act of 1923, as amended.

Incidental, etc., expenses.

For incidental and all other general necessary expenses authorized by law, including the purchase of newspapers, $1,500.

No part of the appropriations contained in this Act shall be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Utilities Commission requiring the installation of meters in taxicabs until such regulation or order shall have been approved by Congress: *Provided*, That this prohibition shall not be construed to affect any order or part of an order of such Public Utilities Commission other than with respect to the requirement of the installation of such meters.

Issuance of orders requiring meters in taxicabs forbidden.

Proviso. Other orders not affected.

BOARD OF EXAMINERS, STEAM ENGINEERS

Examiners, steam engineers.

Salaries: Three members, at $135 each, $405.

DEPARTMENT OF INSURANCE

Insurance department.

For personal services, $18,738.

SURVEYOR'S OFFICE

Surveyor's office.

For personal services, $72,000.

DISTRICT OF COLUMBIA EMPLOYEES' COMPENSATION FUND

Employees' compensation fund.

For carrying out the provisions of section 11 of the District of Columbia Appropriation Act approved July 11, 1919, extending to the employees of the government of the District of Columbia the provisions of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, $32,500.

Payments for injuries. Vol. 41, p. 104.

Vol. 39, p. 742.

Administrative Expenses, Compensation to Injured Employees in the District of Columbia: For the enforcement of the Act entitled "An Act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes", approved May 17, 1928 (U.S.C., Supp. VI, title 33, sec. 901), $51,000, for transfer to and expenditure by the Employees' Compensation Commission under its appropriations "Salaries and expenses", $50,550, and "Printing and binding", $450.

Administrative expenses, compensation to injured employees. Vol. 45, p. 600. U.S.C., Supp. VII, p. 789.

Transfer to Employees' Compensation Commission.

For financing of the liability of the government of the District of Columbia, created by the Act entitled "An Act for the retirement of employees in the classified civil service, and for other purposes", approved May 22, 1920, and Acts amendatory thereof (U.S.C., title 5, sec. 707a), $150,000, which amount shall be placed to the credit of the "civil service retirement and disability fund."

Retirement Act. Contribution to, from District revenues. Vol. 41, p. 619; Vol. 44, p. 912; Vol. 46, p. 408. U.S.C., Supp. VII, p. 51.

DEPARTMENT OF VEHICLES AND TRAFFIC

Vehicles and traffic department.

For personal services, $63,144.

Personal services.

For purchase, installation, and modification of electric traffic lights, signals and controls, markers, painting white lines, labor, maintenance of nonpassenger-carrying motor vehicles and such other expenses as may be necessary in the judgment of the Commissioners, $63,000, of which not less than $25,000 shall be expended for the purchase, installation, and modification of electric traffic-light signals: *Provided*, That no part of this or any other appropriation contained in this Act shall be expended for building, installing, and maintaining street-car loading platforms and lights of any description employed to distinguish same.

Expenses, etc.

Proviso. Not available for street-car loading platforms.

For the purchase of motor vehicle identification number plates, $20,000.

Identification plates.

Public Library.

FREE PUBLIC LIBRARY

Personal services.

For personal services, and for substitutes and other special and temporary services, including extra services on Sundays, holidays, and Saturday half holidays, at the discretion of the librarian, $280,584.

Miscellaneous.

Miscellaneous: For books, periodicals, newspapers, and other printed material, including payment in advance for subscription books, and society publications, $40,000: *Provided*, That the disbursing officer of the District of Columbia is authorized to advance to the librarian of the free Public Library, upon requisition previously approved by the auditor of the District of Columbia, sums of money not exceeding $25 at the first of each month, to be expended for the purchase of certain books, pamphlets, numbers of periodicals or newspapers, or other printed material, and to be accounted for on itemized vouchers.

Proviso.
Advances for books purchased, etc.

Binding.

For binding, including necessary personal services, $19,051.

Contingent expenses.

For maintenance, alterations, repairs, fuel, lighting, fitting up buildings, care of grounds, maintenance of motor delivery vehicles, and other contingent expenses, including not to exceed $700 for purchase and exchange of one motor delivery vehicle, $25,000.

Chevy Chase and Woodridge branches.

For rent of suitable quarters for branch libraries in Chevy Chase and Woodridge, $4,320.

Building for Georgetown branch.

For a building for a Georgetown branch library, including necessary furniture and equipment, and improvement of grounds, $150,000, of which $4,500 shall be immediately available for the preparation of plans and specifications.

Register of wills.

REGISTER OF WILLS

Personal services.

For personal services, $64,827.

Contingent expenses.

For miscellaneous and contingent expenses, telephone bills, printing, typewriters, photostat paper and supplies, including laboratory coats and photographic developing room equipment, towels, towel service, window washing, street-car tokens, furniture and equipment and repairs thereto, and purchase of books of reference, law books, and periodicals, $9,000.

Recorder of deeds.

RECORDER OF DEEDS

Personal services.

For personal services, $83,754, of which $6,000 shall be available only for recopying old land records of the District of Columbia.

Recopying old land records.

Contingent expenses.

For miscellaneous and contingent expenses, including telephone service, printing, binding, rebinding, repairing, and preservation of records; typewriters, towels, towel service, furniture and equipment and repairs thereto; books of reference, law books and periodicals, street-car tokens, postage, not exceeding $100 for rest room for sick and injured employees and the equipment of and medical supplies for said rest room, and all other necessary incidental expenses, $10,000.

Rent.

For rent of offices of the recorder of deeds, $10,000.

Contingent expenses.

CONTINGENT AND MISCELLANEOUS EXPENSES

Objects specified.

For checks, books, law books, books of reference, periodicals, newspapers, stationery; surveying instruments and implements; drawing materials; binding, rebinding, repairing, and preservation of records; ice; repairs to pound and vehicles; traveling expenses not to exceed $1,000, including payment of dues and traveling expenses in attending conventions when authorized by the Commissioners of the

District of Columbia; expenses authorized by law in connection with the removal of dangerous or unsafe and insanitary buildings, including payment of a fee of $6 per diem to each member of board of survey, other than the inspector of buildings, while actually employed on surveys of dangerous or unsafe buildings; and other general necessary expenses of District offices; $36,000: *Provided*, That no part of this or any other appropriation contained in this Act shall be expended for printing or binding a schedule or list of supplies and materials for the furnishing of which contracts have been or may be awarded.

Removing unsafe, etc., buildings.

Proviso. Printing, etc., of list of supplies forbidden.

For printing and binding, $40,000.

Printing and binding.

CENTRAL GARAGE

Central Garage.

For maintenance, care, repair, and operation of passenger-carrying automobiles owned by the District of Columbia, including personal services, $56,806; for exchange of such passenger-carrying automobiles now owned by the District of Columbia as, in the judgment of the Commissioners of said District, have or shall become unserviceable, $8,000; in all, $64,806.

Automobiles, maintenance, etc.

All motor-propelled passenger-carrying vehicles owned by the District of Columbia shall be used exclusively for "official purposes" directly pertaining to the public services of said District, and shall be under the direction and control of the Commissioners, who may from time to time alter or change the assignment for use thereof or direct the joint or interchangeable use of any of the same by officials and employees of the District, except as otherwise provided in this Act; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment, except as to the Commissioners of the District of Columbia and in cases of officers and employees the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the Commissioners: *Provided*, That no passenger-carrying automobile, except busses, patrol wagons, and ambulances, and except as otherwise specifically authorized in this Act, shall be acquired under any provision of this Act, by purchase or exchange, at a cost, including the value of a vehicle exchanged, exceeding $650. No motor vehicles shall be transferred from the police or fire departments to any other branch of the government of the District of Columbia.

Restriction on use of District-owned vehicles.

Under control of Commissioners.

Transportation between domicile and place of employment.

Proviso. Purchase price restriction.

Transfer forbidden.

Appropriations in this Act shall not be used for the payment of premiums or other cost of fire insurance.

Fire insurance premiums forbidden.

For postage for strictly official mail matter, including the rental of postage meter equipment, $22,500.

Postage.

The Commissioners are authorized, in their discretion, to furnish necessary transportation in connection with strictly official business of the District of Columbia by the purchase of street car and bus fares from appropriations contained in this Act: *Provided*, That the expenditures herein authorized shall be so apportioned as not to exceed a total of $9,500: *Provided further*, That the provisions of this paragraph shall not include the appropriations herein made for the fire and police departments.

Car fare, etc.

Provisos. Limitation.

Fire and police departments excepted.

For judicial expenses, including witness fees, and expert services in District cases before the Supreme Court of said District, $1,500: *Provided*, That the Commissioners of the District of Columbia are authorized, when in their judgment such action be deemed in the public interest, to contract for stenographic reporting services without regard to section 3709 of the Revised Statutes (U.S.C., title 41,

Judicial expenses.

Provisos. Contracts for reporting permitted.

R.S., sec. 3709, p. 733. U.S.C., p. 1309.

No court fees, etc., in District Supreme Court, required.

sec. 5) under available appropriations contained in this Act: *Provided further*, That neither the District of Columbia nor any officer thereof acting in his official capacity for the District of Columbia shall be required to pay court costs to the clerk of the Supreme Court of the District of Columbia.

General advertising.

For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, $4,000: *Provided*, That this appropriation shall not be available for the payment of advertising in newspapers published outside of the District of Columbia, notwithstanding the requirement for such advertising provided by existing law.

Proviso. Outside advertising.

Taxes in arrears. Vol. 30, p. 250.

For advertising notice of taxes in arrears July 1, 1934, as required to be given by the Act of February 28, 1898, as amended, to be reimbursed by a charge of 50 cents for each lot or piece of property advertised, $8,000: *Provided*, That this appropriation shall not be available for the payment of advertising the delinquent tax list for more than once a week for two weeks in the regular issue of one morning or one evening newspaper published in the District of Columbia, notwithstanding the provisions of existing law.

Proviso. Publication of delinquent list modified.

EMPLOYMENT SERVICE

Employment service.

For personal services and miscellaneous and contingent expenses required for maintaining a public employment service for the District of Columbia, $9,920.

Emergency fund.

EMERGENCY FUND

Expenses; restriction.

To be expended only in case of emergency, such as riot, pestilence, public insanitary conditions, calamity by flood or fire or storm, and of like character, and in all other cases of emergency not otherwise sufficiently provided for, in the discretion of the Commissioners, $1,500: *Provided*, That the certificate of the Commissioners shall be sufficient voucher for the expenditure of not to exceed $1,000 for such investigations as they may deem necessary.

Proviso. Voucher for expenses.

Refund of erroneous collections.

REFUND OF ERRONEOUS COLLECTIONS

Payments authorized. Vol. 36, p. 967.

To enable the Commissioners, in any case where special assessments, school tuition charges, payments for lost library books, rents, fees, or collections of any character have been erroneously covered into the Treasury, to refund such erroneous payments, wholly or in part, including the refunding of fees paid for building permits authorized by the District of Columbia Appropriation Act approved March 2, 1911 (36 Stat., p. 967), $4,000: *Provided*, That this appropriation shall be available for such refunds of payments made within the past three years.

Building permits.

Proviso. Refunds of prior years.

Conference on Uniform State Laws.

To aid in support of the National Conference of Commissioners on Uniform State Laws, $250.

Street, etc., improvement and repair.

STREET AND ROAD IMPROVEMENT AND REPAIR

Personal services.

Payable from gasoline tax fund.

For personal services, $161,550, payable from the special fund created by section 1 of the Act entitled "An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes", approved April 23, 1924 (43 Stat. p. 106), and accretions by repayment of assessments.

GASOLINE TAX, ROAD AND STREET IMPROVEMENTS AND REPAIRS

Gasoline tax, road and street fund.

For paving, repaving, grading, and otherwise improving streets, avenues, and roads, including personal services and the maintenance of motor vehicles used in this work, and including curbing and gutters and replacement of curb-line trees where necessary, as follows, to be paid from the special fund created by section 1 of the Act entitled "An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes", approved April 23, 1924 (43 Stat., p. 106), and accretions by repayment of assessments:

Paving, etc., streets and roads from.

Vol. 43, p. 106.

For grading streets, alleys, and roads, including construction of necessary culverts and retaining walls, $50,000;

Grading streets, alleys, and roads.

For surfacing block pavements and paving the unpaved center strips of paved roadways, $15,000;

Surfacing block pavements, etc.

For minor changes in roadway and sidewalks on plans to be approved by the Commissioners of the District of Columbia to facilitate vehicular and pedestrian traffic, $5,000;

Minor changes in roadways, etc.

For construction of curbs and gutters, or concrete shoulders in connection with all forms of macadam roadways and adjustment of roadways thereto, together with resurfacing and replacing of base of such roadways where necessary, $225,000;

Curbs and gutters, shoulders, etc.

For the surfacing and resurfacing or replacement of asphalt, granite block, or concrete pavements with the same or other approved material, $350,000;

Surfacing, etc., pavements.

For construction, maintenance, operation, and repair of bridges, including maintenance of nonpassenger-carrying motor vehicles, $65,000;

Bridges, construction, etc.

For current work of repairs to streets, avenues, roads, and alleys, including the reconditioning of existing gravel streets and roads, and including the purchase, exchange, maintenance, and operation of nonpassenger-carrying motor vehicles used in this work, $750,000: *Provided*, That the Commissioners of the District of Columbia, should they deem such action to be to the advantage of the District of Columbia, are hereby authorized to purchase a municipal asphalt plant at a cost not to exceed $30,000;

Street, etc., repairs.

Proviso.
Purchase of asphalt plant authorized.

This appropriation shall be available for the construction and repair of pavements of street railways in accordance with the provisions of the Merger Act, approved January 14, 1933 (47 Stat., p. 752). The proportion of the amount thus expended which under the terms of the said Act is required to be paid by the street-railway company shall be collected, upon the neglect or the refusal of such street-railway company to pay, from the said street-railway company in the manner provided by section 5 of "An Act providing a permanent form of government for the District of Columbia", approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which it is collected;

Street railways, pavements.

Vol. 47, p. 752.

Proportion of expenses chargeable to railway company.

Vol. 20, p. 105.

For completing the construction of a bridge to replace the Calvert Street Bridge over Rock Creek, in accordance with the provisions and conditions contained in the District of Columbia Appropriation Act for the fiscal year 1934, $500,000;

Calvert Street Bridge, construction.
Ante, p. 229.

For the construction of a viaduct or bridge and approaches thereto in line of Eastern Avenue between Monroe Street and Bladensburg Road northeast, over the tracks and right-of-way of the Baltimore and Ohio Railroad Company, in accordance with plans and profiles of said work to be approved by the Commissioners of the District of Columbia, including construction of and changes in sewers and water mains, personal services, and engineering and incidental

Eastern Avenue viaduct, construction.

Provisos.
One half cost borne by railroad company.

expenses, $130,000: *Provided*, That one half of the total cost of constructing the said viaduct or bridge and approaches shall be borne and paid by the said railway company, its successors and assigns, to the collector of taxes of the District of Columbia, to the credit of the District of Columbia, and the same shall be a valid and subsisting lien against the franchises and property of the said railroad company and shall constitute a legal indebtedness of said company in favor of the District of Columbia, and the said lien may be enforced in the name of the District of Columbia by a bill in equity brought by the said Commissioners in the Supreme Court of the District of Columbia, or by any other lawful proceeding against the said railroad company: *Provided further*, That from and after the completion of the said viaduct and approaches, the wooden bridge in the line of Reeves Road over the tracks and right-of-way of the said Baltimore and Ohio Railroad Company shall be removed and the road at the railroad right-of-way forever closed against further traffic of any kind;

Wooden structure to be removed; road closed.

Disbursements, etc.

In all, not to exceed $2,090,000, to be immediately available; to be disbursed and accounted for as "Gasoline tax, road, and street improvements and repairs", and for that purpose shall constitute one fund: *Provided*, That assessments in accordance with existing law shall be made for paving and repaving roadways where such roadways are paved or repaved with funds derived from the collection of the tax on motor-vehicle fuels and accretions by repayment of assessments.

Proviso.
Assessments under existing law.

MISCELLANEOUS ROAD AND STREET IMPROVEMENTS AND REPAIRS

Assessment and permit work.

For assessment and permit work, paving of roadways under the permit system, and construction and repair of sidewalks and curbs around public reservations and municipal and United States buildings, including purchase or condemnation of streets, roads, and alleys, and of areas less than two hundred and fifty square feet at the intersection of streets, avenues, or roads in the District of Columbia, to be selected by the Commissioners, and including maintenance of nonpassenger-carrying motor vehicles, $150,000.

Opening streets, etc., permanent highway system.
Vol. 37, p. 950.

To carry out the provisions of existing law which authorize the Commissioners of the District of Columbia to open, extend, straighten, or widen any street, avenue, road, or highway, except Fourteenth Street extension beyond the southern boundary of Walter Reed Hospital Reservation, in accordance with the plan of the permanent system of highways for the District of Columbia, there is appropriated such sum as is necessary for said purpose, including the procurement of chains of title, during the fiscal year 1935, to be paid wholly out of the revenues of the District of Columbia: *Provided*, That this appropriation shall be available to carry out the provisions of existing law for the opening, extension, widening, or straightening of alleys and minor streets and for the establishment of building lines in the District of Columbia: *Provided further*, That the amount expended hereunder shall not exceed $200,000.

Indefinite appropriation for, from District revenues.

Provisos.
Alley improvements, building lines, etc.

Maximum expenditure.

Changing sidewalk widths, etc.

The Commissioners of the District of Columbia are authorized and empowered, in their discretion, to fix or alter the respective widths of sidewalks and roadways (including tree spaces and parking) of all highways that may be improved under appropriations contained in this Act.

Open competition for street repair, etc., contracts.

No part of any appropriation contained in this Act shall be available for repairing, resurfacing, or newly paving any street, avenue, or roadway by private contract unless the specifications

for such work shall be so prepared as to permit of fair and open competition in paving material as well as in price.

Repairs, due to inferior work by contractor.

In addition to the provision of existing law requiring contractors to keep new pavements in repair for a period of one year from the date of the completion of the work, the Commissioners of the District of Columbia shall further require that where repairs are necessary during the four years following the said one-year period, due to inferior work or defective materials, such repairs shall be made at the expense of the contractor, and the bond furnished by the contractor shall be liable for such expense.

Repayment.

Laboratory tests.

No part of the appropriations contained in this Act shall be used for the operation of a testing laboratory of the highways department for making tests of materials in connection with any activity of the District government.

Bridges and wharves.

BRIDGES AND WHARVES

Reconstruction, maintenance, etc.

For reconstruction, where necessary, and for maintenance and repair of wharves under the control of the Commissioners of the District of Columbia, in the Washington Channel of the Potomac River, $5,000.

Trees and parking.

TREES AND PARKINGS

Personal services.

For personal services, $23,940.

Contingent expenses.

For contingent expenses, including laborers, trimmers, nurserymen, repairmen, teamsters, hire of carts, wagons, or motor trucks, trees, tree boxes, tree stakes, tree straps, tree labels, planting and care of trees and tree spaces on city and suburban streets, purchase and maintenance of nonpassenger-carrying motor vehicles, and miscellaneous items, $88,200.

Sewers.

SEWERS

Personal services.

For personal services, $167,598.

Cleaning, repair, etc.

For cleaning and repairing sewers and basins; for operation and maintenance of the sewage pumping service, including repairs to boilers, machinery, and pumping stations, and employment of mechanics and laborers, purchase of coal, oil, waste, and other supplies, and for the maintenance of nonpassenger-carrying motor vehicles used in this work, $200,411.

Main and pipe.

For main and pipe sewers and receiving basins, $95,491.

Suburban.

Motor trucks.

For suburban sewers, including the maintenance of nonpassenger-carrying motor vehicles used in this work, and the replacement of the following motor trucks: Two at not to exceed $3,500 each; one at not to exceed $2,000; $150,000.

Assessment and permit work.

For assessment and permit work, sewers, including not to exceed $1,000 for purchase or condemnation of rights-of-way for construction, maintenance, and repair of public sewers, $120,094.

City refuse.

COLLECTION AND DISPOSAL OF REFUSE

Personal services.

For personal services, $126,900.

Sweeping, cleaning, snow and ice removal, etc.

For dust prevention, sweeping, and cleaning streets, avenues, alleys, and suburban streets, under the immediate direction of the Commissioners, and for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters in the discretion of the Commissioners, including services and purchase and maintenance of equipment, rent of storage rooms; maintenance and repair of stables; maintenance and repair of non-passenger-carrying motor-propelled vehicles necessary in cleaning streets and purchase of motor-propelled street-cleaning equipment; and necessary incidental expenses,

Proviso. Availability of designated funds for snow removal.

$375,000: *Provided*, That appropriations contained in this Act for highways, sewers, and the water department, shall be available for snow removal when specifically and in writing ordered by the Commissioners.

Garbage, dead animals, ashes, etc.

To enable the Commissioners to carry out the provisions of existing law governing the collection and disposal of garbage, dead animals, night soil, and miscellaneous refuse and ashes in the District of Columbia, including inspection; fencing of public and private property designated by the Commissioners as public dumps; and incidental expenses, $716,200: *Provided*, That any proceeds received from the disposal of city refuse or garbage shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in the manner provided by law: *Provided further*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business or from apartment houses of four or more apartments in which the landlord furnishes heat to tenants.

Provisos. Proceeds covered in; division of.

Collection restrictions.

Public playgrounds.

PUBLIC PLAYGROUNDS

Personal services. *Proviso.* Employments restricted.

For personal services, $101,250: *Provided*, That employments hereunder, except directors who shall be employed for twelve months, shall be distributed as to duration in accordance with corresponding employments provided for in the District of Columbia Appropriation Act for the fiscal year 1924.

Maintenance, etc.

For general maintenance, repairs, and improvements, equipment, supplies, incidental and contingent expenses of playgrounds, including labor and maintenance, and not to exceed $500 for purchase and exchange, of one motor truck, $33,600.

Public-school playgrounds during summer.

For the maintenance and contingent expenses of keeping open during the summer months the public-school playgrounds, under the direction and supervision of the Commissioners; for special and temporary services, directors, assistants, and janitor service during the summer vacation, and, in the larger yards, daily after school hours during the school term, $23,930.

Swimming or bathing pools.

For temporary services, including superintendence, supplies, repairs, maintenance, and expenses necessary in the operation of swimming or bathing pools, $10,370.

Electrical department.

ELECTRICAL DEPARTMENT

Personal services.

For personal services, $121,770.

Supplies, contingent expenses, etc.

For general supplies, repairs, new batteries and battery supplies, telephone rental and purchase, telephone service charges, wire and cable for extension of telegraph and telephone service, repairs of lines and instruments, purchase of poles, tools, insulators, brackets, pins, hardware, cross arms, ice, record book, stationery, livery, blacksmithing, extra labor, new boxes, maintenance of motor trucks and other necessary items, including not to exceed $3,600 for the purchase and exchange of one nonpassenger-carrying motor vehicle, $29,000.

Placing wires underground. Police-patrol and fire-alarm systems, etc.

For placing wires of fire alarm, police patrol, and telephone services underground, extension and relocation of police-patrol and fire-alarm systems, purchase and installing additional lead-covered cables, labor, material, appurtenances, and other necessary equipment and expenses, $15,000.

Lighting, etc.

Lighting: For purchase, installation, and maintenance of public lamps, lampposts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and public spaces, part cost

of maintenance of airport and airway lights necessary for operation of the air mail, and for all necessary expenses in connection therewith, including rental of storerooms; extra labor, operation, maintenance, and repair of motor trucks, this sum to be expended in accordance with the provisions of section 7 and 8 of the District of Columbia Appropriation Act for the fiscal year 1912 (36 Stat., pp. 1008–1011, sec. 7), and with the provisions of the District of Columbia Appropriation Act for the fiscal year 1913 (37 Stat., pp. 181–184, sec. 7), and other laws applicable thereto, and including not to exceed $27,000 for operation and maintenance of electric traffic lights, signals, and controls, $768,700: *Provided*, That this appropriation shall not be available for the payment of rates for electric street lighting in excess of those authorized to be paid in the fiscal year 1927, and payment for electric current for new forms of street lighting shall not exceed 2 cents per kilowatt-hour for current consumed: *Provided further*, That no part of this appropriation shall be available for the payment on any contract required by law to be awarded through competitive bidding, which is not awarded to the lowest responsible bidder on specifications, and such specifications shall be so drawn as to admit of fair competition.

Air mail lights.

Vol. 36, p. 1008; Vol. 37, p. 181.

Provisos.
Electric street light rates.

Awards to lowest competitor.

For the purchase and installation of fire alarm transmitting apparatus and operator's pedestal storage batteries, storage-battery rectifiers, alarm gongs, master telegraph key with relays and terminal switchboard, necessary wiring materials, labor, and other necessary items, to replace worn and defective fire-alarm equipment and apparatus in fire-alarm headquarters and fire stations, $28,000.

Fire-alarm system.

PUBLIC SCHOOLS

Public schools.

For personal services of administrative and supervisory officers in accordance with the Act fixing and regulating the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, approved June 4, 1924 (43 Stat., pp. 367–375), including salaries of presidents of teachers colleges in the salary schedule for first assistant superintendents, $583,380.

Administrative and supervisory officers.

Vol. 43, p. 368.

For personal services of clerks and other employees, $164,421.

Clerks, etc.

For personal services in the department of school attendance and work permits in accordance with the Act approved June 4, 1924 (43 Stat., pp. 367–375), the Act approved February 5, 1925 (43 Stat., pp. 806–808), and the Act approved May 29, 1928 (45 Stat., p. 998), $35,640.

School attendance and work permit department.
Vol. 43, pp. 367, 806.

For personal services of teachers and librarians in accordance with the Act approved June 4, 1924 (43 Stat., pp. 367–375), including for teachers colleges assistant professors in salary class eleven, and professors in salary class twelve, $5,763,960, of which not exceeding $5,000 may be expended for compensation to be fixed by the Board of Education and traveling expenses of educational consultants employed in character education: *Provided*, That as teacher vacancies occur during the fiscal year 1935 in grades one to four, inclusive, of the elementary schools, such vacancies may be filled by the assignment of teachers now employed in kindergartens, and teachers employed in kindergartens are hereby made eligible to teach in the said grades: *Provided further*, That teaching vacancies that occur during the fiscal year 1935 wherever found may be filled by the assignment of teachers of special subjects and teachers not now assigned to classroom instruction, and such teachers are hereby made eligible for such assignment without further examination: *Provided further*, That in the interests of economy the Board of Education may at its discretion during the fiscal year 1935

Teachers, librarians, etc.
Vol. 43, pp. 367-375.

Traveling expenses.
Provisos.
Assignment of kindergarten teachers in grades 1 to 4.

Placing unassigned teachers of special, etc., subjects.

Temporary teachers.

appoint as temporary teachers in public schools of the District of Columbia qualified teachers from the eligible list of applicants established by examinations.

Vacation schools.

For the instruction and supervision of children in the vacation schools and playgrounds, and supervisors and teachers of vacation schools and playgrounds may also be supervisors and teachers of day schools, $26,460.

Soliciting subscriptions, etc., in schools prohibited.

No part of any appropriation made in this Act shall be paid to any person employed under or in connection with the public schools of the District of Columbia who shall solicit or receive, or permit to be solicited or received, on any public-school premises, any subscription or donation of money or other thing of value from any pupil enrolled in such public schools for presentation of testimonials to school officials or for any purpose except such as may be authorized by the Board of Education at a stated meeting upon the written recommendation of the Superintendent of Schools.

Exception.

Annuities.
Vol. 41, 387; Vol. 44, p. 728.

To carry out the purposes of the Act approved June 11, 1926, entitled "An Act to amend the Act entitled 'An Act for the retirement of public-school teachers in the District of Columbia,' approved January 15, 1920, and for other purposes" (41 Stat., pp. 387–390), $400,000.

Night schools.

NIGHT SCHOOLS

Salaries.

For teachers and janitors of night schools, including teachers of industrial, commercial, and trade instruction, and teachers and janitors of night schools may also be teachers and janitors of day schools, $85,246.

Contingent expenses.

For contingent and other necessary expenses, including equipment and purchase of all necessary articles and supplies for classes in industrial, commercial, and trade instruction, $4,000.

THE DEAF, DUMB, AND BLIND

Deaf, dumb, and blind.
Maintenance, instruction, etc.
R.S., sec. 4864, p. 942.
Vol. 31, p. 844.
U.S.C., p. 685.

For maintenance and instruction of deaf and dumb persons admitted to the Columbia Institution for the Deaf from the District of Columbia, under section 4864 of the Revised Statutes, and as provided for in the Act approved March 1, 1901 (U.S.C., title 24, sec. 238), and under a contract to be entered into with the said institution by the Commissioners, $32,500.

Colored deaf mutes.
Tuition of, under contract.

For maintenance and instruction of colored deaf-mutes of teachable age belonging to the District of Columbia, in Maryland, or some other State, under a contract to be entered into by the Commissioners, $6,000: *Provided*, That all expenditures under this appropriation shall be made under the supervision of the Board of Education.

Proviso.
Supervision of expenditure.

Blind children.
Tuition of, under contract.

For maintenance and instruction of blind children of the District of Columbia, in Maryland, or some other State, under a contract to be entered into by the Commissioners, $10,000: *Provided*, That all expenditures under this appropriation shall be made under the supervision of the Board of Education.

Proviso.
Supervision of expenditure.

AMERICANIZATION WORK

Americanization work.
Instructing foreigners of all ages.

For Americanization work and instruction of foreigners of all ages in both day and night classes, and teachers and janitors of Americanization schools may also be teachers and janitors of the day schools, $7,920.

Equipment, etc.

For contingent and other necessary expenses, including books, equipment, and supplies, $600.

Educating children of World War veterans dying in service.

For aid in the education of children (between the ages of sixteen and twenty-one years, inclusive, who have had their domicile in the District of Columbia for at least five years) of those who lost their lives during the World War as a result of service in the military or naval forces of the United States, including tuition, fees, maintenance, and the purchase of books and supplies, $3,600: *Provided*, That not more than $200 shall be available for any one child during the fiscal year 1935: *Provided further*, That this appropriation shall be expended for such children while attending educational institutions of a secondary or college grade under rules and regulations prescribed by the Board of Education.

Provisos.
Maximum allowance.

Use while attending secondary, etc., educational institutions.

Community centers.

COMMUNITY CENTER DEPARTMENT

Salaries and expenses.
Vol. 43, p. 375.

For personal services of the director, general secretaries, and community secretaries in accordance with the Act approved June 4, 1924 (43 Stat., pp. 369, 370); clerks and part-time employees, including janitors on account of meetings of parent-teacher associations and other activities, and contingent expenses, equipment, supplies, and lighting fixtures, $40,000.

Care of buildings and grounds.

CARE OF BUILDINGS AND GROUNDS

Salaries.

Smaller buildings and rented rooms.

For personal services, including care of smaller buildings and rented rooms at a rate not to exceed $96 per annum for the care of each schoolroom, other than those occupied by atypical or ungraded classes, for which service an amount not to exceed $120 per annum may be allowed, $791,600.

Miscellaneous.

MISCELLANEOUS

Schools for tubercular and crippled pupils.

For the maintenance of schools for tubercular and crippled pupils, $8,000.

Transportation.

For transportation for pupils attending schools for tubercular pupils, and for pupils attending schools for crippled pupils, $18,500: *Provided*, That expenditures for street car and bus fares, from this fund shall not be subject to the general limitations on the use of street car and bus fares covered by this Act.

Proviso.
Car fare, etc.

Manual training, etc., expenses.

For purchase and repair of furniture, tools, machinery, material, and books, and apparatus to be used in connection with instruction in manual and vocational training, and incidental expenses connected therewith, including the Shaw Junior High School, $60,000, to be immediately available.

Fuel, light, and power.

For fuel, gas, and electric light and power, $250,000.

Contingent expenses.

For contingent expenses, including United States flags, furniture and repairs of same, stationery, ice, paper towels, and other necessary items not otherwise provided for, and including not exceeding $8,000 for books of reference and periodicals, not exceeding $1,500 for replacement of pianos at an average cost of not to exceed $300 each, not exceeding $5,000 for labor, $119,500, to be immediately available: *Provided*, That a bond shall not be required on account of military supplies or equipment issued by the War Department for military instruction and practice by the students of high schools in the District of Columbia.

Proviso.
No bond for Army supplies to cadets.

Woodrow Wilson Senior High, furniture, etc.

For furniture and equipment, including pianos and window shades, for the Woodrow Wilson Senior High School, $150,000.

Requisitions for school equipment subject to Commissioners' approval.

No money appropriated in this Act for the purchase of furniture and equipment for the public schools of the District of Columbia shall be expended unless the requisitions of the Board of Education therefor shall be approved by the Commissioners of the District of Columbia, or by the purchasing officer and the auditor for the District of Columbia acting for the Commissioners.

Supplies to pupils. Vol. 46, p. 62.

For textbooks and other educational books and supplies as authorized by the Act of January 31, 1930 (46 Stat., p. 62), including not to exceed $7,000 for personal services, $180,000, to be immediately available.

Kindergartens.

For maintenance of kindergartens, $5,600, to be immediately available.

Supplies for general sciences departments.

For purchase of apparatus, fixtures, specimens, technical books, and for extending the equipment and for the maintenance of laboratories of the department of physics, chemistry, biology, and general science in the several high and junior high schools and teachers colleges, and for the installation of the same, $15,000, to be immediately available.

School gardens.

For utensils, material, and labor, for establishment and maintenance of school gardens, including rent of grounds, $2,000.

Nature study, etc., teachers.

The Board of Education is authorized to designate the months in which the ten salary payments now required by law shall be made to teachers assigned to the work of instruction in nature study and school gardens.

Children of Army, Navy, etc., admitted free.

The children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools without payment of tuition.

Repairs, etc., to buildings.

For repairs and improvements to school buildings, repairing and renewing heating, plumbing, and ventilating apparatus, installation and repair of electric equipment, and installation of sanitary drinking fountains, and maintenance of motor trucks, $375,000, of which amount $100,000 shall be immediately available.

School yard playgrounds. *Proviso.* Use, etc.

For the purchase, installation, and maintenance of equipment, for school yards for the purposes of play of pupils, $7,500: *Provided*, That such playgrounds shall be kept open for play purposes in accordance with the schedule maintained for playgrounds under the jurisdiction of the playground department.

Buildings and grounds.

BUILDINGS AND GROUNDS

Browne Junior High.

For the construction of an addition to the Browne Junior High School, including ten classrooms and one gymnasium, $168,000.

Woodrow Wilson High.

For continuing the construction of the Woodrow Wilson High School, $600,000.

Construction, near Logan School. *Ante*, p. 236.

For an additional amount for the erection of an eight-room building on a site now owned by the District of Columbia in the vicinity of the Logan School, $5,500.

Anacostia, Junior High.

For completing the construction of a junior high school building on a site already purchased for that purpose at Nineteenth Street and Minnesota Avenue southeast in Anacostia, $180,000.

Phelps School, addition.

For the construction of a four-room addition to the Phelps School, including the necessary remodeling of present building, $65,000.

Deal Junior High, addition.

For the construction of an addition to the Deal Junior High School, including ten classrooms and one gymnasium, $166,000.

Powell Junior High, gymnasium. Fund available. Vol. 47, p. 358.

Not to exceed $36,000 of the unexpended balances of appropriations for buildings and grounds, public schools, contained in the District of Columbia Appropriation Act for the fiscal year 1933, is hereby made available for the construction of a gymnasium at the Powell Junior High School.

Accounted as one fund.

In all, $1,184,500, to be immediately available and to be disbursed and accounted for as "Buildings and grounds, public schools", and for that purpose shall constitute one fund and remain available until expended: *Provided*, That no part of this appropriation shall be used for or on account of any school building not herein specified.

Proviso. Use for unauthorized projects forbidden.

For the purchase of additional land at the Phelps Vocational School for elementary school purposes, $55,000: *Provided*, That no part of this amount shall be obligated or expended unless and until the Jefferson Junior High School site shall have been acquired within the sum contained in this Act for such purpose.

Phelps Vocational additional site.
Proviso. Condition.

For an additional amount for the purchase of a site for the Jefferson Junior High School, $105,000.

Jefferson Junior High, site.

No part of the foregoing appropriations for public schools shall be used for instructing children under five years of age except children entering during the first half of the school year who will be five years of age by November 1, 1934, and children entering during the second half of the school year who will be five years of age by March 15, 1935: *Provided*, That this limitation shall not be considered as preventing the employment of a matron and the care of children under school age at the Webster School whose parent or parents are in attendance in connection with Americanization work.

Under age instruction prohibited.
Proviso. Webster School provision.

None of the money appropriated by this Act shall be paid or obligated toward the construction of or addition to any building the whole and entire construction of which, exclusive of heating, lighting, plumbing, painting, and treatment of grounds, shall not have been awarded in one or a single contract, separate and apart from any other contract, project, or undertaking, to the lowest responsible bidder complying with all the legal requirements as to a deposit of money or the execution of a bond, or both, for the faithful performance of the contract: *Provided*, That nothing herein shall be construed as repealing existing law giving the Commissioners the right to reject all bids.

Building contract requirements.
Proviso. Right to reject bids.

The plans and specifications for all buildings provided for in this Act under appropriations administered by the Commissioners of the District of Columbia shall be prepared under the supervision of the municipal architect, and those for school buildings after consultation with the Board of Education, and shall be approved by the Commissioners and shall be constructed in conformity thereto.

Preparation of plans.

The school buildings authorized and appropriated for herein shall be constructed with all doors intended to be used as exits or entrances opening outward, and each of said buildings having in excess of eight rooms shall have at least four exits. Appropriations carried in this Act shall not be used for the maintenance of school in any building unless all outside doors thereto used as exits or entrances shall open outward and be kept unlocked every school day from one half hour before until one half hour after school hours.

Exit, etc., requirements.

METROPOLITAN POLICE

Police.

SALARIES

For the pay and allowances of officers and members of the Metropolitan Police Force, in accordance with the Act entitled "An Act to fix the salaries of the Metropolitan Police Force, the United States Park Police Force, and the fire department of the District of Columbia" (43 Stat., pp. 174–175), as amended by the Act of July 1, 1930 (46 Stat., pp. 839–841), including compensation at the rate of $2,100 per annum for the present assistant property clerk of the police department, $2,790,000.

Salaries, officers, etc.
Vol. 43, p. 174.
Vol. 46, p. 839.

For personal services, $109,980.

Personal services.

MISCELLANEOUS

Miscellaneous.

For fuel, $7,000.

Fuel.

For repairs and improvements to police stations and station grounds, $8,000.

Repairs, etc.

Contingent expenses. For miscellaneous and contingent expenses, including rewards for fugitives, purchase of gas equipment and firearms, maintenance of card system, stationery, city directories, books of reference, periodicals, newspapers, telegraphing, telephoning, photographs, rental and maintenance of teletype system and labor-saving devices, telephone service charges, purchase, maintenance and servicing of radio broadcasting systems, including $11,000 for use only in purchasing, maintaining, and servicing additional radio receiving sets for automobiles and the purchase and installation of radio input system in the several precinct stations, bureaus, and offices, purchase of equipment, gas, ice, washing, meals for prisoners, medals of award, not to exceed $300 for car tickets, furniture and repair thereto, beds and bed clothing, insignia of office, police equipments and repairs to same, and mounted equipment, flags and halyards, storage of stolen or abandoned property, and traveling and other expenses incurred in prevention and detection of crime and other necessary expenses, including expenses of harbor patrol, $78,500, of which amount not exceeding $2,000 may be expended by the major and superintendent of police for prevention and detection of crime, under his certificate, approved by the Commissioners, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided*, That the Commissioners are authorized to employ the electrician of the District Building to repair speedometers at such cost not exceeding $250 as they may approve, payment to be in addition to his regular compensation, and such services to be performed after regular working hours.

Radio systems.

Prevention and detection of crime.

Proviso.
Repairs to speedometers.

Motor vehicles. For purchase, exchange, and maintenance of passenger-carrying and other motor vehicles and the replacement of those worn out in the service and condemned, $60,000, including not to exceed $2,800 for two police cruisers.

Uniforms. Uniforms: For furnishing uniforms and other official equipment prescribed by department regulations as necessary and requisite in the performance of duty to officers and members of the Metropolitan Police, including cleaning, alteration, and repair of articles transferred from one individual to another, $45,000.

House of Detention.

HOUSE OF DETENTION

Maintenance, etc. For maintenance of a suitable place for the reception and detention of girls and women over seventeen years of age, arrested by the police on charge of offense against any laws in force in the District of Columbia, or held as witnesses or held pending final investigation or examination, or otherwise, including transportation, the maintenance of necessary motor vehicles, clinic supplies, food, upkeep and repair of buildings, fuel, gas, ice, laundry, supplies and equipment, electricity, and other necessary expenses, $8,424; for personal services, $7,538; in all, $15,962.

Policemen, etc., relief fund.

POLICEMEN AND FIREMEN'S RELIEF FUND

Payments from. To pay the relief and other allowances as authorized by law, such sum as is necessary for said purposes for the fiscal year 1935 is appropriated from the policemen and firemen's relief fund.

Fire Department.

FIRE DEPARTMENT

SALARIES

Salaries, officers, etc. For the pay of officers and members of the fire department, in accordance with the Act entitled "An Act to fix the salaries of officers and members of the Metropolitan Police Force, the United States

Vol. 46, p. 839.

Park Police Force, and the fire department of the District of Columbia" (43 Stat. 175), as amended by the Act of July 1, 1930 (46 Stat. 839–841), $1,894,500.

For personal services, $5,058. Personal services.

MISCELLANEOUS

For repairs and improvements to buildings and grounds, $20,000. Repairs, etc., to buildings.

Uniforms: For furnishing uniforms and other official equipment prescribed by department regulations as necessary and requisite in the performance of duty to officers and members of the fire department, including cleaning, alteration, and repair of articles transferred from one individual to another, $23,000. Uniforms.

For repairs to apparatus, motor vehicles, and other motor-driven apparatus, fire boat and for new apparatus, new motor vehicles, new appliances, employment of mechanics, helpers, and laborers in the fire department repair shop, and for the purchase of necessary supplies, materials, equipment, and tools, $42,217: *Provided*, That the Commissioners are authorized, in their discretion, to build or construct, in whole or in part, fire-fighting apparatus in the fire department repair shop. Repairs to apparatus, etc. *Proviso.* Construction at repair shop.

For hose, $9,000. Hose.

For fuel, $21,000. Fuel.

For contingent expenses, furniture, fixtures, oil, blacksmithing, gas and electric lighting, flags, and halyards, medals of award, and other necessary items, $20,000. Contingent expenses.

For two combination hose wagons and one pumping engine, triple combination, all motor driven, $23,500. New apparatus.

HEALTH DEPARTMENT

Health Department.

SALARIES

For personal services, $160,650. Personal services.

PREVENTION OF CONTAGIOUS DISEASES

Prevention of contagious diseases.

For contingent expenses incident to the enforcement of the provisions of an Act to prevent the spread of contagious diseases in the District of Columbia, approved March 3, 1897 (29 Stat., pp. 635–641), and an Act for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebrospinal meningitis, and typhoid fever in the District of Columbia, approved February 9, 1907 (34 Stat., pp. 889–890), and an Act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District of Columbia, approved May 13, 1908 (35 Stat., pp. 126–127), under the direction of the health officer of said District, manufacture of serums, including their use in indigent cases, and for the prevention of infantile paralysis and other communicable diseases, and of an Act for the prevention of venereal diseases in the District of Columbia, and for other purposes, approved February 26, 1925 (43 Stat., pp. 1001–1003), and for maintenance of disinfecting service, including salaries or compensation for personal services, when ordered in writing by the Commissioners and necessary for the enforcement and execution of said Acts, and for the prevention of such other communicable diseases as hereinbefore provided, and purchase of reference books and medical journals, $27,783: *Provided*, That any bacteriologist employed under this appropriation may be assigned by the health officer to the bacteriological examination of milk and other dairy products and Enforcement expenses. Vol. 29, p. 635. Vol. 34, p. 889. Tuberculosis registration. Vol. 35, p. 126. Infantile paralysis. Venereal diseases. Vol. 43, p. 1001. Disinfecting service. *Proviso.* Bacteriological examination of milk, etc.

of the water supplies of dairy farms, and to such other sanitary works as in the judgment of the health officer will promote the public health, whether such examinations be or be not directly related to contagious diseases.

Isolating wards, Garfield Hospital.

For isolating wards for minor contagious diseases at Garfield Memorial Hospital, maintenance, $25,000, or so much thereof as in the opinion of the Commissioners may be necessary.

Tuberculosis and venereal diseases dispensaries.

For the maintenance of a dispensary or dispensaries for the treatment of indigent persons suffering from tuberculosis and of indigent persons suffering from venereal diseases, including payment for personal services, rent, supplies, and contingent expenses, $42,998:

Provisos.
Volunteer services.

Provided, That the Commissioners may accept such volunteer services as they deem expedient in connection with the establishment and maintenance of the dispensaries herein authorized: *Provided further*, That this shall not be construed to authorize the expenditure or the payment of any money on account of any such volunteer service.

No pay authorized therefor.

Drainage of lots, etc. Vol. 29, p. 126.

Abatement of nuisances. Vol. 34, p. 114.

For enforcement of the provisions of an Act to provide for the drainage of lots in the District of Columbia, approved May 19, 1896 (29 Stat., pp. 125–126), and an Act to provide for the abatement of nuisances in the District of Columbia by the Commissioners, and for other purposes, approved April 14, 1906, $1,000.

Hygiene, etc., public schools.

Hygiene and sanitation, public schools, salaries: For personal services in the conduct of hygiene and sanitation work in the public schools, including the necessary expenses of maintaining free dental clinics, $84,554: *Provided*, That of the persons employed as medical inspectors one shall be a woman, four shall be dentists, and four shall be of the colored race, and that of the graduate nurses employed as public-school nurses three shall be of the colored race.

Free dental clinics.

Proviso.
Division of inspectors and nurses.

Maintenance of laboratories, etc.

For maintenance of laboratories, including reference books and periodicals, apparatus, equipment, and necessary contingent and miscellaneous expenses, $1,800.

Preventing food, candy, etc., adulterations. Vol. 30, pp. 246, 398.

Pure Food Act. Vol. 34, p. 768.

Milk regulations. Vol. 43, p. 1004.

For contingent expenses incident to the enforcement of an Act relating to the adulteration of foods and drugs in the District of Columbia approved February 17, 1898 (30 Stat., pp. 246–248), an Act to prevent the adulteration of candy in the District of Columbia, approved May 5, 1898 (30 Stat., p. 398), an Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drug, medicines, and liquors, and for regulating traffic therein, and for other purposes, approved June 30, 1906 (34 Stat., pp. 768–772), and an Act to regulate, within the District of Columbia, the sale of milk, cream, and ice cream, and for other purposes, approved February 27, 1925 (43 Stat., pp. 1004–1008), including traveling and other necessary expenses of dairy-farm inspectors; and including not to exceed $100 for special services in detecting adulteration of drugs and foods, including candy and milk, $6,000:

Proviso.
Dairy farms inspection; motor vehicle allowance.

Provided, That inspectors of dairy farms may receive an allowance for furnishing privately owned motor vehicles in the performance of official duties at the rate of not to exceed $312 per annum for each inspector.

Motor vehicles.

For maintenance and operation of motor ambulances and motor vehicles, $900.

Child welfare and hygiene.

Child welfare and hygiene: For maintaining a child-hygiene service, including the establishment and maintenance of child-welfare stations for the clinical examinations, advice, care, and maintenance of children under six years of age, payment for personal services, rent, fuel, periodicals, and supplies, $45,834:

Provisos.
Volunteer services accepted.

Provided, That the Commissioners may accept such volunteer services as they may deem expedient in connection with the establishment and main-

tenance of the service herein authorized: *Provided further*, That this shall not be construed to authorize the expenditure or the payment of any money on account of any such volunteer service.

No pay therefor.

COURTS AND PRISONS

Courts and prisons.

JUVENILE COURT

Juvenile Court.

Salaries: For personal services, $52,938.

Personal services.

Miscellaneous: For compensation of jurors, $1,125.

Jurors.

For fuel, ice, gas, laundry work, stationery, books of reference, periodicals, typewriters and repairs thereto, preservation of records, mops, brooms, and buckets, removal of ashes and refuse, telephone service, traveling expenses, meals of jurors and prisoners, repairs to courthouse and grounds, furniture, fixtures, and equipment, and other incidental expenses not otherwise provided for, $2,750.

Contingent expenses.

The disbursing officer of the District of Columbia is authorized to advance to the chief probation officer of the juvenile court upon requisition previously approved by the judge of the juvenile court and the auditor of the District of Columbia, sums of money not to exceed $50 at any one time, to be expended for transportation and traveling expenses to secure the return of absconding probationers, and to be accounted for monthly on itemized vouchers to the accounting officer of the District of Columbia.

Advances authorized for returning, etc., absconding probationers.

POLICE COURT

Police Court.

Salaries: For personal services, $90,000.

Personal services.

For law books, books of reference, directories, periodicals, stationery, preservation of records, typewriters and repairs thereto, fuel, ice, gas, electric lights and power, telephone service, laundry work, removal of ashes and rubbish, mops, brooms, buckets, dusters, sponges, painter's and plumber's supplies, toilet articles, medicines, soap and disinfectants, lodging and meals for jurors and bailiffs when ordered by the court, United States flags and halyards, and all other necessary and incidental expenses of every kind not otherwise provided for, $5,100, of which not exceeding $750 shall be available for telephone and telegraph service.

Contingent expenses.

For witness fees and compensation of jurors, $23,000.

Witness fees and jurors' compensation.

For repairs and alterations to building, $1,500.

Repairs to building.

MUNICIPAL COURT

Municipal Court.

Salaries: For personal services, including compensation of five judges without reference to the limitation in this Act restricting salaries within the grade, $68,166.

Salaries.

For compensation of jurors, $4,000: *Provided*, That deposits made on demands for jury trials in accordance with rules prescribed by the court under authority granted in section 11 of the Act approved March 3, 1921 (41 Stat., p. 1312), shall be earned unless, prior to three days before the time set for such trials, including Sundays and legal holidays, a new date for trial be set by the court, cases be discontinued or settled, or demands for jury trials be waived.

Jurors.
Proviso.
Deposits for jury trials earned unless new date set.
Vol. 41, p. 1312.

For contingent expenses, including books, law books, books of reference, fuel, light, telephone, lodging and meals for jurors, and for deputy United States marshals while in attendance upon jurors, when ordered by the court; fixtures, repairs to furniture, building and building equipment, and all other necessary miscellaneous items and supplies, $3,000.

Contingent expenses.

District Supreme Court.

SUPREME COURT, DISTRICT OF COLUMBIA

Salaries.

Salaries: For the chief justice, eight associate justices, nine stenographers (one for the chief justice and one for each associate justice), and other personal services, $129,380.

Jurors and witnesses.

Fees of jurors and witnesses: For mileage and per diem of jurors, for mileage and per diem of witnesses and for per diem in lieu of subsistence, and payment of the expenses of witnesses in said court as provided by section 850, Revised Statutes (U.S.C., title 28, sec. 604), $85,000.

R.S., sec. 850, p. 160. Vol. 44, p. 323. U.S.C., p. 927.

Bailiffs, etc.

For not exceeding twenty deputy marshals who act as bailiffs, clerks of jury commissioners, and per diems of jury commissioners, and for expenses of meals and lodging for jurors in United States cases, and of bailiffs in attendance upon same when ordered by the court, $33,740: *Provided*, That the compensation of each jury commissioner for the fiscal year 1935 shall not exceed $250.

Proviso. Jury commissioners.

Probation system.

Probation system: For personal services, $10,332; contingent expenses, $250; in all, $10,582.

Courthouse, care, etc.

Courthouse: For personal services for care and protection of the courthouse, under the direction of the United States marshal of the District of Columbia, $31,761, to be expended under the direction of the Attorney General.

Repairs, etc.

For repairs and improvements to the courthouse, including repair and maintenance of the mechanical equipment, and for labor and material and every item incident thereto, $9,000, including not to exceed $6,000 for repairs to roof, to be expended under the direction of the Architect of the Capitol.

Court of Appeals.

COURT OF APPEALS

Salaries.

Salaries: For the chief justice and four associate justices, and all other officers and employees of the court; reporting service; and not to exceed $950 for necessary expenditures in the conduct of the clerk's office; in all, $95,202: *Provided*, That the reports of the court shall not be sold for a price exceeding that approved by the court and for not more than $6.50 per volume.

Proviso. Sale of reports.

Care, etc., of building.

Building: For personal services for care and protection of the Court of Appeals Building, including one mechanician, under the direction of the Architect of the Capitol, $7,089: *Provided*, That the clerk of the court of appeals shall be the custodian of said building, under the direction and supervision of the justices of said court.

Proviso. Custodian.

Incidental expenses.

For mops, brooms, buckets, disinfectants, removal of refuse, electrical supplies, books, and all other necessary and incidental expenses not otherwise provided for, $660.

Miscellaneous.

MISCELLANEOUS

Support of convicts out of the District.

Support of convicts: For support, maintenance, and transportation of convicts transferred from District of Columbia; expenses of shipping remains of deceased convicts to their homes in the United States, and expenses of interment of unclaimed remains of deceased convicts; expenses incurred in identifying and pursuing escaped convicts and rewards for their recapture; and discharge gratuities provided by law; to be expended under the direction of the Attorney General, $45,000.

Lunacy writs. Expenses of executing.

Writs of lunacy: For expenses attending the execution of writs de lunatico inquirendo and commitments thereunder in all cases of indigent insane persons committed or sought to be committed to Saint Elizabeths Hospital by order of the executive authority of the

Vol. 33, p. 740.

District of Columbia under the provisions of existing law, and expenses of commitments to the District Training School, $1,000.

Miscellaneous expenses as authorized by Attorney General.

Miscellaneous court expenses: For such miscellaneous expenses as may be authorized by the Attorney General for the Supreme Court of the District of Columbia and its officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, and including such expenses other than for personal services as may be authorized by the Attorney General for the Court of Appeals, District of Columbia, $35,000.

Printing and binding.

Printing and binding: For printing and binding for the Supreme Court and the Court of Appeals of the District of Columbia, except records and briefs in cases in which the United States is a party, $5,000.

PUBLIC WELFARE

Public Welfare.

BOARD OF PUBLIC WELFARE

Board of Public Welfare.

Personal services.

For personal services, $96,000.

DIVISION OF CHILD WELFARE

Child Welfare Division.

Administrative expenses.

Administration: For administrative expenses, including placing and visiting children, city directory, purchase of books of reference and periodicals not exceeding $50, and all office and sundry expenses, $3,500, and no part of the money herein appropriated shall be used for the purpose of visiting any ward of the Board of Public Welfare placed outside the District of Columbia and the States of Virginia and Maryland; and a ward placed outside said District and the States of Virginia and Maryland shall be visited not less than once a year by a voluntary agent or correspondent of said Board, and that said Board shall have power, upon proper showing, in its discretion, to discharge from guardianship any child committed to its care.

Limitation on visiting wards of, outside the District.

Board, etc., of children.

For board and care of all children committed to the guardianship of said board by the courts of the District, and for temporary care of children pending investigation or while being transferred from place to place, with authority to pay not more than $1,500 each to institutions under sectarian control and not more than $400 for burial of children dying while under charge of the board, $240,000.

Home care of dependent children.

Vol. 44, p. 758.

Proviso.
Apportionment restrictions.

To carry out the purposes of the Act entitled "An Act to provide home care for dependent children in the District of Columbia", approved June 22, 1926 (44 Stat., pp. 758–760), including not to exceed $11,808 for personal services in the District of Columbia, $171,808: *Provided*, That this appropriation shall be so apportioned by the Commissioners as to prevent a deficiency therein, and no more than $100 per month shall be paid therefrom to any one family.

Receiving home for children under seventeen.

Maintenance, etc.

For the maintenance, under the jurisdiction of the Board of Public Welfare, of a suitable place in a building entirely separate and apart from the House of Detention for the reception and detention of children under seventeen years of age arrested by the police on charge of offense against any laws in force in the District of Columbia, or committed to the guardianship of the Board, or held as witnesses, or held temporarily, or pending hearing, or otherwise, including transportation, food, clothing, medicine, and medical supplies, rental, repair and upkeep of buildings, fuel, gas, electricity, ice, supplies and equipment, and other necessary expenses including not to exceed $17,208 for personal services, $34,768.

Advances to director.

The disbursing officer of the District of Columbia is authorized to advance to the director of public welfare, upon requisitions previously approved by the auditor of the District of Columbia and upon such security as may be required of said director by the Commissioners, sums of money not to exceed $400 at any one time, to be used for expenses in placing and visiting children, traveling on official business of the board, and for office and sundry expenses, all such expenditures to be accounted for to the accounting officers of the District of Columbia within one month on itemized vouchers properly approved.

Limit.

Jail.

JAIL

Personal services.

Salaries: For personal services, $68,823.

Maintenance, etc., of prisoners.

For maintenance and support of prisoners of the District of Columbia at the jail, expenses incurred in identifying and pursuing escaped prisoners and rewards for their recapture; repair and improvements to buildings, cells, and locking devices; newspapers, books, and periodicals not to exceed $100; maintenance of nonpassenger-carrying motor vehicle; and expense of electrocutions, $70,000.

Workhouse and Reformatory.

GENERAL ADMINISTRATION, WORKHOUSE AND REFORMATORY, DISTRICT OF COLUMBIA

Personal services.

For personal services, $324,000.

Maintenance, etc.

For maintenance, care, and support of inmates, rewards for fugitives, discharge gratuities provided by law, medical supplies, newspapers, books, books of reference, and periodicals, farm implements, tools, equipment, transportation expenses, purchase and maintenance of livestock and horses, purchase, exchange, maintenance, operation, and repair of nonpassenger-carrying vehicles and motor bus; fuel for heating, lighting, and power, and all other necessary items, $335,000.

Fuel, etc.

Construction of buildings, etc.

For continuing construction of permanent buildings, including sewers, water mains, roads, and other necessary utilities, and for equipment for new buildings, $42,800.

Repairs.

For repairs to buildings and grounds, and maintenance of utilities, marine and railroad transportation facilities, and mechanical equipment not used in industrial enterprises, $22,000.

Working capital.

To provide a working capital fund for such industrial enterprises as may be approved by the Commissioners of the District of Columbia, $30,319: *Provided*, That the various departments and institutions of the District of Columbia and the Federal Government may purchase, at fair market prices, as determined by the Commissioners, such surplus products and services as meet their requirements; receipts from the sale of products and services shall be deposited to the credit of said working capital fund, and said fund, including all receipts credited thereto, shall be used as a revolving fund for the fiscal year 1935 for the purchase and repair of machinery, tools, and equipment, purchase of raw materials and manufacturing supplies, purchase, maintenance, and operation of nonpassenger-carrying vehicles, purchase and maintenance of horses, and purchase of fuel for manufacturing purposes; for freight, personal services, and all other necessary expenses; and for the payment to inmates or their dependents of such pecuniary earnings as the Commissioners may deem proper.

Proviso.
Purchase of services and products.

Receipts deposited as a revolving fund; availability.

For construction of a permanent water supply filtration system, including the purchase of land on Occoquan Creek and Elkhorn Run, to be immediately available, $52,000: *Provided*, That in case a satisfactory price cannot be agreed upon for the purchase of said land, the Attorney General of the United States, upon the request of the Commissioners of the District of Columbia, is directed to acquire said land by condemnation, title to be taken directly to and in the name of the United States, and the expenses of condemnation shall be paid out of the appropriation herein made.

Filtration system, water supply.

Proviso.
Condemnation, if satisfactory price not attainable.

The disbursing officer of the District of Columbia is authorized to advance to the general superintendent of penal institutions, upon requisitions previously approved by the auditor of the District of Columbia, and upon such security as the Commissioners may require of said superintendent, sums of money not exceeding $200 at one time, to be used only for expenses in returning escaped prisoners, payable from the maintenance appropriations for the workhouse and reformatory, all such expenditures to be accounted for to the accounting officers of the District of Columbia within one month on itemized vouchers properly approved.

Advances authorized for returning escaped prisoners.

NATIONAL TRAINING SCHOOL FOR BOYS

National Training School for Boys.

For care and maintenance of boys committed to the National Training School for Boys by the courts of the District of Columbia under a contract to be made by the Board of Public Welfare with the authorities of said National Training School for Boys, $38,000.

Care, etc., of boys committed thereto.

NATIONAL TRAINING SCHOOL FOR GIRLS

National Training School for Girls.

Salaries: For personal services, $28,800.

Salaries and expenses.

For groceries, provisions, light, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicines, medical attendance, transportation, sewing machines, fixtures, books, magazines, and other supplies which represent greater educational advantages; stationery, horses, vehicles, harness, cows, pigs, fowls, sheds, fences, repairs, typewriting, stenography, and other necessary items, and including compensation not exceeding $1,500 for additional labor or services; for identifying and pursuing escaped inmates and for rewards for their capture, for transportation and other necessary expenses incident to securing suitable homes for paroled or discharged girls, and for maintenance of nonpassenger-carrying motor vehicles, $80,000.

Apprehending absconders.

MEDICAL CHARITIES

Medical charities.

For care and treatment of indigent patients under contracts to be made by the Board of Public Welfare with the following institutions and for not to exceed the following amounts, respectively:

Children's Hospital, $30,000.

Central Dispensary and Emergency Hospital, $45,000.

Eastern Dispensary and Casualty Hospital, $20,000.

Washington Home for Incurables, $10,000.

Care, etc., of indigent patients at designated hospitals.

COLUMBIA HOSPITAL AND LYING-IN ASYLUM

Columbia Hospital.

For general repairs, including labor and material, to be expended in the discretion and under the direction of the Architect of the Capitol, $5,000.

Repairs, etc.

Tuberculosis Hospital.

TUBERCULOSIS HOSPITAL

Salaries and expenses.

For personal services, $81,567.

For provisions, fuel, forage, harness, and vehicles, and repairs to same, gas, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, medical books, books of reference, and periodicals not to exceed $200, temporary services not to exceed $1,000, maintenance of motor truck, and other necessary items, $60,000.

Repairs, etc.

For repairs and improvements to buildings and grounds, including roads and sidewalks, $3,000.

Children's tuberculosis sanatorium.

CHILDREN'S TUBERCULOSIS SANATORIUM

Salaries and expenses.

Salaries: For personal services, $51,498.

For provisions, fuel, forage, harness, and vehicles, and repairs to same, maintenance and purchase of horses and horse-drawn vehicles, gas, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, medical books, books of reference, and periodicals not to exceed $200, temporary services not to exceed $1,000, maintenance of motor truck, and other necessary items, $30,000.

Repairs, etc.

For repairs and improvements to buildings and grounds, including roads and sidewalks, $2,000.

D.C. Tuberculosis Sanatoria.

DISTRICT OF COLUMBIA TUBERCULOSIS SANATORIA

Children's unit, additions.

Plans for construction, Glenn Dale, Md.

For the construction of additions to the Children's Unit, and the preparation of plans and specifications for the District of Columbia Tuberculosis Sanatoria at Glenn Dale, Maryland, including not to exceed $100,000 for the employment of professional and other personal services without reference to the Classification Act of 1923, as amended, and section 3709 of the Revised Statutes of the United States, $500,000.

Gallinger Hospital.

GALLINGER MUNICIPAL HOSPITAL

Personal services.

Salaries: For personal services, including not to exceed $2,000 for temporary labor, $323,928.

Maintenance, etc.

For maintenance of the hospital; for maintenance of the quarantine station, smallpox hospital, and public crematorium, including expenses incident to furnishing proper containers for the reception, burial, and identification of the ashes of all human bodies of indigent persons that are cremated at the public crematorium and remain unclaimed after twelve months from the date of such cremation; for maintenance and purchase of horses and horse-drawn vehicles; for medical books, books of reference, and periodicals, not to exceed $500; for maintenance of nonpassenger-carrying motor vehicles; and for all other necessary expenses, $205,000.

Repairs, etc.

For repairs and improvements to buildings and grounds, $4,500.

Incidental expenses.

Purchase of books, musical instruments and music, expense of commencement exercises, entertainments, and inspection by New York State Board of Regents, and other incidental expenses of the training school for nurses, $600.

Additional ward for contagious diseases.

For completing construction at Gallinger Municipal Hospital of an additional ward building for contagious diseases, including necessary equipment, $290,000.

DISTRICT TRAINING SCHOOL

District Training School.

For personal services, including not to exceed $1,000 for temporary labor, $81,486. Personal services.

For maintenance and other necessary expenses, including the maintenance of nonpassenger-carrying motor vehicles, the purchase and maintenance of horses and wagons, farm machinery and implements, and not to exceed $200 for the purchase of books, books of reference, and periodicals, $80,000. Maintenance, etc.

For repairs and improvements to buildings and grounds, $5,000. Repairs, etc.

For purchase and exchange of one two-ton motor truck, $1,000. Motor truck.

INDUSTRIAL HOME SCHOOL FOR COLORED CHILDREN

Industrial Home School for Colored Children.

Salaries: For personal services, $30,575; temporary labor, $425; in all, $31,000. Personal services.

For maintenance, including purchase and maintenance of farm implements, horses, wagons, and harness, and maintenance of nonpassenger-carrying motor vehicles, and not to exceed $1,250 for manual-training equipment and materials, $25,000. Maintenance, etc.

For repairs and improvements to buildings and grounds, $2,000. Repairs, etc.

INDUSTRIAL HOME SCHOOL

Industrial Home School.

Salaries: For personal services, $21,780; temporary labor, $450; in all, $22,230. Personal services.

For maintenance, including care of horses, purchase and care of wagon and harness, maintenance of nonpassenger-carrying motor vehicle, $20,500. Maintenance.

For repairs and improvement to buildings and grounds, $2,500. Repairs, etc.

HOME FOR AGED AND INFIRM

Home for Aged and Infirm.

Salaries: For personal services, $53,100, temporary labor, $1,800; in all, $54,900. Personal services.

For provisions, fuel, forage, harness, and vehicles and repairs to same, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, and other necessary items, and maintenance of nonpassenger-carrying motor vehicles, $67,500. Contingent expenses.

For repairs and improvements to buildings and grounds, such work to be performed by day labor or otherwise in the discretion of the Commissioners, $4,500. Repairs, etc.; day labor.

For the purchase and exchange of station wagon-truck, $750. Truck.

MUNICIPAL LODGING HOUSE AND WOOD YARD

For personal services, $3,240; maintenance, $4,000; in all, $7,240. Municipal lodging house.

EMERGENCY RELIEF

For the purpose of affording relief to residents of the District of Columbia who are unemployed or otherwise in distress because of the existing emergency, to be expended by the Board of Public Welfare of the District of Columbia by employment and/or direct relief, in the discretion of the Board of Commissioners and under rules and regulations to be prescribed by the board and without regard to the provisions of any other law, payable from the revenues of the District of Columbia, $2,000,000, to be immediately available. Emergency relief. Wholly from District revenues.

TEMPORARY HOME FOR UNION EX-SOLDIERS AND SAILORS (DEPARTMENT OF THE POTOMAC, GRAND ARMY OF THE REPUBLIC)

Grand Army soldiers, etc., temporary home.

For personal services, $4,158; maintenance, $9,250; and repairs to buildings and grounds, $500; in all, $13,908, to be expended under the direction of the Commissioners; and Union ex-soldiers, sailors, or marines of the Civil War, ex-soldiers, sailors, or marines of the Spanish War, Philippine Insurrection, or China relief expedition, and soldiers, sailors, or marines of the World War or who served prior to July 2, 1921, shall be admitted to the home, all under the supervision of a board of management.

FLORENCE CRITTENTON HOME

Florence Crittenton Home.

For care and maintenance of women and children under a contract to be made with the Florence Crittenton Home by the Board of Public Welfare, maintenance, $6,000.

SOUTHERN RELIEF SOCIETY

Southern Relief Society, for needy Confederate veterans.

For care and maintenance of needy and infirm Confederate veterans, their widows and dependents, residents in the District of Columbia, under a contract to be made with the Southern Relief Society by the Board of Public Welfare, $10,000.

NATIONAL LIBRARY FOR THE BLIND

National Library for the Blind.

For aid and support of the National Library for the Blind, located at 1800 D Street Northwest, to be expended under the direction of the Commissioners of the District of Columbia, $5,000.

COLUMBIA POLYTECHNIC INSTITUTE

Columbia Polytechnic Institute.

To aid the Columbia Polytechnic Institute for the Blind, located at 1808 H Street Northwest, to be expended under the direction of the Commissioners of the District of Columbia, $3,000.

Saint Elizabeths Hospital.

SAINT ELIZABETHS HOSPITAL

Support of District insane.

For support of indigent insane of the District of Columbia in Saint Elizabeths Hospital, as provided by law, $1,874,092.

NONRESIDENT INSANE

Deporting nonresident insane. Vol. 30, p. 811.

For deportation of nonresident insane persons, in accordance with the Act of Congress "to change the proceedings for admission to the Government Hospital for the Insane in certain cases, and for other purposes", approved January 31, 1899, including persons held in the psychopathic ward of the Gallinger Municipal Hospital, $9,000.

Advances authorized to Director of Public Welfare.

In expending the foregoing sum the disbursing officer of the District of Columbia is authorized to advance to the Director of Public Welfare, upon requisitions previously approved by the auditor of the District of Columbia, and upon such security as the

Limit.

Commissioners may require of said director, sums of money not exceeding $300 at one time, to be used only for deportation of nonresident insane persons, and to be accounted for monthly on itemized vouchers to the accounting officer of the District of Columbia.

RELIEF OF THE POOR

Relief of the poor.

For relief of the poor, including medical and surgical supplies, artificial limbs, and for pay of physicians to the poor, to be expended under the direction of the Board of Public Welfare, $8,000.

Payment to abandoned families, etc.
Vol. 34, p. 87; Vol. 44, p. 758.

For payment to beneficiaries named in section 3 of "An Act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances", approved March 23, 1906, to be disbursed by the disbursing officer of the District of Columbia on itemized vouchers duly audited and approved by the auditor of said District, $9,000.

Ex-service men.

BURIAL OF EX-SERVICE MEN

Burial of indigent, in Arlington Cemetery, etc.

For expenses of burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent Union ex-soldiers, ex-sailors, or ex-marines, of the United States service, either Regular or Volunteer, who have been honorably discharged or retired, and who died in the District of Columbia, to be disbursed by the Secretary of War at a cost not exceeding $45 for such burial expenses in each case, exclusive of cost of grave, $540.

TRANSPORTATION OF INDIGENT PERSONS

Transporting indigent persons.

For transportation of indigent persons, including indigent veterans of the World War and their families, $5,000.

Vocational rehabilitation of disabled residents.
Vol. 45, p. 1260.
U.S.C., Supp. VII, p. 747.

Vocational rehabilitation of disabled residents, District of Columbia: To carry out the provisions of the Act entitled "An Act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes", approved February 23, 1929 (U.S.C., Supp. VI, title 29, secs. 47–47f), $15,000.

MILITIA

Militia.

Expenses authorized, under commanding general.

For the following, to be expended under the authority and direction of the commanding general, who is hereby authorized and empowered to make necessary contracts and leases, namely:

Personal services.
Expenses of camps.

For personal services, $19,080; temporary labor, $5,220; for expenses of camps, including hire of horses for officers required to be mounted, and for the payment of commutation of subsistence for enlisted men who may be detailed to guard or move the United States property at home stations on days immediately preceding and immediately following the annual encampments; damages to private property incident to encampment; reimbursement to the United States for loss of property for which the District of Columbia may be held responsible; cleaning and repairing uniforms, arms, and equipment; instruction, purchase, and maintenance of athletic, gymnastic, and recreational equipment at armory or field encampments, not to exceed $500; practice marches, drills, and parades; rent of armories, drill halls, and storehouses; fuel, light, heat, care, and repair of armories, offices, and storehouses; machinery and dock, including dredging alongside of dock; construction of buildings for storage and other purposes at target range; telephone service; printing, stationery, and postage; horses and mules for mounted organizations; maintenance and operation of passenger and non-passenger-carrying motor vehicles; street-car fares (not to exceed $200) necessarily used in the transaction of official business; not exceeding $400 for traveling expenses, including attendance at meetings or conventions of associations pertaining to the National Guard; and for general incidental expenses of the service, $9,000; in all, $33,300.

National Capital Parks.

NATIONAL CAPITAL PARKS

SALARIES, PUBLIC PARKS, DISTRICT OF COLUMBIA

Personal services.

For personal services, $314,880.

Public parks.

GENERAL EXPENSES, PUBLIC PARKS

Maintenance and general expenses.

General expenses: For general expenses in connection with the maintenance, care, improvement, furnishing of heat, light, and power of public parks, grounds, fountains and reservations, propagating gardens and greenhouses under the jurisdiction of the National Park Service, including not to exceed $5,000 for the maintenance of the tourists' camp on its present site in East Potomac Park, and including personal services of seasonal or intermittent employees at per diem rates of pay approved by the Director, not exceeding current rates of pay for similar employment in the District of Columbia; the hire of draft animals with or without drivers at local rates approved by the Director; the purchase and maintenance of draft animals, harness, and wagons; contingent expenses; city directories; communication service; car fare; traveling expenses; professional, scientific, technical, and law books; periodicals and reference books, blank books and forms; photographs; dictionaries and maps; leather and rubber articles for the protection of employees and property; the maintenance, repair, exchange, and operation of not to exceed two motor-propelled passenger-carrying vehicles and all necessary bicycles, motorcycles, and self-propelled machinery; the purchase, maintenance, and repair of equipment and fixtures, and so forth, $340,543: *Provided*, That not exceeding $20,000 of the amount herein appropriated may be expended for placing and maintaining portions of the parks in condition for outdoor sports and for expenses incident to the conducting of band concerts in the parks; and not exceeding $10,000 for the erection of minor auxiliary structures.

Proviso.
Outdoor sports, band concerts, etc.

Park police.

PARK POLICE

Pay, etc.
Vol. 43, p. 175; Vol. 44, p. 834; Vol. 46, p. 839.

Salaries: For pay and allowances of the United States park police force, in accordance with the Act approved May 27, 1924, as amended, $153,450.

Uniforms, equipment, etc.

For uniforming and equipping the United States park police force, including the purchase, issue, operation, maintenance, repair, exchange, and storage of revolvers, bicycles, and motor-propelled passenger-carrying vehicles, uniforms, ammunition, and radio equipment, $8,000.

National Capital Park and Planning Commission.

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Reimbursing United States for acquired lands, for park system.
Vol. 46, p. 485.

For reimbursement to the United States in compliance with section 4 of the Act approved May 29, 1930 (46 Stat., p. 482), as amended, $531,211.94.

Incidental expenses.
Vol. 43, p. 463; Vol. 44, p. 374; Vol. 45, p. 1070.

For each and every purpose, except the acquisition of land, requisite for and incident to the work of the National Capital Park and Planning Commission as authorized by the Act entitled "An Act providing for a comprehensive development of the park and play-ground system of the National Capital", approved June 6, 1924 (U.S.C., title 40, sec. 71), as amended, including personal services in the District of Columbia, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, not to exceed $1,500 for printing and binding, not to exceed $500 for traveling

U.S.C., p. 1292.

expenses and car fare of employees of the commission, and not to exceed $300 for professional, scientific, technical, and reference books, and periodicals, $33,096.

NATIONAL ZOOLOGICAL PARK

National Zoological Park.

Expenses.

For roads, walks, bridges, water supply, sewerage, and drainage; grading, planting, and otherwise improving the grounds, erecting and repairing buildings and enclosures; care, subsistence, purchase, and transportation of animals; necessary employees; traveling and incidental expenses not otherwise provided for, including not to exceed $2,000 for travel and field expenses in the United States and foreign countries for the procurement of live specimens and for the care, subsistence, and transportation of specimens obtained in the course of such travel; maintenance and operation of one motor-propelled passenger-carrying vehicle required for official purposes; for the purchase, issue, operation, maintenance, repair, and exchange of bicycles and nonpassenger-carrying motor vehicles, revolvers and ammunition; not exceeding $2,500 for purchasing and supplying uniforms to park police, keepers, and assistant keepers; not exceeding $100 for the purchase of necessary books and periodicals, $189,600, no part of which sum shall be available for architect's fees or compensation.

WATER SERVICE

Water service.

From water revenues.

The following sums are appropriated wholly out of the revenues of the water department for expenses of the Washington Aqueduct and its appurtenances and for expenses of water department, namely:

WASHINGTON AQUEDUCT

Washington Aqueduct.

Maintenance, etc., of, and accessories.

For operation, including salaries of all necessary employees, maintenance and repair of Washington Aqueducts and their accessories, including Dalecarlia, Georgetown, McMillan Park, first and second High Service Reservoirs, Washington Aqueduct tunnel, the filtration plants, the pumping plants and the plant for the preliminary treatment of the water supply, ordinary repairs, grading, opening ditches, and other maintenance of Conduit Road, purchase, installation, and maintenance of water meters on Federal services, purchase, care, repair, and operation of vehicles, including the purchase and exchange of one passenger-carrying motor vehicle at a cost not to exceed $650; purchase and repair of rubber boots and protective apparel, and for each and every purpose connected therewith, $420,624.

Control of Secretary of War not affected.

Nothing herein shall be construed as affecting the superintendence and control of the Secretary of War over the Washington Aqueduct, its rights, appurtenances, and fixtures connected with the same and over appropriations and expenditures therefor as now provided by law.

Revenue, inspection and distribution.

For revenue and inspection and distribution branches: For personal services, $158,823.

Operating expenses.

For maintenance of the water department distribution system, including pumping stations and machinery, water mains, valves, fire and public hydrants, and all buildings and accessories, and motor trucks, and motor vehicles such as are now owned, and the replacement by purchase and/or exchange of the following motor-propelled vehicles: one one-and-one-half-ton special truck not to exceed $1,800, and one four-ton truck not to exceed $2,000; purchase of fuel, oils, waste, and other materials, and the employment of all

labor necessary for the proper execution of this work; and for contingent expenses, including books, blanks, stationery, printing and binding not to exceed $2,500, postage, purchase of technical reference books and periodicals not to exceed $275, and other necessary items, $7,500; in all for maintenance, $310,000, of which not exceeding $5,000 shall be available for operation of pumps at Bryant Street pumping station upon interruption of service from Dalecarlia pumping station.

Distribution expenses.

For extension of the water department distribution system, laying of such service mains as may be necessary under the assessment system, $160,000.

Meters.

For installing and repairing water meters on services to private residences and business places as may not be required to install meters under existing regulations, as may be directed by the Commissioners; said meters at all times to remain the property of the District of Columbia, $60,000.

Hydrants.

For installing fire and public hydrants, $18,800.

Replacing mains.

For replacement of old mains and divide valves in various locations, on account of inadequate size and bad condition of pipe on account of age, and laying mains in advance of pavements, $90,000, to be immediately available.

New mains.

For eight thousand two hundred feet of twenty-inch water main in Nichols Avenue Southeast, from First Street to Blue Plains, $59,000.

For three thousand feet of thirty-inch water main from the thirty-inch main in Pennsylvania Avenue Southeast to Eighteenth Street and Minnesota Avenue Southeast, $42,000.

For seven thousand five hundred feet of sixteen-inch water main in Rock Creek Church Road Northwest from Upshur Street to Harewood Road and south in Harewood Road to Michigan Avenue, $46,000.

For three thousand one hundred feet of twenty-inch water main from Thirty-third Place and Woodley Road Northwest to Connecticut Avenue in vicinity of Macomb Street Northwest, $25,000.

Discounts allowed on water charges.

During the fiscal year ending June 30, 1935, the Commissioners of the District of Columbia are authorized to allow a reduction of not to exceed 25 per centum in the water charges within the District of Columbia fixed by existing law, and the present metered allowance of 7,500 cubic feet is increased to 10,000 cubic feet during such fiscal year.

Metered allowance increased.

Assessment rates for mains and sewers.

Vol. 33, p. 244.

The rates of assessment for laying or constructing water mains and service sewers in the District of Columbia under the provisions of the Act entitled "An Act authorizing the laying of water mains and service sewers, and for other purposes", approved April 22, 1904, are hereby established at $1.50 per linear foot for any water mains and service sewers constructed or laid on and after July 1, 1934: *Provided*, That the assessment rate herein prescribed shall be applicable to assessments for sewer and water mains constructed and laid subsequent to January 1, 1923, in the subdivision of Barry Farm, as said subdivision appears on the records of the Surveyor of the District of Columbia.

Proviso.
Barry Farm subdivision.

Construction work, etc., under Commissioners.

SEC. 2. That the services of draftsmen, assistant engineers, levelers, transitmen, rodmen, chainmen, computers, copyists, overseers, and inspectors temporarily required in connection with sewer, water, street, street-cleaning, or road work, or construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations may be employed exclusively to carry into effect said appropriations when specifically

and in writing ordered by the Commissioners, and all such necessary expenditures for the proper execution of said work shall be paid from and equitably charged against the sums appropriated for said work; and the Commissioners in their Budget estimates shall report the number of such employees performing such services, and their work, and the sums paid to each, and out of what appropriation: *Provided*, That the expenditures hereunder shall not exceed $42,000 during the fiscal year 1935: *Provided further*, That, excluding inspectors in the sewer department and one inspector in the electrical department, no person shall be employed in pursuance of the authority contained in this paragraph for a longer period than nine months in the aggregate during the fiscal year.

Provisos.
Limitation on expenses.

Period of employment.

The Commissioners, or their duly designated representatives, are further authorized to employ temporarily such laborers, skilled laborers, drivers, hostlers, and mechanics as may be required exclusively in connection with sewer, water, street, and road work, and street cleaning, or the construction and repair of buildings, and bridges, furniture and equipments, and any general or special engineering or construction or repair work, and to incur all necessary engineering and other expenses, exclusive of personal services, incidental to carrying on such work and necessary for the proper execution thereof, said laborers, skilled laborers, drivers, hostlers, and mechanics to be employed to perform such work as may not be required by law to be done under contract, and to pay for such services and expenses from the appropriations under which such services are rendered and expenses incurred.

Temporary labor, etc.

SEC. 3. That all horses, harness, horse-drawn vehicles necessary for use in connection with construction and supervision of sewer, street, street lighting, road work, and street-cleaning work, including maintenance of said horses and harness, and maintenance and repair of said vehicles, and purchase of all necessary articles and supplies in connection therewith, or on construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations, may be purchased, hired, and maintained, and motor trucks may be hired exclusively to carry into effect said appropriations, when specifically and in writing ordered by the Commissioners; and all such expenditures necessary for the proper execution of said work, exclusive of personal services, shall be paid from and equitably charged against the sums appropriated for said work; and the Commissioners in the Budget estimates shall report the number of horses, vehicles, and harness purchased, and horses and vehicles hired, and the sums paid for same, and out of what appropriation; and all horses owned or maintained by the District shall, so far as may be practicable, be provided for in stables owned or operated by said District: *Provided*, That such horses, horse-drawn vehicles, and carts as may be temporarily needed for hauling and excavating material in connection with works authorized by appropriations may be temporarily employed for such purposes under the conditions named in section 2 of this Act in relation to the employment of laborers, skilled laborers, and mechanics.

Horses, vehicles, etc.

Specific authority required.

Proviso.
Temporary work, etc.

SEC. 4. That the Commissioners are authorized to employ in the execution of work, the cost of which is payable from the appropriation account created in the District of Columbia Appropriation Act, approved April 27, 1904, and known as the Miscellaneous trust-fund deposits, District of Columbia, necessary personal services, horses, carts, and wagons, and to hire therefor motor trucks when specifically and in writing authorized by the Commissioners, and to incur all necessary expenses incidental to carrying on such work

Miscellaneous trust funds.

Expenses, payable from.

Vol. 33, p. 368.

and necessary for the proper execution thereof, including the purchase, exchange, maintenance, and operation of motor vehicles for inspection and transportation purposes, such services and expenses to be paid from said appropriation account: *Provided*, That the Commissioners may delegate to their duly authorized representatives the employment under this section of laborers, mechanics, and artisans.

Proviso. Employment of labor, etc.

Any person employed under any of the provisions of this Act who has been employed for ten consecutive months or more shall not be denied the leave of absence with pay for which the law provides.

Leaves of absence.

SEC. 5. That the Commissioners and other responsible officials, in expending appropriations contained in this Act, so far as possible, shall purchase material, supplies, including food supplies and equipment, when needed and funds are available, in accordance with the regulations and schedules of the Procurement Division of the Treasury Department or from the various services of the Government of the United States possessing material, supplies, passenger-carrying and other motor vehicles, and equipment no longer required. Surplus articles purchased from the Government, if the same have not been used, shall be paid for at a reasonable price, not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage. The various services of the Government of the United States are authorized to sell such surplus articles to the municipal government under the conditions specified, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts: *Provided*, That this section shall not be construed to amend, alter, or repeal the Executive order of December 3, 1918, concerning the transfer of office materials, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities.

Material, supplies, vehicles, etc.

Purchases from stock of Government activities no longer needed.

Price stipulation.

Proviso. Transfers under Executive Order No. 3019.

SEC. 6. No part of the appropriations contained in this Act shall be used to pay any increase in the salary of any officer or employee of the District of Columbia by reason of the reallocation of the position of such officer or employee to a higher grade after June 30, 1932, by the Personnel Classification Board or the Civil Service Commission, and salaries paid accordingly shall be payment in full.

Increase of pay by reason of reallocation to higher grade.

SEC. 7. No part of the funds appropriated in this Act for any activity shall be available for transfer to any other activity or between subheads of the same activity unless specifically authorized by the Director of the Bureau of the Budget.

Transfer of funds restricted.

SEC. 8. No part of the funds appropriated in this Act shall be available for the payment of rental of quarters for any activity at a rate in excess of 90 per centum of the per annum rate paid by the District of Columbia for such quarters on June 30, 1933: *Provided*, That the provisions of this paragraph shall not apply to leases made prior to the passage of this Act, except when renewals thereof are made hereafter: *Provided further*, That the appropriations or portions of appropriations unexpended by reason of the operation of this paragraph shall not be used for any purpose, but shall be impounded and deposited in the Treasury to the credit of the District of Columbia.

Limitation on rentals.

Provisos. Prior leases.

Unexpended balances covered in.

Approved, June 4, 1934, 4 p.m.

[CHAPTER 390.]

AN ACT

June 5, 1934.
[S. 2745.]
[Public, No. 286.]

To provide for changing the time of the meeting of Congress, the beginning of the terms of Members of Congress, and the time when the electoral votes shall be counted, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 152 of the Revised Statutes (U.S.C., title 3, sec. 41) is hereby amended by striking out the words "fourth day of March" and inserting in lieu thereof "20th day of January".

The President; commencement of term of office.
Vol. 47, p. 2569.
R.S., sec. 152; U.S.C., p. 21.

SEC. 2. Section 25 of the Revised Statutes (U.S.C., title 2, sec. 7) is hereby amended by striking out the words "fourth day of March" and inserting in lieu thereof "3d day of January".

Representatives and Delegates to Congress.
R.S., sec. 25; U.S.C., p. 3.

SEC. 3. Section 1 of the Act entitled "An Act providing a temporary method of conducting the nomination and election of United States Senators", approved June 4, 1914 (U.S.C., title 2, sec. 1), is hereby amended by striking out "fourth day of March" and inserting in lieu thereof "3d day of January".

Senators.
Vol. 38, p. 384.
U.S.C., p. 3.

SEC. 4. The first sentence of section 20 of the Act entitled "An Act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands", approved August 29, 1916 (U.S.C., title 48, sec. 1091), is hereby amended by striking out the words "fourth day of March" and inserting in lieu thereof "3d day of January".

Resident Commissioners, Philippine Islands.
Vol. 39, p. 552.
U.S.C., p. 1630.

SEC. 5. The second sentence of section 36 of the Act entitled "An Act to provide a civil government for Porto Rico, and for other purposes", approved March 2, 1917 (U.S.C., title 48, sec. 891), is hereby amended by striking out the words "fourth of March" and inserting in lieu thereof "3d day of January".

Resident Commissioner, Puerto Rico.
Vol. 39, p. 963.
U.S.C., p. 1625.

SEC. 6. The Act entitled "An Act providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes", approved May 29, 1928, is hereby amended as follows:

Meeting and vote of electors.

(a) By striking out the words "first Wednesday in January" in section 1 of such Act (U.S.C., Supp. VII, title 3, sec. 5a) and inserting in lieu thereof "first Monday after the second Wednesday in December".

Vol. 45, p. 945.
U.S.C., Supp. VII, p. 13.

(b) By striking out the words "by the third Wednesday in the month of January" in section 5 of such Act (U.S.C., Supp. VII, title 3, sec. 11b) and inserting in lieu thereof "by the fourth Wednesday in December".

Failure to receive certificates of electors.
Vol. 45, p. 946.
U.S.C., Supp. VII, p. 13.

(c) By striking out the words "on the fourth Wednesday of the month of January" in section 6 of such Act (U.S.C., Supp. VII, title 3, sec. 11c) and inserting in lieu thereof "on the fourth Wednesday in December".

Demand on district judge for certificate.
Vol. 45, p. 947; U.S.C., Supp. VII, p. 13.

SEC. 7. The first sentence of section 4 of the Act entitled "An Act to fix the day for the meeting of the electors of President and Vice President, and to provide for and regulate the counting of the votes for President and Vice President, and the decision of questions arising thereon", approved February 3, 1887 (U.S.C., title 3, sec. 17), is amended by striking out the words "second" Wednesday in February" and inserting in lieu thereof "sixth day of January".

Counting electoral votes in Congress.
Vol. 24, p. 373.
U.S.C., p. 20.

Approved, June 5, 1934.

[CHAPTER 391.]

AN ACT

June 5, 1934.
[S. 3290.]
[Public, No. 287.]

To amend an Act entitled "An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes", approved July 15, 1932.

District of Columbia. Board of Indeterminate Sentence and Parole.
Vol. 47, p. 699.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress entitled "An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes", approved July 15, 1932, be, and the same is hereby, amended by adding a new section to be numbered "10" and to read as follows:

Federal Parole Board.
Authority conferred upon, over U.S. prisoners convicted in the District and confined elsewhere.
Vol. 36, p. 819; Vol. 46, p. 272.
U.S.C., p. 514.

"SEC. 10. The Board of Parole created by the Act of Congress entitled 'An Act to amend an Act providing for the parole of United States prisoners, approved June 25, 1910, as amended', approved May 13, 1930, shall have and exercise the same power and authority over prisoners convicted in the District of Columbia of crimes against the United States and now or hereafter confined in any United States penitentiary or prison (other than the penal institutions of the District of Columbia) as is vested in the Board of Indeterminate Sentence and Parole over prisoners confined in the penal institutions of the District of Columbia."

Approved, June 5, 1934.

[CHAPTER 392.]

AN ACT

June 5, 1934.
[H.R. 5477]
[Public, No. 288.]

To fix the rates of postage on certain periodicals exceeding eight ounces in weight.

Postal service.
Rate of postage on certain periodicals exceeding 8 ounces in weight.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That publications weighing in excess of eight ounces issued at regular intervals of twelve or more times a year, 25 per centum or more of whose pages are devoted to text or reading matter and not more than 75 per centum to advertising matter, which are circulated free or mainly free, may, upon authorization by the Post Office Department, under such regulations as the Postmaster General may prescribe, be accepted for mailing at the postage rate of 1 cent for each two ounces or fraction thereof, provided the copies of such publications are presented for mailing made up according to States, cities, and routes as directed by the Postmaster General.

Regulations to be prescribed.

Approved, June 5, 1934.

[CHAPTER 393.]

AN ACT

June 5, 1934.
[H.R. 7343.]
[Public, No. 289.]

To remove inequities in the law governing eligibility for promotion to the position of chief clerk in the Railway Mail Service.

Railway Mail Service.
Vol. 37, p. 556.
U.S.C., p. 1273.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that part of section 7 of the Act of August 24, 1912 (37 Stat. 556), which comprises section 626 of title 39 of the United States Code, be amended to read as follows:

Provisions governing promotions to positions of chief clerk modified.

"Clerks in the highest grade in their respective lines or other assignments shall be eligible for promotion to positions of clerks in charge in said lines or corresponding positions in other assignments, and clerks assigned as assistant chief clerks and clerks in grade 6, or higher rank, in their respective divisions, shall, after one

year of continuous service in such capacity, be eligible for promotion to positions of chief clerks in said division for satisfactory, efficient, and faithful service, under such regulations as the Postmaster General shall prescribe."

Approved, June 5, 1934.

[CHAPTER 394.]

AN ACT

June 5, 1934.
[H.R. 8938.]
[Public, No. 290.]

To amend the Act of Congress approved June 7, 1924, commonly called the "San Carlos Act", and Acts supplementary thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress approved June 7, 1924 (43 Stat.L. 475, 476), commonly called the "San Carlos Act", and Acts supplementary thereto, including the Act of Congress approved March 7, 1928 (45 Stat.L. 210–212), and Acts supplementary thereto, be, and the same are hereby, amended so as to provide that the construction cost of the San Carlos project, including the cost of the power development at the Coolidge Dam and the transmission line or lines shall be repaid without interest, and that part thereof to be paid on account of the lands in public or private ownership shall be repaid in forty equal annual installments beginning on December 1, 1935, the date fixed by the public notice heretofore issued by the Secretary of the Interior. The Secretary of the Interior, with the consent of the San Carlos Irrigation and Drainage District, is hereby authorized to modify the existing repayment contract in accordance herewith.

San Carlos irrigation project, Ariz.
Vol. 43, p. 475; Vol. 45, p. 212.
Costs as to Indian lands to be repaid without interest.

Amortization of privately, etc., owned lands in 40 annual installments.

Contract modified accordingly.

Approved, June 5, 1934.

[CHAPTER 404.]

AN ACT

June 6, 1934.
[H.R. 9323.]
[Public, No. 291.]

To provide for the regulation of securities exchanges and of over-the-counter markets operating in interstate and foreign commerce and through the mails, to prevent inequitable and unfair practices on such exchanges and markets, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—REGULATION OF SECURITIES EXCHANGES

Securities Exchange Act of 1934.

SHORT TITLE

Short title.

SECTION 1. This Act may be cited as the "Securities Exchange Act of 1934."

NECESSITY FOR REGULATION AS PROVIDED IN THIS TITLE

Necessity for regulation.

Declaration of purposes and objects.

SEC. 2. For the reasons hereinafter enumerated, transactions in securities as commonly conducted upon securities exchanges and over-the-counter markets are affected with a national public interest which makes it necessary to provide for regulation and control of such transactions and of practices and matters related thereto, including transactions by officers, directors, and principal security holders, to require appropriate reports, and to impose requirements necessary to make such regulation and control reasonably complete and effective, in order to protect interstate commerce, the national credit, the Federal taxing power, to protect and make more effective

the national banking system and Federal Reserve System, and to insure the maintenance of fair and honest markets in such transactions:

(1) Such transactions (a) are carried on in large volume by the public generally and in large part originate outside the States in which the exchanges and over-the-counter markets are located and/or are effected by means of the mails and instrumentalities of interstate commerce; (b) constitute an important part of the current of interstate commerce; (c) involve in large part the securities of issuers engaged in interstate commerce; (d) involve the use of credit, directly affect the financing of trade, industry, and transportation in interstate commerce, and directly affect and influence the volume of interstate commerce; and affect the national credit.

(2) The prices established and offered in such transactions are generally disseminated and quoted throughout the United States and foreign countries and constitute a basis for determining and establishing the prices at which securities are bought and sold, the amount of certain taxes owing to the United States and to the several States by owners, buyers, and sellers of securities, and the value of collateral for bank loans.

(3) Frequently the prices of securities on such exchanges and markets are susceptible to manipulation and control, and the dissemination of such prices gives rise to excessive speculation, resulting in sudden and unreasonable fluctuations in the prices of securities which (a) cause alternately unreasonable expansion and unreasonable contraction of the volume of credit available for trade, transportation, and industry in interstate commerce, (b) hinder the proper appraisal of the value of securities and thus prevent a fair calculation of taxes owing to the United States and to the several States by owners, buyers, and sellers of securities, and (c) prevent the fair valuation of collateral for bank loans and/or obstruct the effective operation of the national banking system and Federal Reserve System.

(4) National emergencies, which produce widespread unemployment and the dislocation of trade, transportation, and industry, and which burden interstate commerce and adversely affect the general welfare, are precipitated, intensified, and prolonged by manipulation and sudden and unreasonable fluctuations of security prices and by excessive speculation on such exchanges and markets, and to meet such emergencies the Federal Government is put to such great expense as to burden the national credit.

Definitions and application of Act.

DEFINITIONS AND APPLICATION OF TITLE

SEC. 3. (a) When used in this title, unless the context otherwise requires—

"Exchange".

(1) The term "exchange" means any organization, association, or group of persons, whether incorporated or unincorporated, which constitutes, maintains, or provides a market place or facilities for bringing together purchasers and sellers of securities or for otherwise performing with respect to securities the functions commonly performed by a stock exchange as that term is generally understood, and includes the market place and the market facilities maintained by such exchange.

Market place and facilities included.

"Facility."

(2) The term "facility" when used with respect to an exchange includes its premises, tangible or intangible property whether on the premises or not, any right to the use of such premises or property or any service thereof for the purpose of effecting or reporting a transaction on an exchange (including, among other things, any

system of communication to or from the exchange, by ticker or otherwise, maintained by or with the consent of the exchange), and any right of the exchange to the use of any property or service.

"Member." (3) The term "member" when used with respect to an exchange means any person who is permitted either to effect transactions on the exchange without the services of another person acting as broker, or to make use of the facilities of an exchange for transactions thereon without payment of a commission or fee or with the payment of a commission or fee which is less than that charged the general public, and includes any firm transacting a business as broker or dealer of which a member is a partner, and any partner of any such firm.

"Broker." (4) The term "broker" means any person engaged in the business of effecting transactions in securities for the account of others, but does not include a bank.

"Dealer." (5) The term "dealer" means any person engaged in the business of buying and selling securities for his own account, through a broker or otherwise, but does not include a bank, or any person insofar as he buys or sells securities for his own account, either individually or in some fiduciary capacity, but not as a part of a regular business.

Exclusions.

"Bank." (6) The term "bank" means (A) a banking institution organized under the laws of the United States, (B) a member bank of the Federal Reserve System, (C) any other banking institution, whether incorporated or not, doing business under the laws of any State or of the United States, a substantial portion of the business of which consists of receiving deposits or exercising fiduciary powers similar to those permitted to national banks under section 11(k) of the Federal Reserve Act, as amended, and which is supervised and examined by State or Federal authority having supervision over banks, and which is not operated for the purpose of evading the provisions of this title, and (D) a receiver, conservator, or other liquidating agent of any institution or firm included in clauses (A), (B), or (C) of this paragraph.

Trusteeships. Vol. 38, p. 262. U.S.C., p. 276.

"Director." (7) The term "director" means any director of a corporation or any person performing similar functions with respect to any organization, whether incorporated or unincorporated.

"Issuer." (8) The term "issuer" means any person who issues or proposes to issue any security; except that with respect to certificates of deposit for securities, voting-trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors or of the fixed, restricted management, or unit type, the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which such securities are issued; and except that with respect to equipment-trust certificates or like securities, the term "issuer" means the person by whom the equipment or property is, or is to be, used.

Qualifying provisions.

"Person." (9) The term "person" means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or an unincorporated organization.

"Security." (10) The term "security" means any note, stock, treasury stock, bond, debenture, certificate of interest or participation in any profit-sharing agreement or in any oil, gas, or other mineral royalty or lease, any collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit, for a security, or in general, any instrument commonly known as a "security"; or any certificate of

interest or participation in, temporary or interim certificate for, receipt for, or warrant or right to subscribe to or purchase, any of the foregoing; but shall not include currency or any note, draft, bill of exchange, or banker's acceptance which has a maturity at the time of issuance of not exceeding nine months, exclusive of days of grace, or any renewal thereof the maturity of which is likewise limited.

"Equity security."

(11) The term "equity security" means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the Commission shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as it may prescribe in the public interest or for the protection of investors, to treat as an equity security.

"Exempted security" or "exempted securities."

(12) The term "exempted security" or "exempted securities" shall include securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States; such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors; securities which are direct obligations of or obligations guaranteed as to principal or interest by a State or any political subdivision thereof or any agency or instrumentality of a State or any political subdivision thereof or any municipal corporate instrumentality of one or more States; and such other securities (which may include, among others, unregistered securities, the market in which is predominantly intrastate) as the Commission may, by such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors, either unconditionally or upon specified terms and conditions or for stated periods, exempt from the operation of any one or more provisions of this title which by their terms do not apply to an "exempted security" or to "exempted securities."

"Buy" and "purchase."

(13) The terms "buy" and "purchase" each include any contract to buy, purchase, or otherwise acquire.

"Sale" and "sell."

(14) The terms "sale" and "sell" each include any contract to sell or otherwise dispose of.

"Commission."

(15) The term "Commission" means the Securities and Exchange Commission established by section 4 of this title.

"State."

(16) The term "State" means any State of the United States, the District of Columbia, Alaska, Hawaii, Puerto Rico, the Philippine Islands, the Canal Zone, the Virgin Islands, or any other possession of the United States.

"Interstate commerce."

(17) The term "interstate commerce" means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State, or between any State and any place or ship outside thereof.

Authority conferred to define accounting, technical, and trade terms.

(b) The Commission and the Federal Reserve Board, as to matters within their respective jurisdictions, shall have power by rules and regulations to define technical, trade, and accounting terms used in this title insofar as such definitions are not inconsistent with the provisions of this title.

Inapplicable to Federal agencies, not specifically provided for.

(c) No provision of this title shall apply to, or be deemed to include, any executive department or independent establishment of the United States, or any lending agency which is wholly owned, directly or indirectly, by the United States, or any officer, agent, or employee of any such department, establishment, or agency, acting in the course of his official duty as such, unless such provision makes specific reference to such department, establishment, or agency.

SECURITIES AND EXCHANGE COMMISSION

Securities and Exchange Commission.

Establishment, composition, etc.

SEC. 4. (a) There is hereby established a Securities and Exchange Commission (hereinafter referred to as the "Commission") to be composed of five commissioners to be appointed by the President by and with the advice and consent of the Senate. Not more than three of such commissioners shall be members of the same political party, and in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable. No commissioner shall engage in any other business, vocation, or employment than that of serving as commissioner, nor shall any commissioner participate, directly or indirectly, in any stock-market operations or transactions of a character subject to regulation by the Commission pursuant to this title. Each commissioner shall receive a salary at the rate of $10,000 a year and shall hold office for a term of five years, except that (1) any commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term, and (2) the terms of office of the commissioners first taking office after the date of enactment of this title shall expire, as designated by the President at the time of nomination, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years, after the date of enactment of this title.

Political division.

Other employment, etc., by commissioner forbidden.

Salary, term of office, filling vacancies, etc.

Other officers, experts, etc.

(b) The Commission is authorized to appoint and fix the compensation of such officers, attorneys, examiners, and other experts as may be necessary for carrying out its functions under this Act, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, and the Commission may, subject to the civil-service laws, appoint such other officers and employees as are necessary in the execution of its functions and fix their salaries in accordance with the Classification Act of 1923, as amended.

Employees.
Vol. 46, p. 1003.

TRANSACTIONS ON UNREGISTERED EXCHANGES

Unregistered exchanges.

Use of mails or instrumentality of interstate commerce in security transaction on, unlawful.

SEC. 5. It shall be unlawful for any broker, dealer, or exchange, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce for the purpose of using any facility of an exchange within or subject to the jurisdiction of the United States to effect any transaction in a security, or to report any such transaction, unless such exchange (1) is registered as a national securities exchange under section 6 of this title, or (2) is exempted from such registration upon application by the exchange because, in the opinion of the Commission, by reason of the limited volume of transactions effected on such exchange, it is not practicable and not necessary or appropriate in the public interest or for the protection of investors to require such registration.

Exemptions authorized.

REGISTRATION OF NATIONAL SECURITIES EXCHANGES

Registration of national securities exchanges.

Requirements.

SEC. 6. (a) Any exchange may be registered with the Commission as a national securities exchange under the terms and conditions hereinafter provided in this section, by filing a registration statement in such form as the Commission may prescribe, containing the agreements, setting forth the information, and accompanied by the documents, below specified:

Registration statement; documents to accompany.

(1) An agreement (which shall not be construed as a waiver of any constitutional right or any right to contest the validity of any rule or regulation) to comply, and to enforce so far as is within its

powers compliance by its members, with the provisions of this title, and any amendment thereto and any rule or regulation made or to be made thereunder;

(2) Such data as to its organization, rules of procedure, and membership, and such other information as the Commission may by rules and regulations require as being necessary or appropriate in the public interest or for the protection of investors;

(3) Copies of its constitution, articles of incorporation with all amendments thereto, and of its existing bylaws or rules or instruments corresponding thereto, whatever the name, which are hereinafter collectively referred to as the "rules of the exchange"; and

(4) An agreement to furnish to the Commission copies of any amendments to the rules of the exchange forthwith upon their adoption.

Disciplinary provisions in rules of exchange.

(b) No registration shall be granted or remain in force unless the rules of the exchange include provision for the expulsion, suspension, or disciplining of a member for conduct or proceeding inconsistent with just and equitable principles of trade, and declare that the willful violation of any provisions of this title or any rule or regulation thereunder shall be considered conduct or proceeding inconsistent with just and equitable principles of trade.

Adoption of additional rules by exchange.

(c) Nothing in this title shall be construed to prevent any exchange from adopting and enforcing any rule not inconsistent with this title and the rules and regulations thereunder and the applicable laws of the State in which it is located.

Commission authority to grant registration.

(d) If it appears to the Commission that the exchange applying for registration is so organized as to be able to comply with the provisions of this title and the rules and regulations thereunder and that the rules of the exchange are just and adequate to insure fair dealing and to protect investors, the Commission shall cause such exchange to be registered as a national securities exchange.

Order to be made within 30 days.

Hearing when denied.

(e) Within thirty days after the filing of the application, the Commission shall enter an order either granting or, after appropriate notice and opportunity for hearing, denying registration as a national securities exchange, unless the exchange applying for registration shall withdraw its application or consent to the Commission's deferring action on its application for a stated longer period after the date of filing. The filing with the Commission of an application for registration by an exchange shall be deemed to have taken place upon the receipt thereof. Amendments to an application may be made upon such terms as the Commission may prescribe.

Filing application deemed date of receipt.

Amendments permitted.

Withdrawal of registration by exchange.

(f) An exchange may, upon appropriate application in accordance with the rules and regulations of the Commission, and upon such terms as the Commission may deem necessary for the protection of investors, withdraw its registration.

Margin requirements.

MARGIN REQUIREMENTS

Rules governing amount of credit on registered security to be prescribed.

SEC. 7. (a) For the purpose of preventing the excessive use of credit for the purchase or carrying of securities, the Federal Reserve Board shall, prior to the effective date of this section and from time to time thereafter, prescribe rules and regulations with respect to the amount of credit that may be initially extended and subsequently maintained on any security (other than an exempted security) registered on a national securities exchange. For the initial extension of credit, such rules and regulations shall be based upon the following standard: An amount not greater than whichever is the higher of—

Marginal requirement standard.

(1) 55 per centum of the current market price of the security, or

(2) 100 per centum of the lowest market price of the security during the preceding thirty-six calendar months, but not more than 75 per centum of the current market price.

Such rules and regulations may make appropriate provision with respect to the carrying of undermargined accounts for limited periods and under specified conditions; the withdrawal of funds or securities; the substitution or additional purchases of securities; the transfer of accounts from one lender to another; special or different margin requirements for delayed deliveries, short sales, arbitrage transactions, and securities to which paragraph (2) of this subsection does not apply; the bases and the methods to be used in calculating loans, and margins and market prices; and similar administrative adjustments and details. For the purposes of paragraph (2) of this subsection, until July 1, 1936, the lowest price at which a security has sold on or after July 1, 1933, shall be considered as the lowest price at which such security has sold during the preceding thirty-six calendar months.

Rules governing undermargined accounts, withdrawals, etc.

Delayed deliveries, short sales, etc.

Determining lowest price of a security.

(b) Notwithstanding the provisions of subsection (a) of this section, the Federal Reserve Board, may, from time to time, with respect to all or specified securities or transactions, or classes of securities, or classes of transactions, by such rules and regulations (1) prescribe such lower margin requirements for the initial extension or maintenance of credit as it deems necessary or appropriate for the accommodation of commerce and industry, having due regard to the general credit situation of the country, and (2) prescribe such higher margin requirements for the initial extension or maintenance of credit as it may deem necessary or appropriate to prevent the excessive use of credit to finance transactions in securities.

Departure from marginal requirement standard permitted.

(c) It shall be unlawful for any member of a national securities exchange or any broker or dealer who transacts a business in securities through the medium of any such member, directly or indirectly to extend or maintain credit or arrange for the extension or maintenance of credit to or for any customer—

Unlawful credit extensions, etc., to customer.

(1) On any security (other than an exempted security) registered on a national securities exchange, in contravention of the rules and regulations which the Federal Reserve Board shall prescribe under subsections (a) and (b) of this section.

(2) Without collateral or on any collateral other than exempted securities and/or securities registered upon a national securities exchange, except in accordance with such rules and regulations as the Federal Reserve Board may prescribe (A) to permit under specified conditions and for a limited period any such member, broker, or dealer to maintain a credit initially extended in conformity with the rules and regulations of the Federal Reserve Board, and (B) to permit the extension or maintenance of credit in cases where the extension or maintenance of credit is not for the purpose of purchasing or carrying securities or of evading or circumventing the provisions of paragraph (1) of this subsection.

Exceptions under regulations Federal Reserve Board may prescribe.

(d) It shall be unlawful for any person not subject to subsection (c) to extend or maintain credit or to arrange for the extension or maintenance of credit for the purpose of purchasing or carrying any security registered on a national securities exchange, in contravention of such rules and regulations as the Federal Reserve Board shall prescribe to prevent the excessive use of credit for the purchasing or carrying of or trading in securities in circumvention of the other provisions of this section. Such rules and regulations may impose upon all loans made for the purpose of purchasing or carrying securities registered on national securities exchanges limitations

Regulations by Board to prevent evasion of provisions.

May impose limitations on loans for purchasing, etc., registered securities.

similar to those imposed upon members, brokers, or dealers by subsection (c) of this section and the rules and regulations thereunder. This subsection and the rules and regulations thereunder shall not apply (A) to a loan made by a person not in the ordinary course of his business, (B) to a loan on an exempted security, (C) to a loan to a dealer to aid in the financing of the distribution of securities to customers not through the medium of a national securities exchange, (D) to a loan by a bank on a security other than an equity security, or (E) to such other loans as the Federal Reserve Board shall, by such rules and regulations as it may deem necessary or appropriate in the public interest or for the protection of investors, exempt, either unconditionally or upon specified terms and conditions or for stated periods, from the operation of this subsection and the rules and regulations thereunder.

Loans to which regulations not applicable.

(e) The provisions of this section or the rules and regulations thereunder shall not apply on or before July 1, 1937, to any loan or extension of credit made prior to the enactment of this title or to the maintenance, renewal, or extension of any such loan or credit, except to the extent that the Federal Reserve Board may by rules and regulations prescribe as necessary to prevent the circumvention of the provisions of this section or the rules and regulations thereunder by means of withdrawals of funds or securities, substitutions of securities, or additional purchases or by any other device.

When section and regulations thereunder shall apply.

RESTRICTIONS ON BORROWING BY MEMBERS, BROKERS, AND DEALERS

Restriction on borrowing by members, brokers, and dealers.

SEC. 8. It shall be unlawful for any member of a national securities exchange, or any broker or dealer who transacts a business in securities through the medium of any such member, directly or indirectly—

(a) To borrow in the ordinary course of business as a broker or dealer on any security (other than an exempted security) registered on a national securities exchange except (1) from or through a member bank of the Federal Reserve System, (2) from any nonmember bank which shall have filed with the Federal Reserve Board an agreement, which is still in force and which is in the form prescribed by the Board, undertaking to comply with all provisions of this Act, the Federal Reserve Act, as amended, and the Banking Act of 1933, which are applicable to member banks and which relate to the use of credit to finance transactions in securities, and with such rules and regulations as may be prescribed pursuant to such provisions of law or for the purpose of preventing evasions thereof, or (3) in accordance with such rules and regulations as the Federal Reserve Board may prescribe to permit loans between such members and/or brokers and/or dealers, or to permit loans to meet emergency needs. Any such agreement filed with the Federal Reserve Board shall be subject to termination at any time by order of the Board, after appropriate notice and opportunity for hearing, because of any failure by such bank to comply with the provisions thereof or with such provisions of law or rules or regulations; and, for any willful violation of such agreement, such bank shall be subject to the penalties provided for violations of rules and regulations prescribed under this title. The provisions of sections 21 and 25 of this title shall apply in the case of any such proceeding or order of the Federal Reserve Board in the same manner as such provisions apply in the case of proceedings and orders of the Commission.

Loans through Federal Reserve banks.

Nonmember banks; agreement required.

Ante, p. 162.

Loans under regulations of Board.

Nature of agreement.

Post, pp. 899, 901.

(b) To permit in the ordinary course of business as a broker his aggregate indebtedness to all other persons, including customers'

Limitation on aggregate indebtedness of broker.

credit balances (but excluding indebtedness secured by exempted securities), to exceed such percentage of the net capital (exclusive of fixed assets and value of exchange membership) employed in the business, but not exceeding in any case 2,000 per centum, as the Commission may by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors.

Commingling of customers', etc., securities, without written consent, unlawful.

(c) In contravention of such rules and regulations as the Commission shall prescribe for the protection of investors to hypothecate or arrange for the hypothecation of any securities carried for the account of any customer under circumstances (1) that will permit the commingling of his securities without his written consent with the securities of any other customer, (2) that will permit such securities to be commingled with the securities of any person other than a bona fide customer, or (3) that will permit such securities to be hypothecated, or subjected to any lien or claim of the pledgee, for a sum in excess of the aggregate indebtedness of such customers in respect of such securities.

Pledging securities for amount greater than customer's indebtedness.

Lending customer's securities.

(d) To lend or arrange for the lending of any securities carried for the account of any customer without the written consent of such customer.

PROHIBITION AGAINST MANIPULATION OF SECURITY PRICES

Prohibition against manipulation of security prices.

Unlawful acts.

SEC. 9. (a) It shall be unlawful for any person, directly or indirectly, by the use of the mails or any means or instrumentality of interstate commerce, or of any facility of any national securities exchange, or for any member of a national securities exchange—

Effect transactions involving no change in beneficial ownership of security.

(1) For the purpose of creating a false or misleading appearance of active trading in any security registered on a national securities exchange, or a false or misleading appearance with respect to the market for any such security, (A) to effect any transaction in such security which involves no change in the beneficial ownership thereof, or (B) to enter an order or orders for the purchase of such security with the knowledge that an order or orders of substantially the same size, at substantially the same time, and at substantially the same price, for the sale of any such security, has been or will be entered by or for the same or different parties, or (C) to enter any order or orders for the sale of any such security with the knowledge that an order or orders of substantially the same size, at substantially the same time, and at substantially the same price, for the purchase of such security, has been or will be entered by or for the same or different parties.

Enter matched purchase order.

Sale order.

Effect transactions to raise or depress security prices.

(2) To effect, alone or with one or more other persons, a series of transactions in any security registered on a national securities exchange creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others.

Circulate false information concerning market operations to induce sale or purchase.

(3) If a dealer or broker, or other person selling or offering for sale or purchasing or offering to purchase the security, to induce the purchase or sale of any security registered on a national securities exchange by the circulation or dissemination in the ordinary course of business of information to the effect that the price of any such security will or is likely to rise or fall because of market operations of any one or more persons conducted for the purpose of raising or depressing the prices of such security.

Make false statement to induce purchase, etc.

(4) If a dealer or broker, or other person selling or offering for sale or purchasing or offering to purchase the security, to make, regarding any security registered on a national securities exchange, for the purpose of inducing the purchase or sale of such security,

any statement which was at the time and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, and which he knew or had reasonable ground to believe was so false or misleading.

Circulate, for a consideration, predictions of price changes.

(5) For a consideration, received directly or indirectly from a dealer or broker, or other person selling or offering for sale or purchasing or offering to purchase the security, to induce the purchase or sale of any security registered on a national securities exchange by the circulation or dissemination of information to the effect that the price of any such security will or is likely to rise or fall because of the market operations of any one or more persons conducted for the purpose of raising or depressing the price of such security.

Pegging of security prices in contravention of regulations.

(6) To effect either alone or with one or more other persons any series of transactions for the purchase and/or sale of any security registered on a national securities exchange for the purpose of pegging, fixing, or stabilizing the price of such security in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

Effect transactions in connection with options, etc., on exchange.

(b) It shall be unlawful for any person to effect, by use of any facility of a national securities exchange, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors—

(1) any transaction in connection with any security whereby any party to such transaction acquires any put, call, straddle, or other option or privilege of buying the security from or selling the security to another without being bound to do so; or

(2) any transaction in connection with any security with relation to which he has, directly or indirectly, any interest in any such put, call, straddle, option, or privilege; or

(3) any transaction in any security for the account of any person who he has reason to believe has, and who actually has, directly or indirectly, any interest in any such put, call, straddle, option, or privilege with relation to such security.

Rules governing guarantee of options may be prescribed.

(c) It shall be unlawful for any member of a national securities exchange directly or indirectly to endorse or guarantee the performance of any put, call, straddle, option, or privilege in relation to any security registered on a national securities exchange, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

Registered warrants, right, convertible security.

(d) The terms "put", "call", "straddle", "option", or "privilege" as used in this section shall not include any registered warrant, right, or convertible security.

Liability of person who willfully participates in prohibited practices.

(e) Any person who willfully participates in any act or transaction in violation of subsection (a), (b), or (c) of this section, shall be liable to any person who shall purchase or sell any security at a price which was affected by such act or transaction, and the person so injured may sue in law or in equity in any court of competent jurisdiction to recover the damages sustained as a result of any such act or transaction. In any such suit the court may, in its discretion, require an undertaking for the payment of the costs of such suit, and assess reasonable costs, including reasonable attorneys' fees, against either party litigant. Every person who becomes liable to make any payment under this subsection may recover contribution as in cases of contract from any person who, if joined in the original suit, would have been liable to make the same payment. No action shall be maintained to enforce any liability created under this section,

unless brought within one year after the discovery of the facts constituting the violation and within three years after such violation.

(f) The provisions of this section shall not apply to an exempted security. Provisions not applicable to exempted securities.

REGULATION OF THE USE OF MANIPULATIVE AND DECEPTIVE DEVICES

Regulation of the use of manipulative and deceptive devices.

Unlawful acts.

SEC. 10. It shall be unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange—

(a) To effect a short sale, or to use or employ any stop-loss order in connection with the purchase or sale, of any security registered on a national securities exchange, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors. Effect short sale or employ stop-loss order in contravention of regulations.

(b) To use or employ, in connection with the purchase or sale of any security registered on a national securities exchange or any security not so registered, any manipulative or deceptive device or contrivance in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors. Employ any other manipulative or deceptive device, etc.

SEGREGATION AND LIMITATION OF FUNCTIONS OF MEMBERS, BROKERS, AND DEALERS

Segregation and limitation of functions of members, brokers, and dealers.

SEC. 11. (a) The Commission shall prescribe such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors, (1) to regulate or prevent floor trading by members of national securities exchanges, directly or indirectly for their own account or for discretionary accounts, and (2) to prevent such excessive trading on the exchange but off the floor by members, directly or indirectly for their own account, as the Commission may deem detrimental to the maintenance of a fair and orderly market. It shall be unlawful for a member to effect any transaction in a security in contravention of such rules and regulations, but such rules and regulations may make such exemptions for arbitrage transactions, for transactions in exempted securities, and, within the limitations of subsection (b) of this section, for transactions by odd-lot dealers and specialists, as the Commission may deem necessary or appropriate in the public interest or for the protection of investors.

Rules and regulations to be prescribed.

Floor trading.

To prevent excessive speculation off the floor.

Security transactions in contravention of regulations, unlawful.

Exemptions from regulations authorized.

(b) When not in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, the rules of a national securities exchange may permit (1) a member to be registered as an odd-lot dealer and as such to buy and sell for his own account so far as may be reasonably necessary to carry on such odd-lot transactions, and/or (2) a member to be registered as a specialist. If under the rules and regulations of the Commission a specialist is permitted to act as a dealer, or is limited to acting as a dealer, such rules and regulations shall restrict his dealings so far as practicable to those reasonably necessary to permit him to maintain a fair and orderly market, and/or to those necessary to permit him to act as an odd-lot dealer if the rules of the exchange permit him to act as an odd-lot dealer. It shall be unlawful for a specialist or an official of the exchange to disclose information in regard to orders placed with such specialist which is not available to all members of the exchange, to any person other than an official of the exchange, a representative of the Commission, or a specialist who may be acting for such specialist; but the Commission shall have power to require

Registration of odd-lot dealers.

Specialists; dealings limited.

Revealing orders to favored persons by specialist, etc.

disclosure to all members of the exchange of all orders placed with specialists, under such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors. It shall also be unlawful for a specialist acting as a broker to effect on the exchange any transaction except upon a market or limited price order.

Powers as a broker limited.

Commission may exempt small exchange from prescribed provisions.

(c) If because of the limited volume of transactions effected on an exchange, it is in the opinion of the Commission impracticable and not necessary or appropriate in the public interest or for the protection of investors to apply any of the foregoing provisions of this section or the rules and regulations thereunder, the Commission shall have power, upon application of the exchange and on a showing that the rules of such exchange are otherwise adequate for the protection of investors, to exempt such exchange and its members from any such provision or rules and regulations.

Dealer-broker. Limitation on functions of.

(d) It shall be unlawful for a member of a national securities exchange who is both a dealer and a broker, or for any person who both as a broker and a dealer transacts a business in securities through the medium of a member or otherwise, to effect through the use of any facility of a national securities exchange or of the mails or of any means or instrumentality of interstate commerce, or otherwise in the case of a member, (1) any transaction in connection with which, directly or indirectly, he extends or maintains or arranges for the extension or maintenance of credit to or for a customer on any security (other than an exempted security) which was a part of a new issue in the distribution of which he participated as a member of a selling syndicate or group within six months prior to such transaction: *Provided*, That credit shall not be deemed extended by reason of a bona fide delayed delivery of any such security against full payment of the entire purchase price thereof upon such delivery within thirty-five days after such purchase, or (2) any transaction with respect to any security (other than an exempted security) unless, if the transaction is with a customer, he discloses to such customer in writing at or before the completion of the transaction whether he is acting as a dealer for his own account, as a broker for such customer, or as a broker for some other person.

Proviso. Credit not deemed extended by reason of delayed delivery.

Disclosure of broker's interest.

Study of complete segregation of dealer-broker functions to be made.

(e) The Commission is directed to make a study of the feasibility and advisability of the complete segregation of the functions of dealer and broker, and to report the results of its study and its recommendations to the Congress on or before January 3, 1936.

Registration requirements for securities.

REGISTRATION REQUIREMENTS FOR SECURITIES

Transactions in unregistered securities unlawful; exempted securities.

SEC. 12. (a) It shall be unlawful for any member, broker, or dealer to effect any transaction in any security (other than an exempted security) on a national securities exchange unless a registration is effective as to such security for such exchange in accordance with the provisions of this title and the rules and regulations thereunder.

Registration application.

(b) A security may be registered on a national securities exchange by the issuer filing an application with the exchange (and filing with the Commission such duplicate originals thereof as the Commission may require), which application shall contain—

Detailed information required.

(1) Such information, in such detail, as to the issuer and any person directly or indirectly controlling or controlled by, or under direct or indirect common control with, the issuer, and any guarantor of the security as to principal or interest or both, as the Commission may by rules and regulations require, as necessary or appropriate in

the public interest or for the protection of investors, in respect of the following:

(A) the organization, financial structure and nature of the business;

(B) the terms, position, rights, and privileges of the different classes of securities outstanding;

(C) the terms on which their securities are to be, and during the preceding three years have been, offered to the public or otherwise;

(D) the directors, officers, and underwriters, and each security holder of record holding more than 10 per centum of any class of any equity security of the issuer (other than an exempted security), their remuneration and their interests in the securities of, and their material contracts with, the issuer and any person directly or indirectly controlling or controlled by, or under direct or indirect common control with, the issuer;

(E) remuneration to others than directors and officers exceeding $20,000 per annum;

(F) bonus and profit-sharing arrangements;

(G) management and service contracts;

(H) options existing or to be created in respect of their securities;

(I) balance sheets for not more than the three preceding fiscal years, certified if required by the rules and regulations of the Commission by independent public accountants;

(J) profit and loss statements for not more than the three preceding fiscal years, certified if required by the rules and regulations of the Commission by independent public accountants; and

(K) any further financial statements which the Commission may deem necessary or appropriate for the protection of investors.

Documents to be filed with Commission.

(2) Such copies of articles of incorporation, bylaws, trust indentures, or corresponding documents by whatever name known, underwriting arrangements, and other similar documents of, and voting trust agreements with respect to, the issuer and any person directly or indirectly controlling or controlled by, or under direct or indirect common control with, the issuer as the Commission may require as necessary or appropriate for the proper protection of investors and to insure fair dealing in the security.

Further information.

(c) If in the judgment of the Commission any information required under subsection (b) is inapplicable to any specified class or classes of issuers, the Commission shall require in lieu thereof the submission of such other information of comparable character as it may deem applicable to such class of issuers.

Registration effective 30 days after receipt of exchange certificate.

(d) If the exchange authorities certify to the Commission that the security has been approved by the exchange for listing and registration, the registration shall become effective thirty days after the receipt of such certification by the Commission or within such shorter period of time as the Commission may determine. A security registered with a national securities exchange may be withdrawn or stricken from listing and registration in accordance with the rules of the exchange and, upon such terms as the Commission may deem necessary to impose for the protection of investors, upon application by the issuer or the exchange to the Commission; whereupon the issuer shall be relieved from further compliance with the provisions of this section and section 13 of this title and any rules or regulations under such sections as to the securities so withdrawn or stricken

Issuer may cancel registration on 30 days' notice.

Post, p. 894.

Registration of unissued securities.

An unissued security may be registered only in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors. Such rules and regulations shall limit the registration of an unissued security to cases where such security is a right or the subject of a right to subscribe or otherwise acquire such security granted to holders of a previously registered security and where the primary purpose of such registration is to distribute such unissued security to such holders.

Registration of securities listed on national exchanges.

(e) Notwithstanding the foregoing provisions of this section, the Commission may by such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors permit securities listed on any exchange at the time the registration of such exchange as a national securities exchange becomes effective, to be registered for a period ending not later than July 1, 1935, without complying with the provisions of this section.

Trading in unlisted securities; study and report.

(f) The Commission is directed to make a study of trading in unlisted securities upon exchanges and to report the results of its study and its recommendations to Congress on or before January 3, 1936. Notwithstanding the foregoing provisions of this section, the Commission may, by such rules and regulations as it deems necessary or appropriate for the protection of investors, prescribe terms and conditions under which, upon the application of any national securities exchange, such exchange (1) may continue until June 1, 1936, unlisted trading privileges to which a security had been admitted on such exchange prior to March 1, 1934, and for such purpose exempt such security and the issuer thereof from the provisions of this section and sections 13 and 16, or (2) may extend until July 1, 1935, unlisted trading privilege to any security registered on any other national securities exchange which security was listed on such other exchange on March 1, 1934. A security for which unlisted trading privileges are so continued shall be considered a "security registered on a national securities exchange" within the meaning of this title. The rules and regulations of the Commission relating to such unlisted trading privileges for securities shall require that quotations of transactions upon any national securities exchange shall clearly indicate the difference between fully listed securities and securities admitted to unlisted trading privileges only.

Authority of Commission to allow; application of national exchange.

Status of such security.

Periodical and other reports.

PERIODICAL AND OTHER REPORTS

Filing by issuer of security, required.

SEC. 13. (a) Every issuer of a security registered on a national securities exchange shall file the information, documents, and reports below specified with the exchange (and shall file with the Commission such duplicate originals thereof as the Commission may require), in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to insure fair dealing in the security—

(1) Such information and documents as the Commission may require to keep reasonably current the information and documents filed pursuant to section 12.

(2) Such annual reports, certified if required by the rules and regulations of the Commission by independent public accountants, and such quarterly reports, as the Commission may prescribe.

Form of reports.

(b) The Commission may prescribe, in regard to reports made pursuant to this title, the form or forms in which the required information shall be set forth, the items or details to be shown in the

balance sheet and the earning statement, and the methods to be followed in the preparation of reports, in the appraisal or valuation of assets and liabilities, in the determination of depreciation and depletion, in the differentiation of recurring and nonrecurring income, in the differentiation of investment and operating income, and in the preparation, where the Commission deems it necessary or desirable, of separate and/or consolidated balance sheets or income accounts of any person directly or indirectly controlling or controlled by the issuer, or any person under direct or indirect common control with the issuer; but in the case of the reports of any person whose methods of accounting are prescribed under the provisions of any law of the United States, or any rule or regulation thereunder, the rules and regulations of the Commission with respect to reports shall not be inconsistent with the requirements imposed by such law or rule or regulation in respect of the same subject matter, and, in the case of carriers subject to the provisions of section 20 of the Interstate Commerce Act, as amended, or carriers required pursuant to any other Act of Congress to make reports of the same general character as those required under such section 20, shall permit such carriers to file with the Commission and the exchange duplicate copies of the reports and other documents filed with the Interstate Commerce Commission, or with the governmental authority administering such other Act of Congress, in lieu of the reports, information and documents required under this section and section 12 in respect of the same subject matter.

Financial statements; methods of preparation, calculation, etc.

Conflict with any law precluded.

Post, p. 899.

Common carriers.

Duplicate reports, etc., to be filed with Commission.

(c) If in the judgment of the Commission any report required under subsection (a) is inapplicable to any specified class or classes of issuers, the Commission shall require in lieu thereof of the submission of such reports of comparable character as it may deem applicable to such class or classes of issuers.

Additional information may be required if reports inapplicable.

PROXIES

Proxies.

SEC. 14. (a) It shall be unlawful for any person, by the use of the mails or by any means or instrumentality of interstate commerce or of any facility of any national securities exchange or otherwise to solicit or to permit the use of his name to solicit any proxy or consent or authorization in respect of any security (other than an exempted security) registered on any national securities exchange in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

Solicitation of, in contravention of rules, prohibited.

(b) It shall be unlawful for any member of a national securities exchange or any broker or dealer who transacts a business in securities through the medium of any such member to give a proxy, consent, or authorization in respect of any security registered on a national securities exchange and carried for the account of a customer in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

Giving proxy in respect of registered security carried for customer, by member, prohibited.

OVER-THE-COUNTER MARKETS

Over-the-counter markets.

SEC. 15. It shall be unlawful, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest and to insure to investors protection comparable to that provided by and under authority of this title in the case of national securities exchanges, (1) for any broker or dealer, singly or with any other person or persons, to make use of the

Use of the mails and interstate commerce for creating market.

mails or any means or instrumentality of interstate commerce for the purpose of making or creating, or enabling another to make or create, a market, otherwise than on a national securities exchange, for both the purchase and sale of any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills, or unregistered securities the market in which is predominantly intrastate and which have not previously been registered or listed), or (2) for any broker or dealer to use any facility of any such market. Such rules and regulations may provide for the regulation of all transactions by brokers and dealers on any such market, for the registration with the Commission of dealers and/or brokers making or creating such a market, and for the registration of the securities for which they make or create a market and may make special provision with respect to securities or specified classes thereof listed, or entitled to unlisted trading privileges, upon any exchange on the date of the enactment of this title, which securities are not registered under the provisions of section 12 of this title.

Registration of dealers or brokers; regulation of transactions; securities traded.

Regulation of securities already listed, etc.

DIRECTORS, OFFICERS, AND PRINCIPAL STOCKHOLDERS

Directors, officers, and principal stockholder of issuer of registered equity security. Statements to be filed by.

SEC. 16. (a) Every person who is directly or indirectly the beneficial owner of more than 10 per centum of any class of any equity security (other than an exempted security) which is registered on a national securities exchange, or who is a director or an officer of the issuer of such security, shall file, at the time of the registration of such security or within ten days after he becomes such beneficial owner, director, or officer, a statement with the exchange (and a duplicate original thereof with the Commission) of the amount of all equity securities of such issuer of which he is the beneficial owner, and within ten days after the close of each calendar month thereafter, if there has been any change in such ownership during such month, shall file with the exchange a statement (and a duplicate original thereof with the Commission) indicating his ownership at the close of the calendar month and such changes in his ownership as have occurred during such calendar month.

Monthly reports of changes in ownership.

Information as to profits realized made available to issuer.

(b) For the purpose of preventing the unfair use of information which may have been obtained by such beneficial owner, director, or officer by reason of his relationship to the issuer, any profit realized by him from any purchase and sale, or any sale and purchase, of any equity security of such issuer (other than an exempted security) within any period of less than six months, unless such security was acquired in good faith in connection with a debt previously contracted, shall inure to and be recoverable by the issuer, irrespective of any intention on the part of such beneficial owner, director, or officer in entering into such transaction of holding the security purchased or of not repurchasing the security sold for a period exceeding six months. Suit to recover such profit may be instituted at law or in equity in any court of competent jurisdiction by the issuer, or by the owner of any security of the issuer in the name and in behalf of the issuer if the issuer shall fail or refuse to bring such suit within sixty days after request or shall fail diligently to prosecute the same thereafter; but no such suit shall be brought more than two years after the date such profit was realized. This subsection shall not be construed to cover any transaction where such beneficial owner was not such both at the time of the purchase and sale, or the sale and purchase, of the security involved, or any transaction or transactions which the Commission by rules and regulations may exempt as not comprehended within the purpose of this subsection.

Suit to recover profit.

Transactions exempted.

Directors, etc., forbidden to sell equity security "short", or for delivery after 20 days.

(c) It shall be unlawful for any such beneficial owner, director, or officer, directly or indirectly, to sell any equity security of such issuer (other than an exempted security), if the person selling the security or his principal (1) does not own the security sold, or (2) if owning the security, does not deliver it against such sale within twenty days thereafter, or does not within five days after such sale deposit it in the mails or other usual channels of transportation; but no person shall be deemed to have violated this subsection if he proves that notwithstanding the exercise of good faith he was unable to make such delivery or deposit within such time, or that to do so would cause undue inconvenience or expense.

Transactions to which section inapplicable.

(d) The provisions of this section shall not apply to foreign or domestic arbitrage transactions unless made in contravention of such rules and regulations as the Commission may adopt in order to carry out the purposes of this section.

Accounts and records, etc., of exchanges, members, and others.

ACCOUNTS AND RECORDS, REPORTS, EXAMINATIONS OF EXCHANGES, MEMBERS, AND OTHERS

Requirements, as prescribed by Commission.

SEC. 17. (a) Every national securities exchange, every member thereof, every broker or dealer who transacts a business in securities through the medium of any such member, and every broker or dealer making or creating a market for both the purchase and sale of securities through the use of the mails or of any means or instrumentality of interstate commerce, shall make, keep, and preserve for such periods, such accounts, correspondence, memoranda, papers, books, and other records, and make such reports, as the Commission by its rules and regulations may prescribe as necessary or appropriate in the public interest or for the protection of investors. Such accounts, correspondence, memoranda, papers, books, and other records shall be subject at any time or from time to time to such reasonable periodic, special, or other examinations by examiners or other representatives of the Commission as the Commission may deem necessary or appropriate in the public interest or for the protection of investors.

Examination.

Reports to Federal Reserve Board.

(b) Any broker, dealer, or other person extending credit who is subject to the rules and regulations prescribed by the Federal Reserve Board pursuant to this title shall make such reports to the Board as it may require as necessary or appropriate to enable it to perform the functions conferred upon it by this title. If any such broker, dealer, or other person shall fail to make any such report or fail to furnish full information therein, or, if in the judgment of the Board it is otherwise necessary, such broker, dealer, or other person shall permit such inspections to be made by the Board with respect to the business operations of such broker, dealer, or other person as the Board may deem necessary to enable it to obtain the required information.

Misleading statements.

LIABILITY FOR MISLEADING STATEMENTS

Liability for.

SEC. 18. (a) Any person who shall make or cause to be made any statement in any application, report, or document filed pursuant to this title or any rule or regulation thereunder, which statement was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, shall be liable to any person (not knowing that such statement was false or misleading) who, in reliance upon such statement, shall have purchased or sold a security at a price which was affected by such statement, for damages caused by such reliance, unless the person

Proof of good faith, etc.
Suit at law; undertaking, etc.

sued shall prove that he acted in good faith and had no knowledge that such statement was false or misleading. A person seeking to enforce such liability may sue at law or in equity in any court of competent jurisdiction. In any such suit the court may, in its discretion, require an undertaking for the payment of the costs of such suit, and assess reasonable costs, including reasonable attorneys' fees, against either party litigant.

Contribution between persons severally liable.

(b) Every person who becomes liable to make payment under this section may recover contribution as in cases of contract from any person who, if joined in the original suit, would have been liable to make the same payment.

Time limitation for bringing suit.

(c) No action shall be maintained to enforce any liability created under this section unless brought within one year after the discovery of the facts constituting the cause of action and within three years after such cause of action accrued.

Powers over exchanges and securities.

POWERS WITH RESPECT TO EXCHANGES AND SECURITIES

Authority conferred on Commission.

SEC. 19. (a) The Commission is authorized, if in its opinion such action is necessary or appropriate for the protection of investors—

Suspension, etc., of registration of national exchange.

(1) After appropriate notice and opportunity for hearing, by order to suspend for a period not exceeding twelve months or to withdraw the registration of a national securities exchange if the Commission finds that such exchange has violated any provision of this title or of the rules and regulations thereunder or has failed to enforce, so far as is within its power, compliance therewith by a member or by an issuer of a security registered thereon.

Of security.

(2) After appropriate notice and opportunity for hearing, by order to deny, to suspend the effective date of, to suspend for a period not exceeding twelve months, or to withdraw, the registration of a security if the Commission finds that the issuer of such security has failed to comply with any provision of this title or the rules and regulations thereunder.

Of member.

(3) After appropriate notice and opportunity for hearing, by order to suspend for a period not exceeding twelve months or to expel from a national securities exchange any member or officer thereof whom the Commission finds has violated any provision of this title or the rules and regulations thereunder, or has effected any transaction for any other person who, he has reason to believe, is violating in respect of such transaction any provision of this title or the rules and regulations thereunder.

Of trading in registered security.

(4) And if in its opinion the public interest so requires, summarily to suspend trading in any registered security on any national securities exchange for a period not exceeding ten days, or with the approval of the President, summarily to suspend all trading on any national securities exchange for a period not exceeding ninety days.

Authority to compel amendment of exchange rules.

(b) The Commission is further authorized, if after making appropriate request in writing to a national securities exchange that such exchange effect on its own behalf specified changes in its rules and practices, and after appropriate notice and opportunity for hearing, the Commission determines that such exchange has not made the changes so requested, and that such changes are necessary or appropriate for the protection of investors or to insure fair dealing in securities traded in upon such exchange or to insure fair administration of such exchange, by rules or regulations or by order to alter or

Scope designated.

supplement the rules of such exchange (insofar as necessary or appropriate to effect such changes) in respect of such matters as (1) safeguards in respect of the financial responsibility of members and adequate provision against the evasion of financial responsibility through the use of corporate forms or special partnerships; (2) the

limitation or prohibition of the registration or trading in any security within a specified period after the issuance or primary distribution thereof; (3) the listing or striking from listing of any security; (4) hours of trading; (5) the manner, method, and place of soliciting business; (6) fictitious or numbered accounts; (7) the time and method of making settlements, payments, and deliveries and of closing accounts; (8) the reporting of transactions on the exchange and upon tickers maintained by or with the consent of the exchange, including the method of reporting short sales, stopped sales, sales of securities of issuers in default, bankruptcy or receivership, and sales involving other special circumstances; (9) the fixing of reasonable rates of commission, interest, listing, and other charges; (10) minimum units of trading; (11) odd-lot purchases and sales; (12) minimum deposits on margin accounts; and (13) similar matters.

Commission directed to study rules of exchanges, including discipline.

(c) The Commission is authorized and directed to make a study and investigation of the rules of national securities exchanges with respect to the classification of members, the methods of election of officers and committees to insure a fair representation of the membership, and the suspension, expulsion, and disciplining of members of such exchanges. The Commission shall report to the Congress on or before January 3, 1935, the results of its investigation, together with its recommendations.

Report thereof to Congress.

LIABILITIES OF CONTROLLING PERSONS

Liability of controlling persons.

SEC. 20. (a) Every person who, directly or indirectly, controls any person liable under any provision of this title or of any rule or regulation thereunder shall also be liable jointly and severally with and to the same extent as such controlled person to any person to whom such controlled person is liable, unless the controlling person acted in good faith and did not directly or indirectly induce the act or acts constituting the violation or cause of action.

Unlawful acts.

(b) It shall be unlawful for any person, directly or indirectly, to do any act or thing which it would be unlawful for such person to do under the provisions of this title or any rule or regulation thereunder through or by means of any other person.

Unreasonably delaying, etc., reports.

(c) It shall be unlawful for any director or officer of, or any owner of any of the securities issued by, any issuer of any security registered on a national securities exchange, without just cause to hinder, delay, or obstruct the making or filing of any document, report, or information, required to be filed under this title or any rule or regulation thereunder.

Injunctions and prosecutions.

INVESTIGATIONS; INJUNCTIONS AND PROSECUTION OF OFFENSES

Investigations authorized.

SEC. 21. (a) The Commission may, in its discretion, make such investigations as it deems necessary to determine whether any person has violated or is about to violate any provision of this title or any rule or regulation thereunder, and may require or permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated. The Commission is authorized, in its discretion, to publish information concerning any such violations, and to investigate any facts, conditions, practices, or matters which it may deem necessary or proper to aid in the enforcement of the provisions of this title, in the prescribing of rules and regulations thereunder, or in securing information to serve as a basis for recommending further legislation concerning the matters to which this title relates.

Evidence.

Publication of information discretionary.

Administering oaths; attendance of witnesses.

(b) For the purpose of any such investigation, or any other proceeding under this title, any member of the Commission or any officer designated by it is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records which the Commission deems relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States or any State at any designated place of hearing.

Production of records, etc.

Compelling attendance, etc.

(c) In case of contumacy by, or refusal to obey a subpena issued to, any person, the Commission may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records. And such court may issue an order requiring such person to appear before the Commission or member or officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if in his power so to do, in obedience to the subpena of the Commission, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or both.

Court order; refusal to obey.

Penalty.

No person excused from attending and testifying.

(d) No person shall be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Commission, or in obedience to the subpena of the Commission or any member thereof or any officer designated by it, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Immunity against self-incrimination.

Aid of district courts, etc., may be invoked to enjoin unlawful acts.

(e) Whenever it shall appear to the Commission that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this title, or of any rule or regulation thereunder, it may in its discretion bring an action in the proper district court of the United States, the Supreme Court of the District of Columbia, or the United States courts of any Territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning such acts or practices to the Attorney General, who may, in his discretion, institute the necessary criminal proceedings under this title.

(f) Upon application of the Commission the district courts of the United States, the Supreme Court of the District of Columbia, and the United States courts of any Territory or other place subject to the jurisdiction of the United States, shall also have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this title or any order of the Commission made in pursuance thereof. Jurisdiction conferred to issue writs of mandamus.

HEARINGS BY COMMISSION

Hearings by Commission.

SEC. 22. Hearings may be public and may be held before the Commission, any member or members thereof, or any officer or officers of the Commission designated by it, and appropriate records thereof shall be kept. May be public; records to be kept.

RULES AND REGULATIONS; ANNUAL REPORTS

SEC. 23. (a) The Commission and the Federal Reserve Board shall each have power to make such rules and regulations as may be necessary for the execution of the functions vested in them by this title, and may for such purpose classify issuers, securities, exchanges, and other persons or matters within their respective jurisdictions. Rules and regulations for executing Act authorized.

(b) The Commission and the Federal Reserve Board, respectively, shall include in their annual reports to Congress such information, data, and recommendation for further legislation as they may deem advisable with regard to matters within their respective jurisdictions under this title. Annual reports; contents.

INFORMATION FILED WITH THE COMMISSION

Information filed with Commission.

SEC. 24. (a) Nothing in this title shall be construed to require, or to authorize the Commission to require, the revealing of trade secrets or processes in any application, report, or document filed with the Commission under this title. Revealing trade secrets or processes not required.

(b) Any person filing any such application, report, or document may make written objection to the public disclosure of information contained therein, stating the grounds for such objection, and the Commission is authorized to hear objections in any such case where it deems it advisable. The Commission may, in such cases, make available to the public the information contained in any such application, report, or document only when in its judgment a disclosure of such information is in the public interest; and copies of information so made available may be furnished to any person at such reasonable charge and under such reasonable limitations as the Commission may prescribe. Objection to disclosing information allowed.

(c) It shall be unlawful for any member, officer, or employee of the Commission to disclose to any person other than a member, officer, or employee of the Commission, or to use for personal benefit, any information contained in any application, report, or document filed with the Commission which is not made available to the public pursuant to subsection (b) of this section: *Provided*, That the Commission may make available to the Federal Reserve Board any information requested by the Board for the purpose of enabling it to perform its duties under this title. Revealing information unlawfully.

Provisos.
Information requested by Federal Reserve Board.

COURT REVIEW OF ORDERS

Court review of orders.

SEC. 25. (a) Any person aggrieved by an order issued by the Commission in a proceeding under this title to which such person is a party may obtain a review of such order in the Circuit Court of Appeals of the United States, within any circuit wherein such person Aggrieved party may file petition for.

Jurisdiction of Circuit Court of Appeals.

resides or has his principal place of business, or in the Court of Appeals of the District of Columbia, by filing in such court, within sixty days after the entry of such order, a written petition praying that the order of the Commission be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon any member of the Commission, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, and enforce or set aside such order, in whole or in part. No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged before the Commission. The finding of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court, affirming, modifying, and enforcing or setting aside, in whole or in part, any such order of the Commission, shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 346 and 347).

Service of petition upon Commission.

Objections limited.

Commission's findings on facts conclusive.

Leave to adduce additional evidence.

Commission may modify its findings as to facts.

Finality of court's decision; review by Supreme Court.

Vol. 36, p. 1157; Vol. 43, p. 938. U.S.C., p. 906.

(b) The commencement of proceedings under subsection (a) shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

Proceedings not to operate as a stay of Commission's order.

Unlawful representations.

UNLAWFUL REPRESENTATIONS

Action or inaction by Commission, construed.

SEC. 26. No action or failure to act by the Commission or the Federal Reserve Board, in the administration of this title shall be construed to mean that the particular authority has in any way passed upon the merits of, or given approval to, any security or any transaction or transactions therein, nor shall such action or failure to act with regard to any statement or report filed with or examined by such authority pursuant to this title or rules and regulations thereunder, be deemed a finding by such authority that such statement or report is true and accurate on its face or that it is not false or misleading. It shall be unlawful to make, or cause to be made, to any prospective purchaser or seller of a security any representation that any such action or failure to act by any such authority is to be so construed or has such effect.

Representations concerning, to prospective purchaser.

Jurisdiction of offenses and suits.

Enforcement provisions.

JURISDICTION OF OFFENSES AND SUITS

SEC. 27. The district courts of the United States, the Supreme Court of the District of Columbia, and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have exclusive jurisdiction of violations of this title or the rules and regulations thereunder, and of all suits in equity and actions at law brought to enforce any liability or duty created by

this title or the rules and regulations thereunder. Any criminal proceeding may be brought in the district wherein any act or transaction constituting the violation occurred. Any suit or action to enforce any liability or duty created by this title or rules and regulations thereunder, or to enjoin any violation of such title or rules and regulations, may be brought in any such district or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 128 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 225 and 347). No costs shall be assessed for or against the Commission in any proceeding under this title brought by or against it in the Supreme Court or such other courts.

Venue; criminal proceedings.

Actions to enforce liability, etc.

Judgments, etc., subject to review.
Vol. 36, p. 1133.
U.S.C., p. 895.

EFFECT ON EXISTING LAW

Effect on existing law.

SEC. 28. (a) The rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity; but no person permitted to maintain a suit for damages under the provisions of this title shall recover, through satisfaction of judgment in one or more actions, a total amount in excess of his actual damages on account of the act complained of. Nothing in this title shall affect the jurisdiction of the securities commission (or any agency or officer performing like functions) of any State over any security or any person insofar as it does not conflict with the provisions of this title or the rules and regulations thereunder.

Rights and remedies under Act to be additional.

Amount recoverable as damages.

Jurisdiction of State commissions.

(b) Nothing in this title shall be construed to modify existing law (1) with regard to the binding effect on any member of any exchange of any action taken by the authorities of such exchange to settle disputes between its members, or (2) with regard to the binding effect of such action on any person who has agreed to be bound thereby, or (3) with regard to the binding effect on any such member of any disciplinary action taken by the authorities of the exchange as a result of violation of any rule of the exchange, insofar as the action taken is not inconsistent with the provisions of this title or the rules and regulations thereunder.

Laws governing relationships between members and exchange authorities.

VALIDITY OF CONTRACTS

Validity of contracts.

SEC. 29. (a) Any condition, stipulation, or provision binding any person to waive compliance with any provision of this title or of any rule or regulation thereunder, or of any rule of an exchange required thereby shall be void.

Void conditions, stipulations, etc.

(b) Every contract made in violation of any provision of this title or of any rule or regulation thereunder, and every contract (including any contract for listing a security on an exchange) heretofore or hereafter made the performance of which involves the violation of, or the continuance of any relationship or practice in violation of, any provision of this title or any rule or regulation thereunder, shall be void (1) as regards the rights of any person who, in violation of any such provision, rule, or regulation, shall have made or engaged in the performance of any such contract, and (2) as regards the rights of any person who, not being a party to such contract, shall have acquired any right thereunder with actual knowledge of the facts by reason of which the making or performance of such contract was in violation of any such provision, rule or regulation.

Contracts.

Validity of transactions entered in good faith not affected.

(c) Nothing in this title shall be construed (1) to affect the validity of any loan or extension of credit (or any extension or renewal thereof) made or of any lien created prior or subsequent to the enactment of this title, unless at the time of the making of such loan or extension of credit (or extension or renewal thereof) or the creating of such lien, the person making such loan or extension of credit (or extension or renewal thereof) or acquiring such lien shall have actual knowledge of facts by reason of which the making of such loan or extension of credit (or extension or renewal thereof) or the acquisition of such lien is a violation of the provisions of this title or any rule or regulation thereunder, or (2) to afford a defense to the collection of any debt or obligation or the enforcement of any lien by any person who shall have acquired such debt, obligation, or lien in good faith for value and without actual knowledge of the violation of any provision of this title or any rule or regulation thereunder affecting the legality of such debt, obligation, or lien.

Foreign securities exchanges.

FOREIGN SECURITIES EXCHANGES

Unlawful transactions on.

SEC. 30. (a) It shall be unlawful for any broker or dealer, directly or indirectly, to make use of the mails or of any means or instrumentality of interstate commerce for the purpose of effecting on an exchange not within or subject to the jurisdiction of the United States, any transaction in any security the issuer of which is a resident of, or is organized under the laws of, or has its principal place of business in, a place within or subject to the jurisdiction of the United States, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors or to prevent the evasion of this title.

Business without the jurisdiction of United States.

(b) The provisions of this title or of any rule or regulation thereunder shall not apply to any person insofar as he transacts a business in securities without the jurisdiction of the United States, unless he transacts such business in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate to prevent the evasion of this title.

Registration fees.

REGISTRATION FEES

Payment.

SEC. 31. Every national securities exchange shall pay to the Commission on or before March 15 of each calendar year a registration fee for the privilege of doing business as a national securities exchange during the preceding calendar year or any part thereof. Such fee shall be in an amount equal to one five-hundredths of 1 per centum of the aggregate dollar amount of the sales of securities transacted on such national securities exchange during the preceding calendar year and subsequent to its registration as a national securities exchange.

Penalties.

PENALTIES

Violation of provisions of title; of regulations.

SEC. 32. Any person who willfully violates any provision of this title, or any rule or regulation thereunder the violation of which is made unlawful or the observance of which is required under the terms of this title, or any person who willfully and knowingly makes, or causes to be made, any statement in any application, report, or document required to be filed under this title or any rule or regulation thereunder, which statement was false or misleading with respect to any material fact, shall upon conviction be fined not more than $10,000, or imprisoned not more than two years, or both, except that when such person is an exchange, a fine not exceeding $500,000 may be imposed; but no person shall be subject to im-

False or misleading statement.

Punishment for.

prisonment under this section for the violation of any rule or regulation if he proves that he had no knowledge of such rule or regulation.

SEPARABILITY OF PROVISIONS

Separability of provisions.

SEC. 33. If any provision of this Act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of the Act, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

EFFECTIVE DATE

Effective date.

SEC. 34. This Act shall become effective on July 1, 1934, except that sections 6 and 12(b), (c), (d), and (e) shall become effective on September 1, 1934; and sections 5, 7, 8, 9(a) (6), 10, 11, 12(a), 13, 14, 15, 16, 17, 18, 19, and 30 shall become effective on October 1, 1934.

TITLE II—AMENDMENTS TO SECURITIES ACT OF 1933

Securities Act of 1933, amendments.

SECTION 201. (a) Paragraph (1) of section 2 of the Securities Act of 1933 is amended to read as follows:

Ante, p. 74.

Terms defined. "Security."

"(1) The term 'security' means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, or, in general, any interest or instrument commonly known as a 'security', or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing."

(b) Paragraph (4) of such section 2 is amended to read as follows:

"Issuer."

"(4) The term 'issuer' means every person who issues or proposes to issue any security; except that with respect to certificates of deposit, voting-trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type, the term 'issuer' means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which such securities are issued; except that in the case of an unincorporated association which provides by its articles for limited liability of any or all of its members, or in the case of a trust, committee, or other legal entity, the trustees or members thereof shall not be individually liable as issuers of any security issued by the association, trust, committee, or other legal entity; except that with respect to equipment-trust certificates or like securities, the term 'issuer' means the person by whom the equipment or property is or is to be used; and except that with respect to fractional undivided interests in oil, gas, or other mineral rights, the term 'issuer' means the owner of any such right or of any interest in such right (whether whole or fractional) who creates fractional interests therein for the purpose of public offering."

(c) Paragraph (10) of such section 2 is amended to read as follows:

"Prospectus."

"(10) The term 'prospectus' means any prospectus, notice, circular, advertisement, letter, or communication, written or by radio, which offers any security for sale; except that (a) a communication

shall not be deemed a prospectus if it is proved that prior to or at the same time with such communication a written prospectus meeting the requirements of section 10 was sent or given to the person to whom the communication was made, by the person making such communication or his principal, and (b) a notice, circular, advertisement, letter, or communication in respect of a security shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of section 10 may be obtained and, in addition, does no more than identify the security, state the price thereof, and state by whom orders will be executed."

Ante, p. 76.
Exempted securities.

SEC. 202. (a) Paragraph (2) of section 3 (a) of such Act is amended to read as follows:

Securities guaranteed by United States or political subdivision thereof.
District of Columbia, added.

"(2) Any security issued or guaranteed by the United States or any Territory thereof, or by the District of Columbia, or by any State of the United States, or by any political subdivision of a State or Territory, or by any public instrumentality of one or more States or Territories, or by any person controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States, or any certificate of deposit for any of the foregoing, or any security issued or guaranteed by any national bank, or by any banking institution organized under the laws of any State or Territory or the District of Columbia, the business of which is substantially confined to banking and is supervised by the State or Territorial banking commission or similar official; or any security issued by or representing an interest in or a direct obligation of a Federal Reserve bank";

(b) Paragraph (4) of such section 3 (a) is amended by striking out "corporation" and inserting in lieu thereof "person."

Annuity contracts.

(c) Such section 3 (a) is further amended by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon, and by inserting immediately after such paragraph (8) the following new paragraphs:

Securities exchanged with existing security holders.

"(9) Any security exchanged by the issuer with its existing security holders exclusively where no commission or other remuneration is paid or given directly or indirectly for soliciting such exchange;

Securities exchanged on readjustments.

"(10) Any security which is issued in exchange for one or more bona fide outstanding securities, claims or property interests, or partly in such exchange and partly for cash, where the terms and conditions of such issuance and exchange are approved, after a hearing upon the fairness of such terms and conditions at which all persons to whom it is proposed to issue securities in such exchange shall have the right to appear, by any court, or by any official or agency of the United States, or by any State or Territorial banking or insurance commission or other governmental authority expressly authorized by law to grant such approval;

Intrastate sales of securities.

"(11) Any security which is a part of an issue sold only to persons resident within a single State or Territory, where the issuer of such security is a person resident and doing business within or, if a corporation, incorporated by and doing business within, such State or Territory."

Exempted transactions.
Ante, p. 77.
Designated paragraphs repealed.

SEC. 203. (a) Paragraph (1) of section 4 of such Act is amended (1) by striking out "not with or through an underwriter and"; and (2) by striking out "last" and inserting in lieu thereof "first".

(b) Paragraph (3) of such section 4 is hereby repealed.

SEC. 204. Subsection (c) of section 5 of such Act is hereby repealed.

Ante, p. 81.

SEC. 205. Paragraph (1) of section 10(b) of such Act is amended to read as follows:

"(1) When a prospectus is used more than thirteen months after the effective date of the registration statement, the information in the statements contained therein shall be as of a date not more than twelve months prior to such use, so far as such information is known to the user of such prospectus or can be furnished by such user without unreasonable effort or expense." Statements in prospectus.

SEC. 206. (a) Section 11 (a) of such Act is amended by adding after the last line thereof the following new sentence: "If such person acquired the security after the issuer has made generally available to its security holders an earning statement covering a period of at least twelve months beginning after the effective date of the registration statement, then the right of recovery under this subsection shall be conditioned on proof that such person acquired the security relying upon such untrue statement in the registration statement or relying upon the registration statement and not knowing of such omission, but such reliance may be established without proof of the reading of the registration statement by such person." *Ante*, p. 82. False registration statements. Civil liabilities.

(b) Clauses (C) and (D) of paragraph (3) of section 11 (b) of such Act are amended to read as follows: "(C) as regards any part of the registration statement purporting to be made on the authority of an expert (other than himself) or purporting to be a copy of or extract from a report or valuation of an expert (other than himself), he had no reasonable ground to believe and did not believe, at the time such part of the registration statement became effective, that the statements therein were untrue or that there was an omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading, or that such part of the registration statement did not fairly represent the statement of the expert or was not a fair copy of or extract from the report or valuation of the expert; and (D) as regards any part of the registration statement purporting to be a statement made by an official person or purporting to be a copy of or extract from a public official document, he had no reasonable ground to believe and did not believe, at the time such part of the registration statement became effective, that the statements therein were untrue, or that there was an omission to state a material fact required to be stated therein or necessary to make the statements therein not misleading, or that such part of the registration statement did not fairly represent the statement made by the official person or was not a fair copy of or extract from the public official document." *Ante*, p. 83. Statement of expert (other than self). Public officials and documents.

(c) Subsection (c) of such section 11 is amended to read as follows:

"(c) In determining, for the purpose of paragraph (3) of subsection (b) of this section, what constitutes reasonable investigation and reasonable ground for belief, the standard of reasonableness shall be that required of a prudent man in the management of his own property." Reasonable investigation and ground for belief. *Ante*, p. 83.

(d) Subsection (e) of such section 11 is amended to read as follows:

"(e) The suit authorized under subsection (a) may be to recover such damages as shall represent the difference between the amount paid for the security (not exceeding the price at which the security was offered to the public) and (1) the value thereof as of the time such suit was brought, or (2) the price at which such security shall have been disposed of in the market before suit, or (3) the price at which such security shall have been disposed of after suit but before judgment if such damages shall be less than the damages representing the difference between the amount paid for the security (not exceeding the price at which the security was offered to the Suits; amount recoverable as damages. *Ante*, p. 83.

public) and the value thereof as of the time such suit was brought: *Provided*, That if the defendant proves that any portion or all of such damages represents other than the depreciation in value of such security resulting from such part of the registration statement, with respect to which his liability is asserted, not being true or omitting to state a material fact required to be stated therein or necessary to make the statements therein not misleading, such portion of or all such damages shall not be recoverable. In no event shall any underwriter (unless such underwriter shall have knowingly received from the issuer for acting as an underwriter some benefit, directly or indirectly, in which all other underwriters similarly situated did not share in proportion to their respective interests in the underwriting) be liable in any suit or as a consequence of suits authorized under subsection (a) for damages in excess of the total price at which the securities underwritten by him and distributed to the public were offered to the public. In any suit under this or any other section of this title the court may, in its discretion, require an undertaking for the payment of the costs of such suit, including reasonable attorney's fees, and if judgment shall be rendered against a party litigant, upon the motion of the other party litigant, such costs may be assessed in favor of such party litigant (whether or not such undertaking has been required) if the court believes the suit or the defense to have been without merit, in an amount sufficient to reimburse him for the reasonable expenses incurred by him, in connection with such suit, such costs to be taxed in the manner usually provided for taxing of costs in the court in which the suit was heard."

Proviso. Defendant not liable for damages, proved to bear no relationship to his misconduct.

Liability of underwriter receiving no preferential treatment.

Undertaking; costs of suit.

Assessment.

Periods of limitations reduced. *Ante*, p. 84.

SEC. 207. Section 13 of such Act is amended (a) by striking out "two years" wherever it appears therein and inserting in lieu thereof "one year"; (b) by striking out "ten years" and inserting in lieu thereof "three years"; and (c) by inserting immediately before the period at the end thereof a comma and the following: "or under section 12 (2) more than three years after the sale".

Liability of controlling persons. *Ante*, p. 84.

SEC. 208. Section 15 of such Act is amended by inserting immediately before the period at the end thereof a comma and the following: "unless the controlling person had no knowledge of or reasonable ground to believe in the existence of the facts by reason of which the liability of the controlled person is alleged to exist".

Powers of Commission; define technical terms. *Ante*, p. 85.

SEC. 209. (a) The first sentence of subsection (a) of section 19 of such Act is amended by inserting after the word "accounting" a comma and the word "technical".

Protection of persons relying on Commission in good faith.

(b) Subsection (a) of such section 19 is further amended by adding at the end thereof the following new sentence: "No provision of this title imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the Commission, notwithstanding that such rule or regulation may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason."

Transfer of duties, etc., from Federal Trade Commission. *Ante*, p. 93.

SEC. 210. Upon the expiration of sixty days after the date upon which a majority of the members of the Securities and Exchange Commission appointed under section 4 of title I of this Act have qualified and taken office, all powers, duties, and functions of the Federal Trade Commission under the Securities Act of 1933 shall be transferred to such Commission, together with all property, books, records, and unexpended balances of appropriations used by or available to the Federal Trade Commission for carrying out its functions under the Securities Act of 1933. All proceedings, hearings, or investigations commenced or pending before the Federal

Trade Commission arising under the Securities Act of 1933 shall be continued by the Securities and Exchange Commission. All orders, rules, and regulations which have been issued by the Federal Trade Commission under the Securities Act of 1933 and which are in effect shall continue in effect until modified, superseded, revoked, or repealed. All rights and interests accruing or to accrue under the Securities Act of 1933, or any provision of any regulation relating to, or out of action taken by, the Federal Trade Commission under such Act, shall be followed in all respects and may be exercised and enforced.

Investigations authorized; report and recommendations.

SEC. 211. The Commission is authorized and directed to make a study and investigation of the work, activities, personnel, and functions of protective and reorganization committees in connection with the reorganization, readjustment, rehabilitation, liquidation, or consolidation of persons and properties and to report the result of its studies and investigations and its recommendations to the Congress on or before January 3, 1936.

Approved, June 6, 1934, 12:15 p.m.

[CHAPTER 405.]

AN ACT

June 6, 1934.
[H.R. 6179.]
[Public, No. 292.]

To amend an Act entitled "An Act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes."

Alaska coal lands.
Vol. 38, p. 745.
U.S.C., p. 1595.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved October 20, 1914, entitled "An Act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes" (38 Stat.L. 741; U.S.C., title 48, secs. 432 to 452, inclusive), be, and the same is hereby, amended by adding thereto the following section:

Lessees relieved of acreage rentals.

"SEC. 19. In the event the Secretary of the Interior, in the interest of conservation, or for other satisfactory cause, shall direct, or shall assent to the suspension of operation and/or production of coal, or shall have heretofore so directed or assented, under any lease granted under the terms of this Act, any payment of acreage rental prescribed by such lease likewise shall be suspended during such period of suspension of operations and/or production, and payment of any rental heretofore accrued during such period of suspension but remaining unpaid shall be waived; and the term of such lease shall be extended by adding thereto any such suspension period."

Term of lease extended.

Approved, June 6, 1934.

[CHAPTER 406.]

AN ACT

June 6, 1934.
[H.R. 7353.]
[Public, No. 293.]

Granting the consent of Congress to any two or more States to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime, and for other purposes.

Prevention of crime.
Compacts between States for mutual assistance in, approved.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to any two or more States to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and in the enforcement of their respective criminal laws and policies, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 6, 1934.

[CHAPTER 407.]

AN ACT

June 6, 1934.
[H.R. 8494.]
[Public, No. 294.]

To authorize the Secretary of the Interior to modify the terms of existing contracts for the sale of timber on the Quinault Indian Reservation when it is in the interest of the Indians so to do.

Quinault Indian Reservation, Wash., timber sales.
Modification of existing contracts with consent of Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, with the consent of the Indians involved, expressed through a regularly called general council, and of the purchasers, is hereby authorized to modify the terms of now-existing and uncompleted contracts of sale of Indian tribal timber on the Quinault Indian Reservation in the State of Washington: *Provided*, That any such modifications shall be upon the express condition that said purchaser shall forthwith proceed to operate under all the terms of said contract as modified or suffer forfeiture of such contract and collection upon bond: *And provided further*, That any modification of said contracts shall stipulate that in the event of sufficiently improved economic conditions the Secretary of the Interior with the consent of the said general council is authorized, after consultation with the purchasers and the Indians involved and after ninety days' notice to them, to increase stumpage prices of timber reduced in any such modified contract: *And provided further*, That hereafter no contract of sale of Indian tribal timber on the Quinault Indian Reservation in Washington shall be entered into without the consent of the said general council.

Provisos.
Condition of operation.

Increasing stumpage prices.

Consent of Quinault council to sale of timber.

Existing contracts between individual allottees, etc., may be modified.

SEC. 2. The Secretary of the Interior may modify existing contracts between individual Indian allottees or their heirs and purchasers of their timber, under the terms and requirements of section 1 of this Act, with the consent of the allottee or his heirs.

Indian labor.

SEC. 3. In all such modified contracts the purchasers of Indian timber on tribal lands or on restricted or trust allotments in all operations pertaining to the logging and manufacturing of said timber shall be required to give preference to the employment of Indian labor.

Ozette Railway Company.
Contracts for hauling logs.

SEC. 4. That any modification of the contract with the Ozette Railway Company shall stipulate that that company shall haul logs of other timber owners on its railroad line, as freight, for such other owners with its ordinary equipment and at reasonable charges when such logs are tendered to it at places on its railroad line designated by such company; and its railroad shall be, and become, a common-carrier railroad and be extended to the Hoh River and be a common-carrier railroad for its entire length.

Approved, June 6, 1934.

[CHAPTER 408.]

AN ACT

June 6, 1934.
[H.R. 9370.]
[Public, No. 295.]

To authorize an appropriation of money to facilitate the apprehension of certain persons charged with crime.

Persons charged with crime.
Appropriation authorized; reward for capture.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, as a reward or rewards for the capture of anyone who is charged with violation of criminal laws of the United States or any State or of the District of Columbia the sum of $25,000 to be apportioned and expended in the discre-

tion of, and upon such conditions as may be imposed by, the Attorney General of the United States. That there is also hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, as a reward or rewards for information leading to the arrest of any such person the sum of $25,000 to be apportioned and expended in the discretion of, and upon such conditions as may be imposed by, the Attorney General of the United States: *Provided*, That not more than $25,000 shall be expended for information or capture of any one person.

Furnishing information leading to arrest.

Proviso. Restriction.

If the said persons or any of them shall be killed in resisting lawful arrest, the Attorney General may pay any part of the reward or rewards in his discretion to the person or persons whom he shall adjudge to be entitled thereto: *Provided*, That no part of the money authorized to be appropriated by this Act shall be paid to any official or employee of the Department of Justice of the United States.

Discretionary payments where fugitive killed.

Proviso. No payment to officials of Department of Justice.

Approved, June 6, 1934.

[CHAPTER 409.]

JOINT RESOLUTION

June 6, 1934. [S.J.Res. 123.] [Pub. Res., No. 29.]

Empowering certain agents authorized by the Secretary of Agriculture to administer oaths to applicants for tax-exemption certificates under the Cotton Act of 1934.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That any county agent or member of a county committee or community committee of a cotton-production-control association who is authorized in writing by the Secretary of Agriculture to act as his agent in the administration of the Agricultural Adjustment Act shall, while he is acting as such agent, have power to administer oaths to persons making applications (if made within the county in which such agent is authorized to act) for tax-exemption certificates under section 6 of the Act of April 21, 1934, entitled "An Act to place the cotton industry on a sound commercial basis, to prevent unfair competition and practices in putting cotton into the channels of interstate and foreign commerce, to provide funds for paying additional benefits under the Agriculture Adjustment Act, and for other purposes", but no fee or compensation shall be charged or received by any such agent for administering such an oath.

Cotton Act of 1934. Certain designated agents authorized to administer oaths.

Ante, p. 601.

No fee to be charged.

Approved, June 6, 1934.

[CHAPTER 424.]

AN ACT

June 7, 1934. [H.R. 5884.] [Public, No. 296.]

To amend an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and Acts amendatory thereof and supplementary thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 1, 1898, entitled "An Act to establish a uniform system of bankruptcy throughout the United States", as amended by the Acts of February 5, 1903, June 15, 1906, June 25, 1910, March 2, 1917, January 7, 1922, May 27, 1926, February 11, 1932, and March 3, 1933, be, and it is hereby, amended by adding to chapter VIII, entitled "Provisions for the relief of debtors", two new sections to read as follows:

Bankruptcy Act of 1898, amendments. Vol. 30, pp. 544–566; Vol. 32, p. 797; Vol. 34, p. 267; Vol. 36, p. 838; Vol. 39, p. 999; Vol. 42, p. 354; Vol. 44, p. 662; Vol. 47, p. 1467. U.S.C., pp. 243–256; Supp. VII, p. 135.

Provisions for the relief of debtors.
Courts of bankruptcy, additional jurisdiction.

"SEC. 77A. ADDITIONAL JURISDICTION.—In addition to the jurisdiction exercised in voluntary and involuntary proceedings to adjudge persons bankrupt, courts of bankruptcy shall exercise original jurisdiction in proceedings for the relief of debtors, as provided in section 77B of this Act.

Corporate reorganizations.
Petition in bankruptcy, insolvent corporations.
Filing authorized.
Vol. 47, p. 1474.

"SEC. 77B. CORPORATE REORGANIZATIONS.—(a) Any corporation which could become a bankrupt under section 4 of this Act, and any railroad or other transportation corporation, except a railroad corporation authorized to file a petition or answer under the provisions of section 77 of this Act, and except as hereinafter provided, may file an original petition, or, before adjudication in an involuntary proceeding, an answer, or in any proceeding pending in bankruptcy, whether filed before or after this section becomes effective, provided the present operations of such corporation do not exclude it hereunder, and whether or not the corporation has been adjudicated a

Facts to be furnished.

bankrupt, a petition stating the requisite jurisdictional facts under this section; the nature of the business of the debtor; in brief description, the assets, liabilities, capital stock, and financial condition of the debtor; if a prior proceeding is pending, the name of the court in which it is pending and the nature of such proceeding; facts showing the need for relief under this section; and that the corporation is insolvent or unable to meet its debts as they mature and that it desires to effect a plan of reorganization. The petition shall be filed with the court in whose territorial jurisdiction the corporation, during the preceding six months or the greater portion thereof, has had its principal place of business or its principal assets, or in any territorial jurisdiction in the State in which it was incorporated.

Transfer of proceedings.

The court shall upon petition transfer such proceedings to the territorial jurisdiction where the interests of all the parties will be best subserved.

Filing fee.

The petition or answer shall be accompanied by payment to the clerk of a filing fee of $100, which shall be in addition to the fees required to be collected by the clerk under other sections of this Act.

Court order.

Upon the filing of such a petition or answer the judge shall enter an order either approving it as properly filed under this section if satisfied that such petition or answer complies with this section and has been filed in good

Debtor and property, jurisdiction over during pendency of proceedings.

faith, or dismissing it. If the petition or answer is so approved, an order of adjudication in bankruptcy shall not be entered and the court in which such order approving the petition or answer is entered shall, during the pendency of the proceedings under this section, have exclusive jurisdiction of the debtor and its property wherever located for the purposes of this section, and shall have and may exercise all the powers, not inconsistent with this section, which a Federal court would have had it appointed a receiver in equity of the property of the debtor by reason of its inability to pay its debts as

Corporation referred to as "debtor."
Subsidiary may file plan for reorganization.

they mature. The corporation shall be referred to in the proceedings as a 'debtor.' Any corporation the majority of the capital stock of which having power to vote for the election of directors is owned, either directly or indirectly through an intervening medium, by any debtor, or substantially all of whose properties are operated by such debtor under lease or operating agreement, may file, with the court in which such debtor had filed its petition or answer, and in the same proceeding, a petition stating that it is insolvent or unable to meet its debts as they mature and that it desires to effect a plan of reorganization in connection with, or as a part of, the plan of

Jurisdiction.

reorganization of such other debtor; and thereupon such court, if it approves such petition, shall have the same jurisdiction with respect to such corporation, its property, and its creditors and stockholders

as the court has with respect to such other debtor. Three or more creditors who have provable claims against any corporation which amount in the aggregate, in excess of the value of securities held by them, if any, to $1,000 or over may, if such corporation has not filed a petition or answer under this section, file with the court in which such corporation might file a petition under this section, a petition stating that such corporation is insolvent or unable to meet its debts as they mature and, if a prior proceeding in bankruptcy or equity receivership is not pending, that it has committed an act of bankruptcy within four months, that such creditors propose that it shall effect a reorganization; and such corporation shall, within ten days after the service of a copy of such petition upon it, answer such petition. If such answer shall admit (a) the jurisdiction of the court, and (b) the material allegations of the petition, the court shall enter an order approving the petition as properly filed under this section if satisfied that it complies with this section and has been filed in good faith, or dismiss it if not so satisfied. If such answer shall deny any material allegation of the petition, the judge shall determine summarily the issues presented by the pleadings, without the intervention of a jury, and if the material allegations of the petition are sustained by the proofs and the court is satisfied that the petition complies with this section and has been filed in good faith it shall approve the petition; otherwise the court shall dismiss the petition; and if any such petition shall be so approved, the proceedings thereon shall continue with like effect as if the corporation had itself filed a petition or answer under this section. In case any such petition or answer or proceedings shall be dismissed in the manner provided in this subdivision (a) or in subdivision (c), clause (8), of this section, the same shall not constitute an act of bankruptcy or an admission of insolvency or be admissible in evidence, without the consent of the debtor, in any proceedings then or thereafter pending or commenced under this Act or in any Federal or State court. If three or more creditors who have provable claims which amount in the aggregate in excess of the value of securities held by them, if any, to $1,000 or over, or if stockholders holding 5 per centum in number of all shares of stock of any class of the debtor outstanding shall, prior to the hearing provided for in subdivision (c), clause (1), of this section appear and controvert the facts alleged in the petition or answer, the judge shall determine as soon as may be the issues presented by the pleadings, without the intervention of a jury, and unless the material allegations of the petition or answer are sustained by the proofs, the proceedings shall be dismissed.

Petition by creditors; involuntary bankruptcy.

Answer of corporation.

Order of court if allegations are admitted.

If answer denies.

Determination of issues.

Dismissal not to constitute act of bankruptcy.

Proceedings by creditors controverting statements in petition or answer.

"(b) A plan of reorganization within the meaning of this section (1) shall include provisions modifying or altering the rights of creditors generally, or of any class of them, secured or unsecured, either through the issuance of new securities of any character or otherwise; (2) may include provisions modifying or altering the rights of stockholders generally, or of any class of them, either through the issuance of new securities of any character or otherwise; (3) shall provide for the payment in cash of all costs of administration and other allowances made by the court except that compensation or reimbursement provided for in subdivision (c), clause (9), of this section, may be paid in securities provided for in the plan if those entitled thereto will accept such payment and the court finds such compensation reasonable; (4) shall provide in respect of each class of stockholders, of which less than a majority shall accept such plan (unless the judge shall determine either that the debtor is insolvent, or that the interest of such class of stockholders will not

Plan of reorganization.

Scope of.

Rights of creditors.

Of stockholders.

Payments; administration costs, allowances.

Stockholders equity, protection of.

be affected adversely by the plan), adequate protection for the realization by them of the value of their equity, if any, in the property of the debtor dealt with by the plan, either, as provided in the plan, (a) by a sale of the property at not less than a fair upset price, or (b) by appraisal and payment in cash of the value either of their stock, or at the objecting stockholders' election, of the securities allotted to such stockholders under the plan, if any shall be so allotted, or (c) by such methods as will do substantial justice to such stockholders under and consistent with the circumstances of the particular case; (5) shall provide in respect of each class of creditors of which less than two thirds in amount shall accept such plan (unless the claims of such class of creditors will not be affected by the plan, or the plan makes provision for the payment of their claims in cash in full), provide adequate protection for the realization by them of the value of their interests, claims, or liens, if the property affected by such interests, claims, or liens is dealt with by the plan, either as provided in the plan (a) by the transfer or sale of such property subject to such interests, claims, or liens, or by the retention of such property by the debtor subject to such interests, claims, or liens, or (b) by a sale free of such interests, claims, or liens at not less than a fair upset price and the transfer of such interests, claims, or liens to the proceeds of such sale; or (c) by appraisal and payment either in cash of the value either of such interests, claims, or liens, or, at the objecting creditors' election, of the securities allotted to such interests, claims, or liens under the plan, if any shall be so allotted; or (d) by such method as will in the opinion of the judge, under and consistent with the circumstances of the particular case, equitably and fairly provide such protection; (6) may reject contracts of the debtor which are executory in whole or in part, including unexpired leases except contracts in the public authority; (7) shall, in case any creditor or stockholder or class thereof shall not be affected by the plan, specify the creditor or stockholder or class or classes thereof not affected and contain such provisions with respect thereto as may be appropriate, and in case any controversy shall arise as to whether any creditor or stockholder or class thereof shall or shall not be affected, the issue shall be determined by the judge after hearing upon notice to the parties interested; (8) shall specify what claims, if any, are to be paid in cash in full; (9) shall provide adequate means for the execution of the plan, which may include the transfer of all or any part of the property of the debtor to another corporation or to other corporations, or the consolidation of the properties of the debtor with those of another corporation, or the merger or consolidation of the debtor into or with another corporation or corporations, or the retention of the property by the debtor, the distribution of assets among creditors or any class thereof, the satisfaction or modification of liens, indentures, or other similar instruments, the curing or waiver of defaults, extension of maturity dates of outstanding securities, the change in interest rates and other terms of such securities, the amendment of the charter of the debtor, and the issuance of securities of either the debtor or any such corporation or corporations, for cash, or in exchange for existing securities, or in satisfaction of claims or rights, or for other appropriate purposes; (10) may deal with all or any part of the property of the debtor and may include any other appropriate provisions not inconsistent with this section. No creditor or stockholder shall, for the purposes of this section be deemed to be affected by any plan of reorganization unless the same shall affect his interests materially and adversely. The term 'securities' shall include evidences of indebtedness, either secured or unsecured, stock,

Creditors interest, claims, etc., protection of.

Executory contracts of debtor, unexpired leases; rejection.

If creditor or stockholder not affected by plan.

Specify claims to be paid in cash.

Means for execution of plan.

General power.

Creditor deemed affected by reorganization.

Terms defined; "Security."

certificates of beneficial interest therein, and certificates of beneficial interest in property. The term 'stockholders' shall include the holders of voting trust certificates. The term 'creditors' shall include for all purposes of this section and of the reorganization plan, its acceptance and confirmation, all holders of claims of whatever character against the debtor or its property, including claims under executory contracts, whether or not such claims would otherwise constitute provable claims under this Act. The term 'claims' includes debts, securities, other than stock, liens, or other interests of whatever character. For all purposes of this section unsecured claims which would have been entitled to priority over existing mortgages if a receiver in equity of the property of the debtor had been appointed by a Federal court on the day of the approval of the petition or answer under this section, shall be entitled to such priority, and the holders of such claims, and of other claims, if any, of equal rank, shall be treated as a separate class of creditors. In case an executory contract or unexpired lease of real estate shall be rejected pursuant to direction of the judge given in a proceeding instituted under this section, or shall have been rejected by a trustee or receiver in bankruptcy or receiver in equity, in a proceeding pending prior to the institution of a proceeding under this section any person injured by such rejection shall, for all purposes of this section and of the reorganization plan, its acceptance and confirmation, be deemed to be a creditor. The claim of a landlord for injury resulting from the rejection of an unexpired lease of real estate or for damages or indemnity under a covenant contained in such lease shall be treated as a claim ranking on a parity with debts which would be provable under section 63 (a) of this Act, but shall be limited to an amount not to exceed the rent, without acceleration, reserved by said lease for the three years next succeeding the date of surrender of the premises to the landlord or the date of reentry of the landlord, whichever first occurs, whether before or after the filing of the petition, plus unpaid rent accrued up to such date of surrender or reentry: *Provided*, That the court shall scrutinize the circumstances of an assignment of future rent claims and the amount of the consideration paid for such assignment in determining the amount of damages allowed assignee hereunder. In the case of secured claims entitled to the provisions of clause (5) of this subdivision (b), the value of the security shall be determined in the manner provided in section 57, clause (h) of this Act, and if the amount of such value shall be less than the amount of the claim, the excess may be classified as an unsecured claim. The provisions of section 60 of this Act shall apply to claims against the debtor in a proceeding under this section. For all purposes of this section any creditor may act in person, by an attorney at law, or by a duly authorized agent or committee: *Provided*, That the judge shall scrutinize and may disregard any limitations or provisions of any depositary agreements, trust indentures, committee or other authorizations affecting any creditor acting under this section and may enforce an accounting thereunder or restrain the exercise of any power which he finds to be unfair or not consistent with public policy and may limit any claims filed by such committee member or agent, to the actual consideration paid therefor. The running of all periods of time prescribed by any other provisions of this Act, and by all statutes of limitations, shall be suspended during the pendency of a proceeding under this section.

"Stockholders."

"Creditors."

"Claims."

Priority.

Persons injured by rejection of executory contract.

Claim of landlord for injury through loss of rent.

Limitation.

Provisos.
Rent claims to be scrutinized.

Determination of value of security in secured claims.

Depositary agreement, etc., affecting creditor may be disregarded.

Accounting; restraint of power found to be unfair.

Running of statutes of limitation suspended during pendency of proceedings.

"(c) Upon approving the petition or answer or at any time thereafter, the judge, in addition to the jurisdiction and powers elsewhere in this section conferred upon him, (1) may, after hearing upon

Authority of judge upon approval of petition or answer.

Debtor's estate, possession of.

notice to the debtor and to such others as the judge may determine temporarily continue the debtor in possession or appoint a trustee or trustees of the debtor's estate, and shall require the debtor, or such trustee or trustees, if appointed, to give such notice as the order may direct to creditors and stockholders and to cause publication thereof to be made at least once a week for two successive weeks of a hearing to be held within thirty days after such appointment, or, if no such appointment, within thirty days after the approval of the petition or answer, at which hearing or any adjournment thereof, or at any subsequent hearing after notice, the judge may make permanent any such appointment, or terminate it and restore the debtor to possession, or, if no trustee has been appointed, may appoint a trustee or trustees, and may remove any such trustee or trustees and continue the debtor in possession or appoint a substitute trustee or trustees and may appoint an additional trustee or trustees;

Trustee's bond, powers, etc.

(2) shall fix the amount of the bond of every such trustee, and every such trustee, upon filing such bond, shall have all the title and shall exercise, subject to the control of the judge and consistently with the provisions of this section, all the powers of a trustee appointed pursuant to section 44 of this Act, and if authorized by the judge, the same powers as those exercised by a receiver in equity to the extent consistent with this section, and, subject to the authorization and control of the judge, the power to operate the business of the debtor during such period, fixed or indefinite, as the judge may from time to time prescribe;

Issuance of certificates for cash, property, etc.; conditions.

(3) may, for cause shown, authorize the debtor or the trustee or trustees, if appointed, to issue certificates for cash, property, or other consideration approved by the judge for such lawful purposes, and upon such terms and conditions and with such security and such priority in payments over existing obligations, secured or unsecured, as may be lawful in the particular case;

Schedules of debtor.

(4) shall require the debtor, or the trustee or trustees if appointed, at such time or times as the judge may direct, and in lieu of the schedules required by section 7 of this Act, to file such schedules and submit such other information as may be necessary to disclose the conduct of the debtor's affairs and the fairness of any proposed plan; and may direct the debtor, or the trustee or trustees if

List of known bondholders, etc., to be prepared.

appointed, to prepare (a) a list of all known bondholders and creditors of, or claimants against, the debtor or its property, and the amounts and character of their debts, claims, and securities, and the last known post-office address or place of business of each creditor

Stockholders.

or claimant, and (b) a list of the stockholders of each class of the debtor, with the last known post-office address or place of business of each, which lists shall be open to the inspection of any creditor or stockholder of the debtor, during reasonable business hours, upon application to the debtor, or to the trustee or trustees, if appointed, and the contents of such lists shall not constitute admissions by the debtor or the trustees in a proceeding under this section or otherwise;

Executory contracts may be rejected.

(5) may direct the rejection of contracts of the debtor executory in whole or in part;

Time for filing claims and interests of creditors, etc.

(6) shall determine a reasonable time within which the claims and interests of creditors and stockholders may be filed or evidenced and after which no such claim or interest may participate in any plan, except on order for cause shown, the manner in which such claims and interests may be filed or evidenced and allowed, and, for the purposes of the plan and its acceptance,

Classification of creditors.

the division of creditors and stockholders into classes according to the nature of their respective claims and interests; and may, for the purposes of such classification, classify as an unsecured claim, the amount of any secured claim in excess of the value of the security therefor, such value to be determined in accordance with the provi-

sions of section 57, clause (h), of this Act; (7) shall cause reasonable notice of such determination and of all hearings for the consideration of any proposed plan, or of the dismissal of the proceedings, or the liquidation of the estate, or the allowance of fees or expenses, to be given creditors and stockholders by publication or otherwise; (8) if a plan of reorganization is not proposed or accepted within such reasonable period as the judge may fix, or, if proposed and accepted, is not confirmed, may, after hearing, whether the proceeding be voluntary or involuntary, either extend such period or dismiss the proceeding under this section or, except in the case of a railroad or other public utility or of a debtor which has not been found by the judge to be insolvent, direct the estate to be liquidated, or direct the trustee or trustees to liquidate the estate, appointing a trustee or trustees if none shall previously have been appointed, as the interests of the creditors and stockholders may equitably require; (9) may allow a reasonable compensation for the services rendered and reimbursement for the actual and necessary expenses incurred in connection with the proceeding and the plan by officers, parties in interest, depositaries, reorganization managers and committees or other representatives of creditors or stockholders, and the attorneys or agents of any of the foregoing and of the debtor, but appeals from orders fixing such allowances may be taken to the Circuit Court of Appeals independently of other appeals in the proceeding and shall be heard summarily; (10) in addition to the provisions of section 11 of this Act for the staying of pending suits against the debtor, may enjoin or stay the commencement or continuation of suits against the debtor until after final decree; and may, upon notice and for cause shown, enjoin or stay the commencement or continuance of any judicial proceeding to enforce any lien upon the estate until after final decree; and (11) may refer any matters to a special master, who may be one of the referees in bankruptcy, for consideration and report, either generally or upon specified issues, and allow such master a reasonable compensation and reimbursement for his services and actual and necessary expenses. The debtor shall have the right to be heard on all questions. Any creditor or stockholder shall have the right to be heard on the question of the permanent appointment of any trustee or trustees, and on the proposed confirmation of any reorganization plan, and upon filing a petition for leave to intervene, on such other questions arising in the proceeding as the judge shall determine. In case a trustee is not appointed, the debtor shall continue in the possession of its property, and, if authorized by the judge, shall operate the business thereof during such period, fixed or indefinite, as the judge may from time to time prescribe, and shall have all the title to and shall exercise, consistently with the provisions of this section, all the powers of a trustee appointed pursuant to this section, subject at all times to the control of the judge, and to such limitations, restrictions, terms, and conditions as the judge may from time to time impose and prescribe. While the debtor is in possession (a) its officers shall be entitled to receive only such reasonable compensation as the judge shall from time to time approve, and (b) no person shall be elected or appointed to any office, to fill a vacancy or otherwise, without the prior approval of the judge.

Notice to creditors.

Fees and other expenses.

Proceedings may be extended or dismissed.

Liquidation.

Allowances for services and expenses.

Appeals permitted.

Judge may enjoin or stay suit against debtor.

May refer matter to special master.

Debtor's right to hearing.

Debtor, if continued in possession, subject to court rules.

Compensation of officers.

Filling vacancies.

"(d) A plan of reorganization which has been approved by creditors of the debtor, whose claims would be affected by the plan, being not less than 25 per centum in amount of any class of creditors, and not less than 10 per centum in amount of all the claims against the debtor, or. if the debtor is not found by the judge to be insolvent,

Plan of reorganization.
By creditor.

By stockholders.

but is found unable to meet its debts as they mature, by stockholders whose interests would be affected by the plan, provided said amount is not less than 10 per centum of any class of stock outstanding and not less than 5 per centum of the total number of shares of all classes of stock outstanding, may be proposed by any creditor or by any

By debtor.

stockholder, or without such approval by the debtor, at a hearing duly noticed for its consideration or for the consideration of any other plan of reorganization similarly proposed.

Acceptance by two-thirds creditors and majority stockholders.

(e) (1) A plan of reorganization shall not be confirmed until it has been accepted in writing, whether before or after the filing of the petition or answer under this section, and such acceptance shall have been filed in the proceeding by or on behalf of creditors holding two thirds in amount of the claims of each class whose claims have been allowed and would be affected by the plan and by or on behalf of stockholders of the debtor holding a majority of the stock of each class: *Provided, however*, That such acceptance shall not be requisite to the confirmation of the plan by any creditor or class of creditors (a) whose claims are not affected by the plan, or (b) if the plan makes provision for the payment of their claims in cash in full, or (c) if provision is made in the plan for the protection of the interests, claims, or liens of such creditor or class of creditors in the manner provided in subdivision (b), clause (5), of this section: *And provided further*, That such acceptance shall not be requisite to the confirmation of the plan by any stockholder or class of stockholders (1) if the judge shall have determined either that the debtor is insolvent, or that the interests of such stockholder or stockholders will not be affected by the plan, or (2) if provision is made in the plan for the protection of the interests of such stockholder or class of stockholders in the manner provided in subdivision (b), clause (4), of this section. With such acceptance there shall be set forth, verified in such manner as the judge shall require, what, if any, contracts of the debtor are executory in whole or in part, and what unexpired leases have been rejected and surrendered. With such acceptance there shall be filed a statement, verified in such manner as the judge shall require, showing what, if any, claims and shares of stock have been purchased or transferred by those accepting the plan after the commencement or in contemplation of the proceeding, and the circumstances of such purchase or transfer: *Provided, however*, That if the judge is satisfied that by reason of the number of securities outstanding and the extent of the public dealing therein the preparation of such a statement would be impractical, he may direct that it be not filed. If the United States of America is a creditor or stockholder, the Secretary of the Treasury is hereby authorized to accept or reject a plan in respect of the interests or claims of the United States.

Provisos.
Exceptions.
Creditor's claim unaffected.
Payment.

Safeguarding creditor's interests.

If debtor insolvent, confirmation not requisite.

If protection is provided for.

Statement of claims and shares purchased or transferred to be filed.

Filing waived if deemed impractical.

Federal claims.

Reorganization if debtor is a utility, under regulatory commission.

"(2) In case the debtor is a utility subject to the jurisdiction of a regulatory commission or commissions or other regulatory authority or authorities, created by the laws of the State or States in which the properties of the debtor are operated, a plan of reorganization shall not be confirmed until (a) it shall be submitted to each such commission or authority having regulatory jurisdiction over the debtor,

Plan to be submitted.

Amendments or objections permitted.

(b) an opportunity shall be afforded each such commission or authority to suggest amendments or objections to the plan, and (c) the judge shall consider such amendments or objections at a hearing at which each such commission or authority may be heard. In case the debtor is a public utility corporation wholly intrastate in character no court shall approve any plan of reorganization if the regulatory commission of such State having jurisdiction over such public utility certifies that the public interest is affected by said plan, unless said regulatory commission shall first approve of said plan

State's jurisdiction, if utility intrastate.

as to the public interest therein and the fairness thereof. If said regulatory commission shall not within thirty days or such additional period as the court may prescribe after the submission of a plan to it file said certificate it shall be deemed that the public interest is not affected by said plan.

Approval, if no adverse decision filed.

"(f) After hearing such objections as may be made to the plan, the judge shall confirm the plan if satisfied that (1) it is fair and equitable and does not discriminate unfairly in favor of any class of creditors or stockholders, and is feasible; (2) it complies with the provisions of subdivision (b) of this section; (3) it has been accepted as required by the provisions of subdivision (e), clause (1) of this section; (4) the provisions of subdivision (e), clause (2), of this section have been complied with; (5) all amounts to be paid by the debtor or by any corporation or corporations acquiring the debtor's assets, and all amounts to be paid to committees or reorganization managers, whether or not by the debtor or any such corporation for services or expenses incident to the reorganization, have been fully disclosed and are reasonable, or are to be subject to the approval of the judge; (6) the offer of the plan and its acceptance are in good faith and have not been made or procured by any means or promises forbidden by this Act; and (7) the debtor, and every other corporation, issuing securities or acquiring property under the plan, is authorized by its charter or by applicable State or Federal laws, upon confirmation of the plan, to take all action necessary to carry out the plan, and that, in case the debtor is a utility corporation subject to the jurisdiction of a regulatory commission or commissions or other regulatory authority or authorities, created by the laws of the State or States in which the properties of the debtor are operated, all authorizations, approvals, or consents of each such commission or authority required by the laws of such State or States, have been obtained. Before or after a plan is confirmed, changes and modifications may be proposed therein by any party in interest and may be made with the approval of the judge after hearing upon notice to creditors and stockholders, subject to the right of any creditor or stockholder who shall previously have accepted the plan to withdraw his acceptance, within a period to be fixed by the judge and after such notice as the judge may direct, if, in the opinion of the judge, the change or modification will be materially adverse to the interest of such creditor or stockholder, and if any creditor or stockholder having such right of withdrawal shall not withdraw within such period, he shall be deemed to have accepted the plan as changed or modified: *Provided, however*, That the plan as changed or modified shall comply with the provisions of subdivision (b) of this section and shall have been or shall thereafter be accepted as required by the provisions of subdivision (e), clause (1), of this section, including acceptances by reason of failure to withdraw as hereinbefore provided, and the provisions of this subdivision (f), and of subdivision (e), clause (2), of this section, shall have been complied with in respect thereof. Upon confirmation of the plan by the judge, the debtor and other corporation or corporations organized or to be organized for the purpose of carrying out the plan, shall have full power and authority to put into effect and carry out the plan and the orders of the judge relative thereto. The provisions of subdivisions 1, 2, and 3 of schedule A of title VIII of the Revenue Act of 1926, as amended by sections 721, 722, and 723 of the Revenue Act of 1932 and the provisions of sections 724 and 725 of the Revenue Act of 1932 shall not apply to the issuance, transfers, or exchanges of securities or making or delivery of conveyances to make effective any plan of reorganization confirmed under the provisions of this section.

Confirmation of plan; when.

If debtor a public utility.

Modification of plan.

Proviso.
Changes to conform to provisions of section.

Execution of plan upon confirmation of judge.

Revenue Acts of 1926 and 1932.

Issuance of securities, making or delivery of conveyances exempted from provisions of.

Vol. 41, p. 101; Vol. 47, p. 272.

Plan binding upon all when confirmed.

"(g) Upon such confirmation the provisions of the plan and of the order of confirmation shall be binding upon (1) the debtor, (2) all stockholders thereof, including those who have not, as well as those who have, accepted it, and (3) all creditors, secured or unsecured, whether or not affected by the plan, and whether or not their claims shall have been filed, and, if filed, whether or not approved, including creditors who have not, as well as those who have, accepted it.

Execution of, under direction of judge.

"(h) Upon final confirmation of the plan, the debtor and other corporation or corporations organized or to be organized for the purpose of carrying out the plan, shall have full power and authority to, and shall put into effect and carry out the plan and the orders of the judge relative thereto, under and subject to the supervision and control of the judge, and the property dealt with by the plan, when transferred and conveyed by the trustee or trustees to the debtor or the other corporation or corporations provided for by the plan, or, if no trustee has been appointed, when retained by the debtor pursuant to the plan or transferred by it to the other corporation or corporations provided for by the plan, shall be free and clear of all claims of the debtor, its stockholders and creditors, except such as may consistently with the provisions of the plan be reserved in the order confirming the plan or directing such transfer and conveyance or retention, and the court may direct the trustee or trustees, or if there be no trustee, the debtor and any mortgagee, the trustee of any obligation of the debtor, and all other proper and necessary parties, to make any such transfer or conveyance, and may direct the debtor to join in any such transfer or conveyance made by the trustee or trustees. Upon the termination of the proceedings a final decree shall be entered discharging the trustee or trustees, if any, making such provisions as may be equitable, by way of injunction or otherwise, and closing the case. Such final decree shall discharge the debtor from its debts and liabilities, and shall terminate and end all rights and interests of its stockholders, except as provided in the plan or as may be reserved as aforesaid. All securities issued pursuant to any plan of reorganization confirmed by the court in accordance with the provisions of this section, including, without limiting the generality of the foregoing, any securities issued pursuant to such plan for the purpose of raising money for working capital and other purposes of such plan and securities issued by the debtor or by the trustee or trustees pursuant to subdivision (c), clause (3), of this section, and all certificates of deposit representing securities of or claims against the debtor which it is proposed to deal with under any such plan, shall be exempt from all the provisions of the Securities Act of 1933, approved May 27, 1933, except the provisions of subdivision (2) of section 12, and section 17 thereof, and except the provisions of section 24 thereof as applied to any willful violation of said section 17.

Necessary transfers to effectuate.

Final decree of discharge to be entered on termination of proceedings.

Securities issued pursuant to reorganization plan, exempt from operation of Securities Act of 1933.
Ante, p. 74.

Fraud excepted.
Ante, p. 84.

Appointment of receiver or trustee not a stay to institution of proceedings.

"(i) If a receiver or trustee of all or any part of the property of a corporation has been appointed by a Federal, State, or Territorial court, whether before or after this amendatory Act takes effect a petition or answer may be filed under this section at any time thereafter by the corporation, or its creditors as provided in subdivision (a) of this section and if such petition or answer is approved, the trustee or trustees appointed under this section, or the debtor if no trustee is appointed, shall be entitled forthwith to possession of and vested with title to such property, and the judge shall make such orders as he may deem equitable for the protection of obligations incurred by the receiver or prior trustee and for the payment of such reasonable administrative expenses and allowances in the prior pro-

Debtor entitled to immediate possession, if court approves.

ceeding as may be fixed by the court appointing said receiver or prior trustee. If a receiver or trustee has been appointed by a Federal or State or Territorial court prior to the institution of a proceeding under this section, and such proceeding shall be dismissed under subdivision (c), clause (8), of this section, the judge may include in the order of dismissal appropriate orders directing the trustee or trustees, or the debtor if no trustee is appointed, to transfer possession of the debtor's property within the territorial jurisdiction of such court to the receiver or prior trustee so appointed, upon such terms as the judge may deem equitable for the protection of obligations incurred by any trustee or trustees appointed under this section, and for the payment of administrative expenses and allowances in the proceeding hereunder. For the purposes of this section the words 'Federal court' shall include the district courts of the United States and of the Territories and possessions to which this amendatory Act is or may hereafter be applicable, the Supreme Court of the District of Columbia, and the United States Court of Alaska, and the District Court of the United States for the Territory of Hawaii.

Retransfer, if dismissed.

"Federal court" construed for purposes of section.

"(j) A certified copy of the final decree or of an order confirming a plan of reorganization, or of any other decree or order entered in a proceeding under this section, shall be evidence of the jurisdiction of the court, the regularity of the proceedings, and the fact that the decree or order was made. A certified copy of an order directing the transfer of the property dealt with by the plan as provided in subdivision (h) of this section shall be evidence of the transfer of title accordingly, and if recorded shall impart the same notice that a deed, if recorded, would impart.

Certified copy of confirming order; evidence.

"(k) If an order is entered directing the trustee or trustees to liquidate the estate pursuant to the provisions of clause (8) of subdivision (c) of this section: (1) The case may be referred to a referee as provided in section 22, who shall be compensated as provided in section 40; (2) the first meeting of creditors shall be held as provided in section 55, upon notice as provided in section 58; (3) a trustee or trustees shall be appointed as provided in section 44, and be compensated as provided in section 48; (4) claims which are provable under section 63 may be proved as provided in section 57, except that the time within which proof may be made shall not expire until six months after the date of the last publication of the notice of the first meeting; (5) debts shall be entitled to priority as provided in section 64; (6) sales shall be made as provided in subdivision (b) of section 70; (7) dividends may be declared and paid as provided in section 65. None of the sections enumerated in this subdivision (k), except subdivisions (g), (i), (j), and (m) of section 57, and subdivisions (a) and (e) of section 70, shall apply to proceedings instituted under this section 77B unless and until an order has been entered directing the trustee or trustees to liquidate the estate. All other provisions of this Act, except such as are inconsistent with the provisions of this section 77B, shall apply to proceedings instituted under this section, whether or not an order to liquidate the estate has been entered. For the purposes of such application, provisions relating to 'bankrupts' shall be deemed to relate also to 'debtors'; 'bankruptcy proceedings' or 'proceedings in bankruptcy' shall be deemed to include proceedings under this section; the date of the order approving the petition or answer under this section shall be taken to be the date of adjudication, and such order shall have the same consequences and effect as an order of adjudication.

Proceedings prescribed, if liquidation of debtor's estate, ordered.

Prohibitions. Denying right to affiliate with labor organization.

"(l) No judge, debtor, or trustee acting under this section shall deny or in any way question the right of employees on the property under the jurisdiction of the judge, to join the labor organization of their choice, and it shall be unlawful for any judge, debtor, or trustee to interfere in any way with the organizations of employees, or to use funds under such jurisdiction, in maintaining so-called company unions, or to coerce employees in an effort to induce them to join or remain members of such company unions.

Requiring prospective employee to agree not to join labor union.

"(m) No judge, debtor, or trustee acting under this section shall require any person seeking employment on the property under the jurisdiction of the judge to sign any contract or agreement promising to join or to refuse to join a labor organization; and if such contract has been enforced on the property prior to the property coming under the jurisdiction of said judge, then the judge, debtor, or trustee, as soon as the matter is called to his attention, shall notify the employees by an appropriate order that said contract has been discarded and is no longer binding on them in any way.

Corporation's right to petition if operating or owning railroad.

"(n) Nothing contained in this section shall be construed or be deemed to affect or apply to the stockholders, creditors, or officers of any corporation operating or owning a railroad or railroads, railway or railways, owned in whole or in part by any municipality and/or owned or operated by a municipality, or under any contract to any municipality by or on its behalf or in conjunction with such municipality under any contract, lease, agreement, certificate, or in any other manner provided by law for such operation: *Provided, however*, That this paragraph shall not apply to or affect any corporation or the stockholders, creditors, or officers thereof, if not more than 20 per centum of its operating revenue is derived from such operations.

Municipally owned.

Proviso. Inoperative, if revenue derived is not more than 20 percent.

Jurisdictional provisions.

"(o) In proceedings under this section and consistent with the provisions thereof, the jurisdiction and powers of the court, the duties of the debtor and the rights and liabilities of creditors, and of all persons with respect to the debtor and its property, shall be the same as if a voluntary petition for adjudication had been filed and a decree of adjudication had been entered on the day when the debtor's petition or answer was approved.

Effective date of section.

"(p) This section shall take effect and be in force from and after the date of the approval of this amendatory Act and shall apply as fully to debtors, their stockholders and creditors, whose interests or debts have been acquired or incurred prior to such date, as to debtors, their stockholders and creditors, whose interests or debts are acquired or incurred after such date. Proceedings under this section may be taken in proceedings in bankruptcy which are pending on the effective date of this amendatory Act."

Application to pending proceedings.

Creditors' meeting. Vol. 47, p. 1468.

SEC. 2. Section 74, subdivision (e), of such Act of July 1, 1898, as amended, is amended by adding a new sentence at the end of the subdivision, to read as follows: "After the first meeting of the creditors as provided in subdivision (c), the debtor fails to obtain the acceptance of a majority in number of all creditors whose claims are affected by an extension proposal representing a majority in amount, the debtor may submit a proposal for an extension including a feasible method of financial rehabilitation for the debtor which is for the best interest of all the creditors, including an equitable liquidation for the secured creditors whose claims are affected."

Debtors proposal for extension.

Vol. 47, p. 1467. Personal representative of deceased included for settlement purposes.

Said section 74, as amended by the Act of March 3, 1933, shall include the personal representative of a deceased individual for the purpose of effecting settlement or composition with the creditors

of the estate: *Provided, however*, That such personal representative shall first obtain the consent and authority of the court which has assumed jurisdiction of said estate, to invoke the relief provided by said Act of March 3, 1933. The first sentence of subdivision (m) of said section 74 is amended to read as follows: "The filing of a debtor's petition or answer seeking relief under this section shall subject the debtor and his property, wherever located, to the exclusive jurisdiction of the court in which the order approving the petition or answer as provided in subdivision (a) is filed, and this shall include property of the debtor in the possession of a trustee under a trust deed or a mortgage, or a receiver, custodian or other officer of any court in a pending cause, irrespective of the date of appointment of such receiver or other officer, or the date of the institution of such proceedings: *Provided*, That it shall not affect any proceeding in any court in which a final decree has been entered."

Provisos.
Court's approval necessary.

Filing debtor's petition subjects him to exclusive jurisdiction of court.

Proceeding in which final decree entered not affected.

SEC. 3. In the administration of the Act of July 1, 1898, entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, the district court or any judge thereof shall, in its or his discretion, so apportion appointments of receivers and trustees among persons, firms, or corporations, or attorneys therefor, within the district, eligible thereto, as to prevent any person, firm, or corporation from having a monopoly of such appointments within such district. No person shall be appointed as a receiver or trustee who is a near relative of the judge of the court making such appointment. The compensation allowed a receiver or trustee or an attorney for a receiver or trustee shall in no case be excessive or exorbitant, and the court in fixing such compensation shall have in mind the conservation and preservation of the estate of the bankrupt and the interests of the creditors therein.

Receivers, etc., in bankruptcy.

Apportionment of appointments to prevent a monopoly.

Relative of appointing judge.

Pay of receiver, etc.

SEC. 4. (a) Section 63 (a) of the Act of July 1, 1898, entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, is amended to read as follows: "(a) Debts of the bankrupt may be proved and allowed against his estate which are (1) a fixed liability, as evidenced by a judgment or an instrument in writing, absolutely owing at the time of the filing of the petition against him, whether then payable or not, with any interest thereon which would have been recoverable at that date or with a rebate of interest upon such as were not then payable and did not bear interest; (2) due as costs taxable against an involuntry [1] bankrupt who was at the time of the filing of the petition against him plaintiff in a cause of action which would pass to the trustee and which the trustee declines to prosecute after notice; (3) founded upon a claim for taxable costs incurred in good faith by a creditor before the filing of a petition in an action to recover a provable debt; (4) founded upon an open account, or upon a contract express or implied; (5) founded upon provable debts reduced to judgments after the filing of the petition and before the consideration of the bankrupt's application for a discharge, less costs incurred and interest accrued after the filing of the petition and up to the time of the entry of such judgments; (6) founded upon an award of an industrial accident commission, or other commission, body or officer, of any State or Territory having power or jurisdiction to make awards as workmen's compensation in case of injury or death for injury prior to adjudication; (6½) the amount of any damages, as evidenced by a judgment of a court of competent jurisdiction, in any action for negligence instituted prior to adjudication of defendant in such action in bankruptcy and pending at the time

Provable debts.
Vol. 30, p. 562.

Fixed liability.

Costs taxable against involuntary bankrupt.

Sundry claims.

Founded on industrial accident commission, etc.

Negligence.

[1] So in original.

Future rents; limitation.

of the filing of petition in bankruptcy, whether voluntary or involuntary; and (7) claims for damages respecting executory contracts including future rents whether the bankrupt be an individual or a corporation, but the claim of a landlord for injury resulting from the rejection by the trustee of an unexpired lease of real estate or for damages or indemnity under a covenant contained in such lease shall in no event be allowed in an amount exceeding the rent reserved by the lease, without acceleration, for the year next succeeding the date of the surrender of the premises plus an amount equal to the unpaid rent accrued up to said date: *Provided*, That the court shall scrutinize the circumstances of an assignment of future rent claims and the amount of the consideration paid for such assignment in determining the amount of damages allowed assignee hereunder: *Provided further*, That the provisions of this clause (7) shall apply to estates pending at the time of the enactment of this amendatory Act."

Provisos.
Court examination of assignment.

Applicability.

Foregoing to have priority.

(b) The provisions of clause (6) of section 63 (a) of such Act of July 1, 1898, as amended by this section, shall apply to estates pending at the time of the enactment of this Act, and claims provided for in such clause (6) shall have the priority provided for in clause (7) of section 64 (b) of such Act of July 1, 1898, as amended.

Bankrupt estates.

SEC. 5. Section 67 (f) of the Act of July 1, 1898, entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, is amended to read as follows: "That all levies, judgments, attachments, or other liens, obtained through legal proceedings against a person who is insolvent, at any time within four months prior to the filing of a petition in bankruptcy against him, and any bond which may be given to dissolve any such lien so created, shall be deemed null and void in case he is adjudged a bankrupt, and the property affected by the levy, judgment, attachment, or other lien, and any nonexempt property of his which he shall have deposited or pledged as security for such bond or to indemnify any surety thereon, shall be deemed wholly discharged and released from the same, and shall pass to the trustee as a part of the estate of the bankrupt, unless the court shall, on due notice, order that the right under such levy, judgment, attachment, or other lien shall be preserved for the benefit of the estate; and thereupon the same may pass to and shall be preserved by the trustee for the benefit of the estate as aforesaid. And the court may order such conveyance as shall be necessary to carry the purposes of this section into effect: *Provided*, That nothing herein contained shall have the effect to destroy or impair the title obtained by such levy, judgment, attachment, or other lien, of a bona fide purchaser for value who shall have acquired the same without notice or reasonable cause for inquiry.

Judgments, attachments and liens obtained against.

Proviso.
Title of bona fide purchaser.

Conciliation commissioners.
Franking privilege.
Vol. 47, p. 1470.

SEC. 6. Conciliation commissioners appointed under section 75 of such Act of July 1, 1898, as amended, shall be entitled to transmit in the mails free of postage under cover of a penalty envelope all matters which relate exclusively to the business of the Government, including notices to creditors.

Railroad reorganization.

SEC. 7. Proceedings under section 77 of chapter 8, amendment to the Act of July 1, 1898, entitled "An Act to establish a uniform system of bankruptcy throughout the United States", as amended, approved March 3, 1933, shall not be grounds for the removal of any cause of action to the United States district court which was not removable before the passage and approval of this section, and any cause of action heretofore removed from a State court on account of this section shall be remanded to the court from which it was removed, and such order of removal vacated.

Causes heretofore not removable to Federal court to be so remanded.
Vol. 47, p. 1474.

Conciliation commissioners.
Vol. 47, p. 1470.

SEC. 8. That the first sentence of subsection (a) of section 75 of the Act of July 1, 1898, entitled "An Act to establish a uniform system of bankruptcy throughout the United States" as amended, is amended to read as follows:

Appointment, by bankruptcy courts in every county having 500 or more farmers.

"Within thirty days after the enactment of this Act every court of bankruptcy of which the jurisdiction or territory includes a county or counties having an agricultural population (according to the last available United States census) of five hundred or more farmers shall appoint one or more referees to be known as 'conciliation commissioners', one such conciliation commissioner to be appointed for each county having an agricultural population of five hundred or more farmers according to said census: *Provided further*, That where any county in any such district contains a smaller number of farmers according to said census, for the purposes of this paragraph such county shall be included with one or more adjacent counties where the population of the counties so combined includes five hundred or more farmers, according to said census."

Proviso.
Inclusion of counties unprovided for.

Compensation.

SEC. 9. That the second sentence of subdivision (b) of section 75 of the Act of July 1, 1898, entitled "An Act to establish a uniform system of bankruptcy throughout the United States", as amended, is amended to read as follows: "The conciliation commissioner shall receive as compensation for his services, including all expenses, a fee of $25 for each case docketed and submitted to him, to be paid out of the Treasury."

Vol. 47, p. 1474.

SEC. 10. That section 76 of the Act of July 1, 1898, as amended, is amended to read as follows:

Obligations of persons secondarily liable.

"SEC. 76. Extensions made pursuant to the foregoing provisions of this chapter shall extend the obligation of any person who is secondarily liable for or who may have insured or guaranteed such debt or debts, or any part thereof, or bonds issued upon the security of same, and a copy of the order confirming such extension, certified as required by the provisions of law with reference to judgments and proceedings in courts of the United States, shall be sufficient evidence that such extension has been confirmed in any suit or proceeding brought against any such person so liable."

Approved, June 7, 1934, 12 o'clock, noon.

[CHAPTER 425.]

AN ACT

June 7, 1934.
[S. 2696.]
[Public, No. 297.]

To amend an Act entitled "An Act granting a charter to the General Federation of Women's Clubs."

General Federation of Women's Clubs.
Vol. 31, p. 1439; Vol. 42, p. 490.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 2 and 4 of the Act entitled "An Act granting a charter to the General Federation of Women's Clubs", approved March 3, 1901, as amended by an Act approved April 28, 1904, be, and the same are hereby, amended to read as follows:

Property holdings increased.

"SEC. 2. That the said corporation is authorized to acquire, by devise, bequest, or otherwise, hold, purchase, and convey such real and personal estate as shall or may be required for the purpose of its incorporation not exceeding $1,500,000, with authority in said corporation, should it be by it deemed necessary so to do, to mortgage or otherwise encumber the real estate which it may hereafter own or acquire and may give therefor such evidences of indebtedness as such corporation may decide upon."

Places of meeting.

"SEC. 4. That said corporation be, and it is hereby, authorized to hold its meetings at such places outside of Washington, in the District of Columbia, as it from time to time may deem best."

Approved, June 7, 1934.

[CHAPTER 426.]

AN ACT

June 7, 1934.
[S. 3524.]
[Public, No. 298.]

To amend an Act of Congress approved February 9, 1893, entitled "An Act to establish a court of appeals for the District of Columbia, and for other purposes."

United States Court of Appeals for the District of Columbia.
Vol. 27, p. 434.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the court established by the Act of February 9, 1893 (27 Stat. 434), entitled "An Act to establish a court of appeals for the District of Columbia, and for other purposes", shall hereafter be known as the United States Court of Appeals for the District of Columbia.

Approved, June 7, 1934.

[CHAPTER 427.]

JOINT RESOLUTION

June 7, 1934.
[H.J.Res. 352.]
[Pub. Res., No. 30.]

To provide funds to enable the Secretary of Agriculture to cooperate with States in control of chinch bugs.

Chinch-bug control.
Appropriation for.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable the Secretary of Agriculture to apply such methods of control of chinch bugs as in his judgment may be essential to accomplish such purposes, in cooperation with such authorities of the States concerned, organizations, or individuals, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until December 31, 1934, the sum of $1,000,000: *Provided*, That this appropriation shall be used for expenditures of general administration and supervision, purchase and transportation of materials used for the control of chinch bugs, and such other expenses as in the discretion of the Secretary of Agriculture may be deemed necessary, including the employment of persons and means in the District of Columbia and elsewhere and rent outside the District of Columbia: *Provided further*, That the cooperating State shall be responsible for the local distribution and utilization of such materials on privately owned lands, including full labor costs: *Provided further*, That, in the discretion of the Secretary of Agriculture, no part of this appropriation shall be expended for chinch-bug control in any State until such State has provided the necessary organization for the cooperation herein indicated: *Provided further*, That procurements under this appropriation may be made by open-market purchase notwithstanding the provisions of section 3709, Revised Statutes: *And provided further*, That no part of this appropriation shall be used to pay the cost or value of farm animals, farm crops, or other property injured or destroyed.

Provisos.
Objects specified.

Cooperating State responsible for local distribution, etc.

Condition.

Open-market purchases.
R.S., sec. 3709, p. 733.
U.S.C., p. 1309.

Approved, June 7, 1934.

[CHAPTER 429.]

AN ACT

June 8, 1934.
[S. 2692.]
[Public, No. 299.]

Relating to the record of registry of certain aliens.

Registry of certain aliens; political or religious refugees.
Vol. 45, p. 1551.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision (a) of section 1 of the Act entitled "An Act to supplement the naturalization laws, and for other purposes", approved March 2, 1929, is amended by adding to the end thereof the following:

Application.

"Upon application filed with the Commissioner General of Immigration within one year after the approval of this Act such registry may also be made as to any alien not ineligible to citizenship

who entered the United States prior to July 1, 1933, in whose case there is no record of admission for permanent residence and (a) who prior to that date could not be deported to any country to which it was lawful to deport him, and (b) who was in the United States as a bona fide political or religious refugee, if such alien shall make a satisfactory showing to the Commissioner General of Immigration, in accordance with regulations prescribed by the Commissioner General of Immigration, with the approval of the Secretary of Labor, that he—

Conditions and requirements.

"(1) Has not been out of the United States since entry;

"(2) Is a person of good moral character;

"(3) Is not subject to deportation under any law other than the Immigration Act of 1924; and

Vol. 43, p. 162.

"(4) Did not, before July 1, 1933, withhold from the immigration authorities of the United States necessary information concerning his personal history sought in connection with their application to the authorities of any foreign country for permission to deport him thereto."

Approved, June 8, 1934.

[CHAPTER 430.]

AN ACT

June 8, 1934.
[S. 3641.]
[Public, No. 300.]

To extend the times for commencing and completing the construction of a bridge across the Saint Lawrence River at or near Ogdensburg, New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Saint Lawrence River at or near Ogdensburg, New York, authorized to be built by the Saint Lawrence Bridge Commission by an Act of Congress approved June 14, 1933, are hereby extended one and three years, respectively, from June 14, 1934.

Saint Lawrence River.
Time extended for bridging, at Ogdensburg, N.Y.

Ante, p. 141.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 8, 1934.

[CHAPTER 442.]

AN ACT

June 11, 1934.
[S. 2980.]
[Public, No. 301.]

To modify the effect of certain Chippewa Indian treaties on areas in Minnesota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the passage of this Act lands in Minnesota ceded to the United States by the treaty of September 30, 1854 (10 Stat.L. 1109), between the United States and the Chippewa Indians of Lake Superior and the Mississippi and by the treaty of February 22, 1855 (10 Stat.L. 1165), between the United States and the Mississippi Bands of Chippewa Indians, shall no longer be considered as "Indian country" for the purposes of article 7 of said treaties: *Provided*, That in that portion in the said State of Minnesota affected by this Act the Indian liquor laws shall continue to apply to the sale, gift, barter, exchange, and so forth, of liquors to ward Indians of the classes set forth in the Act of January 30, 1897 (29 Stat.L. 506), and to the manufacture or sale of liquors on individual Indian allotments or other individual Indian-owned lands while the title to same is held in trust by the United States or while the same shall remain inalienably by the Indian without the consent of some governmental officer.

Chippewa Indians in Minnesota.
Certain lands, no longer to be considered "Indian country."
Vol. 10, pp. 1109, 1165.

Proviso.
Application of liquor laws.

Vol. 29, p. 506.

Approved, June 11, 1934.

[CHAPTER 443.]

AN ACT

June 11, 1934.
[H.R. 5334.]
[Public, No. 302.]

To amend the third clause of section 14 of the Act of March 3, 1879 (20 Stat. 359; U.S.C., title 39, sec. 226).

Second-class mail, Postal Service. Vol. 20, p. 359; U.S.C., p. 1249.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third clause of section 14, Act of March 3, 1879 (20 Stat. 359; U.S.C., title 39, sec. 226), is hereby amended by the addition of the following sentence: "*Provided*, That publications produced by the stencil, mimeograph, or hectograph process or in imitation of typewriting shall not be regarded as printed within the meaning of this clause."

Mimeograph, etc., productions not regarded as printed.

Approved, June 11, 1934.

[CHAPTER 444.]

AN ACT

June 11, 1934.
[H.R. 9180.]
[Public, No. 303.]

Relating to the incorporation of Columbus University of Washington, District of Columbia, organized under and by virtue of a certificate of incorporation pursuant to the incorporation laws of the District of Columbia as provided in subchapter 1 of chapter 18 of the Code of Laws of the District of Columbia.

District of Columbia. Columbus University, incorporation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the incorporation of the Columbus University of Washington, District of Columbia, under chapter 18 of the Code of Laws of the District of Columbia, be, and the same is hereby, approved and confirmed, except as herein specifically altered.

Trustees, etc.

SEC. 2. The number of trustees for the management of said corporation shall be not more than fourteen and not less than twelve and at least two of whom shall be members of each existing council of the Knights of Columbus, each of whom shall be a member of the District of Columbia branch of the fraternal organization known and designated as the "Knights of Columbus"; that J. Fred Brady, John E. Burns, W. Francis Delaney, John P. Dunn, William G. Feely, G. E. Herring, George F. Howell, Harold Francis Jones, William E. Leahy, James P. McKeon, Walter I. Plant, T. J. Quirk, and M. J. Willcoxon shall constitute the original board of trustees under this Act; that the board of trustees shall elect, from among themselves, one member to be president, one member to be vice president, one member to be treasurer, and one member to be secretary of said corporation; that the board of trustees shall elect, from among themselves, one member to be chairman, one member to be vice chairman, and one member to be secretary of the board of trustees; that at the first meeting of the board subsequent to the passage of this Act the trustees shall be divided into three classes, the members of the first class to serve for a period of three years, the members of the second class to serve for a period of four years, and the members of the third class, which class shall include the president, vice president, treasurer, and secretary of the corporation, to serve for a period of five years; that the said trustee shall serve for the periods mentioned and/or until their successors are designated, the power and designation being in the board of trustees; that the number of professorships which may be established by said corporation shall be left to the discretion of the board of trustees who shall have the power to establish ordinances and bylaws for the conduct of the business of the corporation, or to alter, repeal, and amend the same, and also power to frame laws and regulations to govern the faculty and students in all departments thereof and to

designate such professors and lecturers as they shall deem necessary and with such salaries and duties as the said board of trustees shall deem proper: *Provided, however*, That no member of the board of trustees, except the president, shall serve in a teaching capacity in the university.

Seal.

SEC. 3. The said corporation shall adopt a common seal, under and by which all deeds, diplomas, and acts of the said university or corporation shall pass and be authenticated, and the same seal at their pleasure to break and alter, or to devise a new one.

Nonsectarian character.

SEC. 4. Persons of every religious denomination shall be eligible to membership on the faculty and that no person shall be refused admittance to the university as a pupil, or denied any of the privileges, immunities, or advantages thereof, for or on account of his or her sentiments in matters of religion.

Funds.

SEC. 5. The funds, moneys, and properties of the corporation shall be held in the name of Columbus University and that the funds or the income of the corporation, or any part thereof, shall be used for no purpose or object other than to promote and advance the best interests of Columbus University.

Exclusive use of name.

SEC. 6. No institution of learning hereafter incorporated in the District of Columbia shall use in or as its title, in whole or in part, the words "Columbus University."

Amendment.

SEC. 7. Nothing in this Act contained shall be so construed as to prevent Congress from altering, amending, or repealing the same.

Approved, June 11, 1934.

[CHAPTER 445.]

AN ACT

June 11, 1934.
[H.R. 9280.]
[Public, No. 304.]

Relating to deposits in the United States of public moneys of the government of the Philippine Islands.

Philippine Islands.
Secretary of Treasury authorized to accept deposits of government's funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized to accept, upon such terms and conditions as he may from time to time prescribe, deposits of public moneys of the government of the Philippine Islands and to pay out of any funds in the Treasury not otherwise appropriated, interest on any or all of such deposits, other than demand deposits, at such rate or rates, not in excess of 2 per centum per annum, as the Secretary of the Treasury may from time to time prescribe.

Interest allowed.

Approved, June 11, 1934.

[CHAPTER 446.]

AN ACT

June 11, 1934.
[S. 3540.]
[Public, No. 305.]

To amend section 32 of the Emergency Farm Mortgage Act of 1933.

Emergency Farm Mortgage Act, amendment.
Redemptions.
Ante, p. 48.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fifth sentence of section 32 of the Emergency Farm Mortgage Act of 1933 is amended by striking out "which has been foreclosed at any time between July 1, 1931, and the date of the enactment of this Act, or which is foreclosed after the enactment of this Act".

Approved, June 11, 1934.

[CHAPTER 447.]

AN ACT

June 11, 1934.
[H.R. 5522.]
[Public, No. 306.]

To amend the Standard Baskets Act of August 31, 1916, to provide for a one-pound Climax basket for mushrooms.

Standard Baskets Act of 1916, amended.
Vol. 39, p. 673; Vol. 45, p. 685.
U.S.C., p. 377; Supp. VII, p. 261.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes", approved August 31, 1916, is amended by adding at the end thereof the following new paragraph:

Climax baskets for mushrooms.

"The standards for Climax baskets for mushrooms shall be those set forth above, except that a one-pound Climax basket of the following dimensions shall be standard for mushrooms when plainly stamped or marked on the side of the basket with the words 'for mushrooms only': Length of bottom piece, seven and three fourths inches; width of bottom piece, three and three sixteenths inches; thickness of bottom piece, three eighths of an inch; height of basket, three and five eighths inches; top of basket, length, nine and three eighths inches; width, four and three eighths inches; all outside measurements. Basket to have a cover four and three eighths by nine and three eighths inches when cover is used."

Dimensions.

Unlawful uses.

SEC. 2. Section 3 of such Act of August 31, 1916, is amended by inserting immediately before the semicolon a comma and the following: "or to use in any such shipment for any commodity other than mushrooms the one-pound Climax basket provided for in section 1 of this Act."

Effective date.

SEC. 3. This Act shall take effect two months after the date of its enactment.

Approved, June 11, 1934.

[CHAPTER 465.]

AN ACT

June 12, 1934.
[S. 1780.]
[Public, No. 307.]

To provide for the discontinuance of the use as dwellings of buildings situated in alleys in the District of Columbia, and for the replatting and development of squares containing inhabited alleys, in the interest of public health, comfort, morals, safety, and welfare, and for other purposes.

District of Columbia Alley Dwelling Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable the President, in the interest of public health, comfort, morals, safety, and welfare, to provide for the discontinuance of the use as dwellings of buildings situated in alleys and to eliminate the hidden communities in inhabited alleys of the District of Columbia, and to carry out the policy declared in the Act approved May 16, 1918, as amended, of caring for the alley population of the District of Columbia, the President is hereby authorized and empowered, within the limits of the amounts herein authorized—

Vol. 33, p. 733; Vol. 38, p. 716; Vol. 40, p. 550; Vol. 42, p. 837.

Authority of President.
Post, p. 932.

Acquisition of inhabited alley property.

(a) To purchase, or acquire by condemnation or gift, any land, buildings, or structures, or any interest therein, situated in or adjacent to any inhabited alley in the District of Columbia, and such other land, buildings, or structures, or any interest therein, within any square containing an inhabited alley as he may determine to be necessary for the replatting and improvement of said square pursuant to the provisions of this Act;

Replat and improve lands so acquired.

(b) To replat any land acquired under this Act; to pave or repave any street or alley thereon; to construct sewers and water mains therein; to install street lights thereon; to demolish, move, or alter any buildings or structures situated thereon and erect such

buildings or structures thereon as deemed advisable: *Provided, however*, That the same shall be done and performed in accordance with the laws and municipal regulations of the District of Columbia applicable thereto;

Proviso. Municipal regulations to govern.

(c) To lease, rent, maintain, equip, manage, exchange, sell, or convey any such lands, buildings, or structures upon such terms and conditions as he may determine: *Provided*, That if any such land is required for the purposes of the government of the District of Columbia such land may be transferred to the said government upon payment to the Authority of the reasonable value thereof; and

Lease, equip, convey, etc., structures and land.

Proviso. Transfer to District, if for government purposes.

(d) To aid in providing, equipping, managing, and maintaining houses and other buildings, improvements, and general community utilities on the property acquired under the provisions of this Act, by loans, upon such terms and conditions as he may determine, to limited dividend corporations whose dividends do not exceed 6 per centum per annum, or to home owners to enable such corporations or home owners to acquire and develop sites on the property: *Provided, however*, That no loan shall be made at a lower rate of interest than 5 per centum per annum, and that all such loans shall be secured by reserving a first lien on the property involved for the benefit of the United States.

Aid in redeveloping property by loans to limited dividend corporations.

Proviso. Interest rate on loans.

SEC. 2 (a) The President may designate, for the purpose of carrying out the provisions of this Act, such official or agency of the Government of the United States or of the District of Columbia (hereinafter referred to as "the Authority") as in his judgment is deemed necessary or advantageous, and the Authority shall have or obtain all powers necessary or appropriate therefor, including the employment of necessary personal services; but (1) all plans for replatting and/or method of condemnation under the provisions of this Act shall be submitted to and receive the written approval of the National Capital Park and Planning Commission and of the Board of Commissioners of the District of Columbia: *Provided, however*, That (a) failure of the National Capital Park and Planning Commission or of the Board of Commissioners of the District of Columbia to formally approve or disapprove in writing within sixty days after a plan has been submitted shall be equivalent to a formal approval, and (b) disapproval shall be accompanied by a written statement giving all the reasons for disapproval; and (2) any plan which shall involve action by any department, bureau, or agency of the United States or of the District of Columbia shall be made after consultation with such department, bureau, or agency.

President may designate an administrative agency.

To be referred to as "the Authority"; powers.

Approval of replatting plans; method of condemnation.

Proviso. Failure to formally approve or disapprove.

Reasons to be stated, if disapproved.

Plan involving action by Federal or District Governments.

(b) In the event condemnation proceedings are required to carry out the provisions of this Act the same shall be conducted in accordance with the provisions of the Act entitled "An Act to provide for the acquisition of land in the District of Columbia for the use of the United States", approved March 1, 1929.

Condemnation proceedings. Vol. 45, p. 1437.

(c) If the Authority determines in the case of any alley that it will be more advantageous to proceed in accordance with sections 1608 to 1610, inclusive, of the Code of Laws of the District of Columbia, the Commissioners of the District of Columbia shall be notified of such determination and proceedings shall then be had as provided in such sections for alleys and minor streets, except that if the total amount of damages awarded by the jury and the cost and expenses of the proceedings be in excess of the total amount of the assessment for benefits, such excess shall be borne and paid by the Authority.

Vol. 31, pp. 1429, 1430.

SEC. 3. (a) The President is hereby authorized, in his discretion, to make immediately available to the Authority for its lawful uses

Fund allocated.

Ante, pp. 200, 275.

and as needed, from the allocation made from the appropriation to carry out the purposes of the National Industrial Recovery Act, contained in the Fourth Deficiency Act, fiscal year 1933, now carried under the title, "National Industrial Recovery, Federal Emergency Administration of Public Works, Housing, 1933–1935", symbol 03/5666, not to exceed $500,000 of any amount thereof dedicated for low-cost housing and slum-clearance projects in the District of Columbia, to be set aside in the Treasury and be known as "Conversion of inhabited alleys fund" (hereinafter referred to as the "fund").

"Conversion of inhabited alleys fund."

Additional sums may be borrowed.

(b) The Authority is hereby authorized and empowered to borrow such moneys from individuals or private corporations as may be secured by the property and assets acquired under the provisions of this Act, and such moneys, together with all receipts from sales, leases, or other sources, shall be deposited in the fund and shall be available for the purposes of this Act.

Use as a revolving fund.

Availability; annual appropriation after 1935.

(c) The fund shall remain available until June 30, 1935, and thereafter shall be available annually in such amount as may be specified in the annual appropriation Acts.

Limitation on property payments.

(d) The total amount paid for property or properties acquired in any square shall not exceed 30 per centum over and above the present assessed value of all the property or properties acquired in any square to carry out the provisions of this Act.

Plans to be expedited.

Reports.

SEC. 4. (a) The objects set forth in section 1 of this Act shall be accomplished as rapidly as feasible and to this end the Authority shall, in its report for the fiscal year ending June 30, 1934, set forth what it purposes to do during the next succeeding fiscal year. In each succeeding annual report it shall set forth its proposals for the next year.

Occupying any alley dwelling after July 1, 1944, unlawful.

(b) On and after July 1, 1944, it shall be unlawful to use or occupy any alley building or structure as a dwelling in the District of Columbia.

Construction hereafter forbidden.

(c) No alley dwelling shall hereafter be constructed in the District of Columbia, nor shall any building or structure be moved, altered, or converted for use as an alley dwelling.

Punishment for violation.

(d) Any person violating any of the provisions of this section shall, upon conviction thereof, be punished by a fine of not more than $500 or by imprisonment for not more than six months, or both. Each week of seven days of the continuance of any such violation shall constitute a separate offense.

Detailed report to be made.

SEC. 5. (a) The Authority shall make a report to the President, which he shall transmit to Congress at the beginning of each regular session, giving a full and detailed account of all operations under the provisions of this Act for the preceding fiscal year.

Complete report upon completion of work.

(b) Upon completion of the work contemplated by this Act the President shall submit a complete report to Congress giving a full and detailed account of all operations for the entire period of operation. If such work is not completed by July 1, 1944, the President shall, on July 1, 1944, or at the opening of the next regular session of Congress after such date, make a report to Congress covering the operations under this Act for the entire period to July 1, 1944, including a statement of what further work remains to be done, and recommendation for further legislation if in his opinion such legislation is necessary.

Statement and recommendation if not completed within time scheduled.

Accomplishment by July 1, 1944.

(c) It is hereby declared to be the purpose and intent of Congress that the objects set forth in section 1 of this Act shall be accomplished, if possible, on or before July 1, 1944, except that loans made under this Act may run for periods extending beyond such time.

Loans under, may extend beyond such time.

Notices to owners and tenants.

SEC. 6. There shall be published three times each year during the month of January in a newspaper of general circulation published in the District of Columbia a notice to owners and tenants of alley dwellings and of other property in squares containing inhabited alleys, that alley dwellings in such squares may be demolished, removed, or vacated, and that the squares may be replatted on or before July 1, 1944.

Definitions.

SEC. 7. As used in this Act—

"Alley."

(a) The term "alley" means (1) any court, thoroughfare, or passage, private or public, less than thirty feet wide at any point; and (2) any court, thoroughfare, or passage, private or public, thirty feet or more in width, that does not open directly with a width of at least thirty feet upon a public street that is at least forty feet wide from building line to building line.

"Inhabited alley."

(b) The term "inhabited alley" means an alley in or appurtenant to which there are one or more alley dwellings.

"Alley dwelling."

(c) The term "alley dwelling" means any dwelling fronting upon or having its principal means of ingress from an alley. This definition does not include an accessory building, such as a garage, with living rooms for servants or other employees; if the principal entrance to the living rooms of the accessory building is from the street property to which it is accessory.

Accessory building not included.

"Dwelling."

(d) The term "dwelling" means any building or structure used or designed to be used in whole or in part as a living or a sleeping place by one or more human beings.

"Person."

(e) The term "person" includes any individual, partnership, corporation, or association.

Saving clause.

SEC. 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and the application thereof to other persons and circumstances shall not be affected thereby.

Inconsistent laws repealed.

SEC. 9. All Acts and parts of Acts contrary to the provisions of this Act or inconsistent therewith be, and the same are hereby, repealed.

Citation of Act.

SEC. 10. This Act may be cited as the "District of Columbia Alley Dwelling Act."

Approved, June 12, 1934.

[CHAPTER 466.]

AN ACT

June 12, 1934.
[S. 3170.]
[Public, No. 306.]

To revise air-mail laws, and to establish a commission to make a report to the Congress recommending an aviation policy.

Revision of air-mail laws.
Vol. 46, p. 259; U.S.C., Supp. VII, p. 881, repealed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of April 29, 1930 (46 Stat. 259, 260; U.S.C., Supp. VII, title 39, secs. 464, 465c, 465d, and 465f), and the sections amended thereby are hereby repealed.

Postage rate increased.
Vol. 45, p. 594.

SEC. 2. (a) Effective July 1, 1934, the rate of postage on air mail shall be 6 cents for each ounce or fraction thereof.

Definitions.

(b) When used in this Act—

"Air mail."

(1) The term "air mail" means mail of any class prepaid at the rate of postage prescribed in subsection (a) of this section.

"Person."

(2) The term "person" includes an individual, partnership, association, or corporation.

"Pilot."

(3) The term "pilot" includes copilot.

Contracts for carrying air mail.

SEC. 3. (a) The Postmaster General is authorized to award contracts for the transportation of air mail by airplane between such

Initial periods not to exceed one year. Conditions of awards.

points as he may designate, and for initial periods of not exceeding one year, to the lowest responsible bidders tendering sufficient guaranty for faithful performance in accordance with the terms of the advertisement at fixed rates per airplane-mile: *Provided*, That where the Postmaster General holds that a low bidder is not responsible or qualified under this Act, such bidder shall have the right to appeal to the Comptroller General who shall speedily determine the issue, and his decision shall be final: *Provided further*, That the base rate of pay which may be bid and accepted in awarding such contracts shall in no case exceed 33⅓ cents per airplane-mile for transporting a mail load not exceeding three hundred pounds. Payment for transportation shall be at the base rate fixed in the contract for the first three hundred pounds of mail or fraction thereof plus one tenth of such base rate for each additional one hundred pounds of mail or fraction thereof, computed at the end of each calendar month on the basis of the average mail load carried per mile over the route during such month, except that in no case shall payment exceed 40 cents per airplane-mile.

Provisos. Right of low bidder to appeal if refused contract.

Maximum base rate of pay.

Computation.

Contract nontransferable, unless approved by Postmaster General.

(b) No contract or interest therein shall be sold, assigned, or transferred by the person to whom such contract is awarded, to any other person without the approval of the Postmaster General; and upon any such transfer without such approval, the original contract, as well as such transfer, shall at the option of the Postmaster General become null and void.

Route extension.

(c) If, in the opinion of the Postmaster General, the public interest requires it, he may grant an extension of any route, for a distance not in excess of one hundred miles, and only one such extension shall be granted to any one person, and the rate of pay for such extension shall not be in excess of the contract rate on that route.

Pay rate.

Classification of routes. Primary, to include transcontinental and coastal.

(d) The Postmaster General may designate certain routes as primary and secondary routes and shall include at least four transcontinental routes and the eastern and western coastal routes among primary routes. The character of the designation of such routes shall be published in the advertisements for bids, which bids may be asked for in whole or in part of such routes.

Bids may be referred to Interstate Commerce Commission if deemed excessive.

(e) If on any route only one bid is received, or if the bids received appear to the Postmaster General to be excessive, he shall either reject them or submit the same to the Interstate Commerce Commission for its direction in the premises before awarding the contract.

Limitation on mileage.

(f) The Postmaster General shall not award contracts for air-mail routes or extend such routes in excess of an aggregate of twenty-nine thousand miles, and shall not establish schedules for air-mail transportation on such routes and extensions in excess of an annual aggregate of forty million airplane-miles.

Existing contracts.

(g) Authority is hereby conferred upon the Postmaster General to provide and pay for the carriage of mail by air in conformity with the terms of any contract let by him prior to the passage of this Act, or which may be let pursuant to a call for competitive bids therefor issued prior to the passage of this Act, and to extend any such contract for an additional period or periods not exceeding nine months in the aggregate at a rate of compensation not exceeding that established by this Act nor that provided for in the original contract: *Provided*, That no such contract may be so extended unless the contractor shall agree in writing to comply with all the provisions of this Act during the extended period of the contract.

Extension authorized.

Proviso. Condition.

Posting advertisements for bids.

SEC. 4. The Postmaster General shall cause advertisements of air-mail routes to be conspicuously posted at each such post office that is a terminus of the route named in such advertisement, for at least

twenty days, and a notice thereof shall be published at least once a week for two consecutive weeks in some daily newspaper of general circulation published in the cities that are the termini for the route before the time of the opening of bids.

Publication in daily newspaper.

SEC. 5. After the bids are opened, the Postmaster General may grant to a successful bidder a period of not more than thirty days from the date of award of the contract to take the steps necessary to qualify for mail services under the terms of this Act: *Provided*, That, at the time of the award, the successful bidder executes an adequate bond with sufficient surety guaranteeing and assuring that, within such period, said bidder will fully qualify under the Act faithfully to execute and to carry out the terms of the contract: *Provided further*, That, if there is a failure so to qualify, the amount designated in the bond will be forfeited and paid to the United States of America.

Successful bidder may be allowed 30 days to qualify.

Provisos.
Surety bond.

Forfeiture, if failing to qualify.

SEC. 6. (a) The Interstate Commerce Commission is hereby empowered and directed, after notice and hearing, to fix and determine by order, as soon as practicable and from time to time, the fair and reasonable rates of compensation for the transportation of air mail by airplane and the service connected therewith over each air-mail route, but not in excess of the rates provided for in this Act, prescribing the method or methods by weight or space, or both, or otherwise, for ascertaining such rates of compensation, and to publish the same, which shall continue in force until changed by the said Commission after due notice and hearing.

Fixing rates by Interstate Commerce Commission.

(b) The Interstate Commerce Commission is hereby directed, at least once in every calendar year from the date of letting of any contract, to review the rates of compensation being paid to the holder of such contract, in order to be assured that no unreasonable profit is resulting or accruing therefrom. In determining what may constitute an unreasonable profit, the said Commission shall take into consideration all forms of gross income derived from the operation of airplanes over the route affected.

Periodic review of rates.

(c) Any contract which may hereafter be let or extended pursuant to the provisions of this Act, and which has been satisfactorily performed by the contractor during its initial or extended period, shall thereafter be continued in effect for an indefinite period, subject to any reduction in the rate of payment therefor, and such additional conditions and terms, as the said Commission may prescribe, which shall be consistent with the requirements of this Act; but any contract so continued in effect may be terminated by the said Commission upon sixty days' notice, upon such hearing and notice thereof to interested parties as the Commission may determine to be reasonable; and may also be terminated by the contractor at its option upon sixty days' notice. On the termination of any air-mail contract, in accordance with any of the provisions of this Act, the Postmaster General may let a new contract for air-mail service over the route affected, as authorized in this Act.

Indefinite extensions if contracts satisfactorily performed.

Termination, upon 60 days' notice.

(d) All provisions of section 5 of the Act of July 28, 1916 (39 Stat. 412; U.S.C., title 39, secs. 523 to 568, inclusive), relating to the administrative methods and procedure for the adjustment of rates for carriage of mail by railroads shall be applicable to the ascertainment of rates for the transportation of air mail by airplane under this Act so far as consistent with the provisions of this Act. For the purposes of this section the said Commission shall also have the same powers as the Postmaster General is authorized to exercise under section 10 of this Act with respect to the keeping, examination, and auditing of books, records, and accounts of air-mail contractors, and it is authorized to employ special agents or examiners to conduct

Pay readjustments, etc.
Vol. 39, p. 425.
U.S.C., p. 1267.

Authority of Commission to examine records and accounts.

such examination or audit, who shall have power to administer oaths, examine witnesses, and receive evidence.

Fixing fair rate of pay for air-mail transportation.

(e) In fixing and determining the fair and reasonable rates of compensation for air-mail transportation, the Commission shall give consideration to the amount of air mail so carried, the facilities supplied by the carrier, and its revenue and profits from all sources, and from a consideration of these and other material elements, shall fix and establish rates for each route which, in connection with the rates fixed by it for all other routes, shall be designed to keep the aggregate cost of the transportation of air mail on and after July 1, 1938, within the limits of the anticipated postal revenue therefrom.

Relation of contractor with aviation industry.

SEC. 7. (a) After December 31, 1934, it shall be unlawful for any person holding an air-mail contract to buy, acquire, hold, own, or control, directly or indirectly, any shares of stock or other interest in any other partnership, association, or corporation engaged directly or indirectly in any phase of the aviation industry, whether so engaged through air transportation of passengers, express, or mail, through the holding of an air-mail contract, or through the manufacture or sale of airplanes, airplane parts, or other materials or accessories generally used in air transportation, and regardless of whether such buying, acquisition, holding, ownership, or control is done directly, or is accomplished indirectly, through an agent, subsidiary, associate, affiliate, or by any other device whatsoever: *Provided*, That the prohibitions herein contained shall not extend to interests in landing fields, hangars, or other ground facilities necessarily incidental to the performance of the transportation service of such air-mail contractor, nor to shares of stock in corporations whose principal business is the maintenance or operation of such landing fields, hangars, or other ground facilities.

Proviso.
Interests in ground facilities not included.

Interlocking directorates or intercorporate relationships.

(b) After December 31, 1934, it shall be unlawful (1) for any partnership, association, or corporation, the principal business of which, in purpose or in fact, is the holding of stock in other corporations, or (2) for any partnership, association, or corporation engaged directly or indirectly in any phase of the aviation industry, as specified in subsection (a) of this section, to buy, acquire, hold, own, or control, directly or indirectly, either as specified in such subsection (a) or otherwise, any shares of stock or other interests in any other partnership, association, or corporation which holds an air-mail contract.

Ineligibility of individual holding office, etc., in such stock or aviation corporation.

(c) No person shall be qualified to enter upon the performance of an air-mail contract, or thereafter to hold an air-mail contract, if at or after the time specified for the commencement of mail transportation under such contract, such person is (or, if a partnership, association, or corporation, has and retains a member, officer, or director that is) a member, officer, director, or stockholder in any other partnership, association, or corporation, whose principal business, in purpose or in fact, is the holding of stock in other corporations, or which is engaged in any phase of the aviation industry, as specified in subsection (a) of this section.

If ever engaged in unlawful combination to prevent bid making.

(d) No person shall be qualified to enter upon the performance of, or thereafter to hold an air-mail contract, (1) if at or after the time specified for the commencement of mail transportation under such contract, such person is (or, if a partnership, association, or corporation, has a member, officer, or director, or an employee performing general managerial duties, that is) an individual who has theretofore entered into any unlawful combination to prevent the making of any bids for carrying the mails: *Provided*, That whenever required by the Postmaster General the bidder shall submit an affidavit executed by the bidder, or by such of its officers, directors, or general mana-

Proviso.
Sworn declaration by bidder.

gerial employees as the Postmaster General may designate, sworn to before an officer authorized and empowered to administer oaths, stating in such affidavit that the affiant has not entered nor proposed to enter into any combination to prevent the making of any bid for carrying the mails, nor made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person to bid or not to bid for any mail contract, or (2) if it pays any officer, director, or regular employee compensation in any form, whether as salary, bonus, commission, or otherwise, at a rate exceeding $17,500 per year for full time.

Maximum pay restrictions.

SEC. 8. Any company alleging to hold a claim against the Government on account of any air-mail contract that may have heretofore been annulled, may prosecute such claim as it may have against the United States for the cancelation of such contract in the Court of Claims of the United States, provided that such suit be brought within one year from the date of the passage of this Act; and any person not ineligible under the terms of this Act who qualifies under the other requirements of this Act, shall be eligible to contract for carrying air mail, nothwithstanding the provisions of section 3950 of the Revised Statutes (Act of June 8, 1872).

Prosecution of claims for annulled or canceled contracts.

Qualifications.

Combinations to prevent bids.
R.S., sec. 3950, p. 766.

SEC. 9. Each person desiring to bid on an air-mail contract shall be required to furnish in its bid a list of all the stockholders holding more than 5 per centum of its entire capital stock, and of its directors, and a statement covering the financial set-up, including a list of assets and liabilities; and in the case of a corporation, the original amount paid to such corporation for its stock, and whether paid in cash, and if not paid in cash, a statement for what such stock was issued. Such information and the financial responsibility of such bidder, as well as the bond offered, may be taken into consideration by the Postmaster General in determining the qualifications of the bidder.

List of stockholders and directors, financial statement, etc., to accompany bid.

SEC. 10. All persons holding air-mail contracts shall be required to keep their books, records, and accounts under such regulations as may be promulgated by the Postmaster General, and he is hereby authorized to examine and audit the books, records, and accounts of such contractors and to require a full financial report under such regulations as he may prescribe.

Keeping records and accounts.

Inspection.

SEC. 11. Before the establishment and maintenance of an air-mail route the Postmaster General shall notify the Secretary of Commerce, who thereupon shall certify to the Postmaster General the character of equipment to be employed and maintained on each air-mail route. In making this determination the Secretary of Commerce, in his specifications furnished to the Postmaster General, shall determine only the speed, load capacity, and safety features and safety devices on airplanes to be used on the route, which said specifications shall be included in the advertisement for bids.

Equipment, requirements.

SEC. 12. The Secretary of Commerce is authorized and directed to prescribe the maximum flying hours of pilots on air-mail lines, and safe operation methods on such lines, and is further authorized to approve agreements between air-mail operating companies and their pilots and mechanics for retirement benefits to such pilots and mechanics. The Secretary of Commerce is authorized to prescribe all necessary regulations to carry out the provisions of this section and section 11 of this Act.

Secretary of Commerce to prescribe flying hours of pilots, retirement benefits, etc.

SEC. 13. It shall be a condition upon the awarding or extending and the holding of any air-mail contract that the rate of compensation and the working conditions and relations for all pilots, mechanics, and laborers employed by the holder of such contract

Compensation rates, working conditions, etc., of pilots, mechanics, etc.

Collective bargaining not abridged.

shall conform to decisions of the National Labor Board. This section shall not be construed as restricting the right of collective bargaining on the part of any such employees.

Federal Radio Commission to furnish proper radio frequencies.

SEC. 14. The Federal Radio Commission shall give equal facilities in the allocation of radio frequencies in the aeronautical band to those airplanes carrying mail and/or passengers during the time the contract is in effect.

Holding more than three contracts forbidden.

SEC. 15. After October 1, 1934, no air-mail contractor shall hold more than three contracts for carrying air mail, and in case of the contractor of any primary route, no contract for any other primary route shall be awarded to or extended for such contractor. It shall be unlawful for air-mail contractors, competing in parallel routes, to merge or to enter into any agreement, express or implied, which may result in common control or ownership.

Merger restriction.

Air Mail Service to Canada.

SEC. 16. The Postmaster General may provide service to Canada within one hundred and fifty miles of the international boundary line, over domestic routes which are now or may hereafter be established and may authorize the carrying of either foreign or domestic mail, or both, to and from any points on such routes and make payment for services over such routes out of the appropriation for the domestic Air Mail Service: *Provided*, That this section shall not be construed as repealing the authority given by the Act of March 2, 1929 (U.S.C., Supp. VII, title 39, sec. 465a).

Proviso.
Existing provisions not affected.
Vol. 45, p. 1450; U.S.C., Supp. VII, p. 881.

Breach of contract.

SEC. 17. The Postmaster General may cause any contract to be canceled for willful disregard of or willful failure by the contractor to comply with the terms of its contract or the provisions of law herein contained and for any conspiracy or acts designed to defraud the United States with respect to such contracts. This provision is cumulative to other remedies now provided by law.

Penalty provisions. Combinations.

SEC. 18. Whoever shall enter into any combination, understanding, agreement, or arrangement to prevent the making of any bid for any contract under this Act, to induce any other person not to bid for any such contract, or to deprive the United States Government in any way of the benefit of full and free competition in the awarding of any such contract, shall, upon conviction thereof be fined not more than $10,000 or imprisoned for not more than five years, or both.

Punishment for.

Violating any provision of Act.

SEC. 19. If any person shall willfully or knowingly violate any provision of this Act his contract, if one shall have been awarded to him, shall be forfeited, and such person shall upon conviction be punished by a fine of not more than $10,000 or be imprisoned for not more than five years.

Commission on aviation policy to be appointed.

SEC. 20. The President is hereby authorized to appoint a Commission composed of five members to be appointed by him, not more than three members to be appointed from any one political party, for the purpose of making an immediate study and survey, and to report to Congress not later than February 1, 1935, its recommendations of a broad policy covering all phases of aviation and the relation of the United States thereto. Members appointed who are not already in the service of the United States shall receive compensation of not exceeding the rate of compensation of a Senator or Representative in Congress.

Report to Congress.

Compensation.

Commission organization.

SEC. 21. Such Commission shall organize by electing one of its members as chairman, and it shall appoint a secretary whose salary shall not exceed the rate of $5,000 per annum. Said Commission shall have the power to pay actual expenses of members of the Commission in the performance of their duties, to employ counsel, experts, and clerks, to subpena witnesses, to require the production by witnesses of papers and documents pertaining to such matters as

Powers conferred.

are within the jurisdiction of the Commission, to administer oaths, and to take testimony, and for such purpose there is hereby authorized to be appropriated the sum of $75,000.

Approved, June 12, 1934.

[CHAPTER 467.]

AN ACT

June 12, 1934.
[S. 2041.]
[Public, No. 309.]

To amend the Act of June 15, 1933, amending the National Defense Act of June 3, 1916, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 37 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, further amended by inserting after the words "United States", in the seventh sentence of said section, the words "or of the Philippine Islands".

National Defense Act, amended.
Officers' Reserve Corps; citizenship.
Vol. 39, p. 189; Vol. 41, p. 776.
Ante, p. 154.

Approved, June 12, 1934.

[CHAPTER 468.]

AN ACT

June 12, 1934.
[S. 3211.]
[Public, No. 310.]

To extend the times for commencing and completing the construction of a bridge across the Chesapeake Bay between Baltimore and Kent Counties, Maryland.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Chesapeake Bay, between Baltimore and Kent Counties, Maryland, authorized to be built by the Chesapeake Bay Bridge Company by section 11 of the Act of Congress approved March 4, 1933, are hereby extended one and three years, respectively, from the date of approval hereof.

Chesapeake Bay.
Time extended for bridging, between Baltimore and Kent Counties, Md.

Vol. 47, p. 1560.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 12, 1934.

[CHAPTER 469.]

AN ACT

June 12, 1934.
[S. 3640.]
[Public, No. 311.]

Granting the consent of Congress to the Tensas Basin Levee Board of the State of Louisiana to construct, maintain, and operate a free highway bridge across Bayou Bartholomew at or near its mouth in Morehouse Parish, Louisiana

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Tensas Basin Levee Board of the State of Louisiana to construct, maintain, and operate a free highway bridge and approaches thereto across Bayou Bartholomew, at a point suitable to the interests of navigation, at or near its mouth in Morehouse Parish, Louisiana, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Bayou Bartholomew.
Louisiana may bridge, in Morehouse Parish.

Construction.
Vol. 34, p. 84.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 12, 1934.

[CHAPTER 470.]

AN ACT

June 12, 1934.
[H.R. 5312.]
[Public, No. 312.]

To provide for the conveyance of the abandoned lighthouse reservation and buildings, including detached tower, situate within the city limits of Erie, Pennsylvania, to the city for public-park purposes.

Erie, Pa.
Conveyance of old lighthouse reservation to city for public park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is hereby authorized to transfer and convey to the city of Erie, Pennsylvania, all that certain piece and parcel of land belonging to the United States of America situate in the city of Erie, in the county of Erie and State of Pennsylvania, known as the old lighthouse property and being the lands and premises described in a certain deed made by Myron Sanford and Susan M. Sanford, his wife, dated November 22, 1884, recorded in recorder's office for Erie County, Pennsylvania, in deed book numbered 80, page 606,

Description.

bounded and described as follows: Beginning fifty-eight perches down Lake Erie from the corner post of John Kelso's survey, thence south twenty-seven degrees east, twenty perches to a post; thence north sixty-three degrees east, sixteen perches to a post; thence north twenty-seven degrees west, twenty perches to a post on the bank of the lake; and thence up the lake to the place of beginning, containing two acres of land being the same piece of land conveyed to the United States for lighthouse purposes by John Kelso on April 1, 1812, purchased at public auction from the United States by said Myron Sanford March 1, 1881, and conveyed to said Myron Sanford by Charles J. Folger, Secretary of the Treasury, by deed dated May 8, 1883, which deed is recorded in the registry of deeds of Erie County, Pennsylvania, in deed book numbered 76, page 525; the same to be held and made available permanently by said city

Proviso.
Reversion for non-user.

for public-park purposes: *Provided*, That should the city of Erie fail to keep and hold the described parcel of land and buildings for public-park purposes or devote same to any use inconsistent with said purpose, then title to said land shall revert to and be reinvested in the United States.

Approved, June 12, 1934.

[CHAPTER 471.]

AN ACT

June 12, 1934.
[H.R. 7082.]
[Public, No. 313.]

Validating certain conveyances heretofore made by Central Pacific Railway Company, a corporation, and its lessee, Southern Pacific Company, a corporation, involving certain portions of right-of-way, in and in the vicinity of the city of Lodi, and near the station of Acampo, and in the city of Tracy, all in the county of San Joaquin, State of California, and in or in the vicinity of Galt, and Polk, in the county of Sacramento, State of California, acquired by Central Pacific Railway Company under the Act of Congress approved July 1, 1862 (12 Stat.L. 489), as amended by the Act of Congress approved July 2, 1864 (13 Stat.L. 356).

Central Pacific Railway Company.
Conveyances of land on right-of-way, made by, legalized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the conveyances hereinafter particularly described and heretofore executed by Central Pacific Railway Company, a corporation, and its lessee, Southern Pacific Company, a corporation, involving certain lands or interests therein, in and in the vicinity of the city of Lodi, and near

Location.

the station of Acampo, and in the city of Tracy, all in the county of San Joaquin, State of California, and in or in the vicinity of Galt, and Polk, in the county of Sacramento, State of California, and forming a part of the right-of-way of said Central Pacific Railway Company, granted by the Government of the United States of

Vol. 12, p. 489; Vol. 13, p. 356.

America by an Act of Congress approved July 1, 1862, entitled "An Act to aid in the construction of a railroad and telegraph line from

the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes" (12 Stat.L. 489), and by said Act as amended by Act of Congress approved July 2, 1864, entitled "An Act to amend an Act entitled 'An Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes', approved July 1, 1862" (13 Stat.L. 356), are hereby legalized, validated, and confirmed with the same force and effect as if the land involved therein had been held at the time of such conveyances by the corporations making the same under absolute fee-simple title.

List of conveyances in Joaquin County, Calif.

The conveyances, recorded in the office of county recorder of San Joaquin County, California, in book of official records, which are hereby legalized, validated, and confirmed, are as follows:

1. September 3, 1932; A. W. Simpson; volume 411, page 475.
2. March 20, 1931; Margaret Wallace; volume 368, page 443.
3. March 20, 1931; Louis Dreher; volume 368, page 442.
4. March 20, 1931; Joseph Dietz; volume 361, page 462.
5. March 20, 1931; Lydia Bachelor; volume 364, page 438.
6. March 20, 1931; Stockton Box Company, a corporation; volume 360, page 485.
7. March 20, 1931; E. G. Potter, receiver of the Stewart Fruit Company, a corporation; volume 361, page 288.
8. March 20, 1931; Emma E. Long; volume 364, page 441.
9. March 20, 1931; E. E. Tremain and Susan C. Tremain; volume 367, page 223.
10. March 20, 1931; Ferdinand Hain; volume 361, page 465.
11. March 20, 1931; Mary E. Bandeen; volume 360, page 487.
12. March 20, 1931; Sarah E. Sherman; volume 369, page 141.
13. March 20, 1931; E. C. Cary; volume 364, page 442.
14. March 20, 1931; Eldridge W. Rathbun and Ellen A. Rathbun, his wife; volume 361, page 463.
15. March 20, 1931; Ewald Spiekerman; volume 368, page 440.
16. April 24, 1931; The Pioneer Fruit Company, a corporation; volume 373, page 112.
17. July 22, 1929; Tracy Waldron Fruit Company, a California corporation; volume 296, page 35.
18. November 14, 1929; Central California Traction Company, a corporation; volume 351, page 79.
19. January 7, 1930; The Fabian-Grunauer Company; volume 1, page 86.
20. January 7, 1930; A. J. Russell; volume 314, page 138.
21. June 14, 1929; American Fruit Growers Incorporated of California, a corporation; volume 289, page 250.

List of conveyances in Sacramento County, Calif.

The conveyances, recorded in the office of the county recorder of Sacramento County, California, which are hereby legalized, validated, and confirmed, are as follows:

1. January 19, 1932; Central California Traction Company, a corporation; volume 385, page 134.
2. May 5, 1931; Geo. F. McNoble; volume 348, page 449.
3. July 16, 1930; J. C. Wisecarver; volume 314, page 126.

Provisos.
Width of right-of-way to be maintained.

Provided, That such legalization, validation, and confirmation shall not in any instance diminish said right-of-way to a width less than fifty feet on either side of the center of the main track or tracks of said Central Pacific Railway Company as now established and maintained: *And provided further*, That nothing herein contained is intended or shall be construed to legalize, validate, or confirm any rights, titles, or interests based upon or arising out of adverse pos-

Rights of adverse claimants.

session, prescription, or abandonment, and not confirmed by conveyance heretofore made by Central Pacific Railway Company and its lessee, Southern Pacific Company: *And provided further*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe.

Minerals reserved.

Approved, June 12, 1934.

[CHAPTER 472.]

AN ACT

June 12, 1934.
[H.R. 7098.]
[Public, No. 314.]

Validating certain conveyances heretofore made by Central Pacific Railway Company, a corporation, and its lessee, Southern Pacific Company, a corporation, involving certain portions of right-of-way, in and in the vicinity of the town of Gridley, all in the county of Butte, State of California, acquired by Central Pacific Railway Company under the Act of Congress approved July 25, 1866 (14 Stat. L. 239).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the conveyances hereinafter particularly described and heretofore executed by Central Pacific Railway Company, a corporation, and its lessee, Southern Pacific Company, a corporation, involving certain lands or interests therein, in and in the vicinity of the town of Gridley, all in the county of Butte, State of California, and forming a part of the right-of-way of said Central Pacific Railway Company, granted by the Government of the United States of America by an Act of Congress approved July 25, 1866, entitled "An Act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad in California, to Portland in Oregon" (14 Stat. L. 239), are hereby legalized, validated, and confirmed with the same force and effect as if the land involved therein had been held at the time of such conveyances by the corporations making the same under absolute fee-simple title.

Central Pacific Railway Company.
Conveyances from, in Butte County, Calif., legalized.

Vol. 14, p. 239.

List of conveyances.

The conveyances, recorded in the office of the county recorder of Butte County, California, in book of official records, which are hereby legalized, validated, and confirmed, are as follows:

1. June 10, 1931; T. B. Channon and T. J. Long; volume 78, page 325.

2. June 10, 1931; Ida McCurry, Harry W. McCurry, and Louise A. McCurry; volume 78, page 71.

3. June 10, 1931; Richard C. Sligar and Amy M. Bilhartz; volume 74, page 474.

4. June 10, 1931; Colusa Development Company; volume 81, page 306.

Provisos.
Width of right of way.

Provided, That such legalization, validation, and confirmation shall not in any instance diminish said right-of-way to a width less than sixty feet on either side of the center of the main track or tracks of said Central Pacific Railway Company as now established and maintained: *And provided further*, That nothing herein contained is intended or shall be construed to legalize, validate, or confirm any rights, titles, or interests based upon or arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance heretofore made by Central Pacific Railway Company and its lessee, Southern Pacific Company: *And provided further*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe.

Adverse possession, unconfirmed by railway company not legalized hereby.

Mineral deposits reserved.

Approved, June 12, 1934.

[CHAPTER 473.]

AN ACT

To provide for the final construction, on behalf of the United States, of postal treaties or conventions to which the United States is a party.

June 12, 1934.
[H.R. 7317.]
[Public, No. 315.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 398 of the Revised Statutes (U.S.C., title 5, sec. 372), is hereby amended to read as follows:

Postal arrangements with foreign countries.
R.S., sec. 398, p. 67; U.S.C., p. 49.

"For the purpose of making better postal arrangements with foreign countries, or to counteract their adverse measures affecting our postal intercourse with them, the Postmaster General, by and with the advice and consent of the President, may negotiate and conclude postal treaties or conventions, and may reduce or increase the rates of postage or other charges on mail matter conveyed between the United States and foreign countries: *Provided*, That the decisions of the Postmaster General construing or interpreting the provisions of any treaty or convention which has been or may be negotiated and concluded shall, if approved by the President, be final and conclusive upon all officers of the United States."

Authority of Postmaster General.

Proviso.
Interpretations, when approved by President, binding.

Approved, June 12, 1934.

[CHAPTER 474.]

AN ACT

To amend the Tariff Act of 1930.

June 12, 1934.
[H.R. 8687.]
[Public, No. 316.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Tariff Act of 1930 is amended by adding at the end of title III the following:

Tariff Act of 1930, amended.
Vol. 46, p. 708.

"PART III—PROMOTION OF FOREIGN TRADE

Promotion of foreign trade.

"SEC. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

Powers conferred on President for expanding foreign markets for U.S. products.

Regulating admission of foreign goods.

Whenever existing duties are found to be unduly burdening.

"(1) To enter into foreign trade agreements with foreign governments or instrumentalities thereof; and

May enter into foreign trade agreements.

"(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign trade agreements, as are required or appropriate to carry out any foreign trade agreement that the President has entered into hereunder. No proclamation shall be made increasing or decreasing by more than 50 per

Proclaim modifications of existing duties, for limited periods.

Limitations.

Application of proclamation.

centum any existing rate of duty or transferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly, or indirectly: *Provided*, That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part.

Proviso. Suspension of application.

Termination.

Treaty of commercial reciprocity with Cuba. Vol. 33, p. 2136. Application of.

"(b) Nothing in this section shall be construed to prevent the application, with respect to rates of duty established under this section pursuant to agreements with countries other than Cuba, of the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on December 11, 1902, or to preclude giving effect to an exclusive agreement with Cuba concluded under this section, modifying the existing preferential customs treatment of any article the growth, produce, or manufacture of Cuba: *Provided*, That the duties payable on such an article shall in no case be increased or decreased by more than 50 per centum of the duties now payable thereon.

Proviso. Rate limitation.

"Duties and other import restrictions" defined.

"(c) As used in this section, the term 'duties and other import restrictions' includes (1) rate and form of import duties and classification of articles, and (2) limitations, prohibitions, charges, and exactions other than duties, imposed on importation or imposed for the regulation of imports."

Countervailing duties. Vol. 46, p. 625.

Equalization of costs of production. Vol. 46, pp. 701, 735. Not applicable when trade agreement concluded.

SEC. 2. (a) Subparagraph (d) of paragraph 369, the last sentence of paragraph 1402, and the provisos to paragraphs 371, 401, 1650, 1687, and 1803 (1) of the Tariff Act of 1930 are repealed. The provisions of sections 336 and 516(b) of the Tariff Act of 1930 shall not apply to any article with respect to the importation of which into the United States a foreign trade agreement has been concluded pursuant to this Act, or to any provision of any such agreement.

Flour from imported wheat. Vol. 46, p. 691.

The third paragraph of section 311 of the Tariff Act of 1930 shall apply to any agreement concluded pursuant to this Act to the extent only that such agreement assures to the United States a rate of duty on wheat flour produced in the United States which is preferential in respect to the lowest rate of duty imposed by the country with which such agreement has been concluded on like flour produced in any other country; and upon the withdrawal of wheat flour from bonded manufacturing warehouses for exportation to the country with which such agreement has been concluded, there shall be levied, collected, and paid on the imported wheat used, a duty equal to the amount of such assured preference.

Payment of duty upon withdrawal from bonded warehouse.

Term of agreement.

(b) Every foreign trade agreement concluded pursuant to this Act shall be subject to termination, upon due notice to the foreign government concerned, at the end of not more than three years from the date on which the agreement comes into force, and, if not then terminated, shall be subject to termination thereafter upon not more than six months' notice.

Duration of President's authority.

(c) The authority of the President to enter into foreign trade agreements under section 1 of this Act shall terminate on the expiration of three years from the date of the enactment of this Act.

Indebtedness of foreign countries to United States.

SEC. 3. Nothing in this Act shall be construed to give any authority to cancel or reduce, in any manner, any of the indebtedness of any foreign country to the United States.

Notice of intention to negotiate agreement.

SEC. 4. Before any foreign trade agreement is concluded with any foreign government or instrumentality thereof under the provisions of this Act, reasonable public notice of the intention to negotiate an agreement with such government or instrumentality shall be given in order that any interested person may have an opportunity to present his views to the President, or to such agency as the President may designate, under such rules and regulations as the President may prescribe; and before concluding such agreement the President shall seek information and advice with respect thereto from the United States Tariff Commission, the Departments of State, Agriculture, and Commerce and from such other sources as he may deem appropriate.

Approved, June 12, 1934, 9.15 p.m.

[CHAPTER 475.]

AN ACT

June 12, 1934.
[H.R. 9064.]
[Public, No. 317.]

Granting the consent of Congress to the State of Indiana to construct, maintain, and operate a free highway bridge across the Grand Calumet River near Clark Street, in Gary, Indiana.

Grand Calumet River.
Indiana may bridge, at Gary.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Indiana to construct, maintain, and operate a free highway bridge and approaches thereto across the Grand Calumet River, at a point suitable to the interests of navigation, at or near a point east of Clark Street, Gary, Indiana, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Construction.
Vol. 34, p. 84.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved June 12, 1934.

[CHAPTER 476.]

AN ACT

June 12, 1934.
[H.R. 9141.]
[Public, No. 318.]

Granting the consent of Congress to the State of Alabama, its agent or agencies, and to Colbert County and to Lauderdale County in the State of Alabama, and to the city of Sheffield, Colbert County, Alabama, and to the city of Florence, Lauderdale County, Alabama, or to any two of them, or to either of them, to construct, maintain, and operate a bridge, and approaches thereto, across the Tennessee River at a point between the city of Sheffield, Alabama, and the city of Florence, Alabama, suitable to the interests of navigation.

Tennessee River.
Alabama, etc., may bridge, between Sheffield and Florence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of Alabama, its agent or agencies, and to Colbert County and to Lauderdale County in the State of Alabama, and to the city of Sheffield, Colbert County, Alabama, and to the city of Florence, Lauderdale County, Alabama, or to any two of them, or to either of them, to construct, maintain, and operate a bridge, and approaches thereto across the Tennessee River, at a point suitable to the interests of navigation, between the city of Florence, Alabama, and the city of Sheffield, Alabama, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Construction.
Vol. 34, p. 84.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 12, 1934.

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[CHAPTER 477.]

AN ACT

June 12, 1934.
[H.R. 9313.]
[Public, No. 319.]

To extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Georgia.

Savannah River.
Time extended for bridging, at Burtons Ferry, Ga.
Vol. 45, p. 751; Vol. 47, p. 135.
Ante, p. 96.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge authorized by Act of Congress approved May 26, 1928, heretofore revived and reenacted by the Act of Congress approved April 22, 1932, and extended by an Act of Congress approved May 27, 1933, to be built by the South Carolina and Georgia State Highway Departments across the Savannah River at or near Burtons Ferry, near Sylvania, Georgia, are hereby further extended one and three years, respectively, from the date of approval hereof.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 12, 1934.

[CHAPTER 478.]

AN ACT

June 12, 1934.
[H.R. 9320.]
[Public, No. 320.]

To further extend the times for commencement and completing the construction of a bridge across the Missouri River at or near Garrison, North Dakota.

Missouri River.
Time extended for bridging, at Garrison, N.Dak.
Vol. 47, pp. 43, 804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Missouri River, at or near Garrison, North Dakota, authorized to be built by the State of North Dakota, by the Acts of Congress approved February 10, 1932, and February 14, 1933, are hereby further extended one and three years, respectively, from February 14, 1934.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 12, 1934.

[CHAPTER 479.]

AN ACT

June 12, 1934.
[H.R. 9434.]
[Public, No. 321.]

Granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough (Washougal Slough) to Lady Island on the Columbia River in the State of Washington.

Columbia River, Wash.
Crown Willamette Paper Company may construct dike across Washougal Slough.
Provisos.
Approval of plans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Crown Williamette Paper Company, of Portland, Oregon, to construct a dike or dam across Camas Slough (Washougal Slough) at a point near the mouth of Washougal River to Lady Island, State of Washington: *Provided*, That the work of constructing this dike or dam shall not be commenced until the plans therefor have been filed with and approved by the Chief of Engineers and the Secretary of War: *Provided further*, That in approving the plans for said dike or dam such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States: *And provided further*, That this Act shall not be construed to authorize the use of such dike or dam to develop water power or generate hydroelectric energy.

Federal interests.

Use for power, etc., forbidden.

Commencement and completion.

SEC. 2. The authority granted by this Act shall cease and be null and void unless the actual construction of said dike or dam hereby

authorized is commenced within one year and completed within three years from the date of approval of this Act.

SEC. 3. That the right to alter, amend, or repeal this Act is hereby expressly reserved. Amendment.

Approved, June 12, 1934.

[CHAPTER 480.]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebraska.

June 12, 1934.
[H.R. 9567.]
[Public, No. 322.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge authorized by Act of Congress approved February 26, 1929, heretofore extended by Acts of Congress approved June 10, 1930, and March 4, 1933, to be built by the Brownville Bridge Company, across the Missouri River, at or near Brownville, Nebraska, are hereby further extended one and three years, respectively, from March 4, 1934. Missouri River. Time extended for bridging, at Brownville, Nebr. Vol. 45, p. 1309; Vol. 46, p. 551; Vol. 47, p. 1554.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved. Amendment.

Approved, June 12, 1934.

[CHAPTER 481.]

AN ACT

Authorizing the city of Sault Sainte Marie, Michigan, its successors and assigns, to construct, maintain, and operate a bridge across the Saint Marys River at or near Sault Sainte Marie, Michigan.

June 12, 1934.
[H.R. 9585.]
[Public, No. 323.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate international commerce, improve the postal service, and provide for military and other purposes, the city of Sault Sainte Marie, Michigan, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Saint Marys River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, at or near the city of Sault Sainte Marie, Michigan, and the city of Sault Sainte Marie, Canada, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, subject to the conditions and limitations contained in this Act, and subject to the approval of the proper authorities in the Dominion of Canada. Saint Marys River. Sault Sainte Marie, Mich., may bridge. Construction. Vol. 34, p. 84. Approval by Canada required.

SEC. 2. There is hereby conferred upon the city of Sault Sainte Marie, Michigan, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Michigan needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Michigan, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State. Acquisition of approaches, etc.

SEC. 3. The said city of Sault Sainte Marie, Michigan, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of the State of Toll rates.

Michigan applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Right to sell, etc., conferred.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to the city of Sault Sainte Marie, Michigan, its successors and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

Amendment.

SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 12, 1934.

[CHAPTER 482.]

AN ACT

June 13, 1934.
[S. 3041.]
[Public, No. 324.]

To effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent anyone from receiving the compensation contracted for thereunder, and for other purposes.

Labor, public works, etc.
Preventing anyone from receiving rates of pay, as contracted, unlawful.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever shall induce any person employed in the construction, prosecution, or completion of any public building, public work, or building or work financed in whole or in part by loans or grants from the United States, or in the repair thereof to give up any part of the compensation to which he is entitled under his contract of employment, by force, intimidation, threat of procuring dismissal from such employment, or by any other manner whatsoever, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

Punishment for.

Regulations for enforcement.

SEC. 2. To aid in the enforcement of the above section, the Secretary of the Treasury and the Secretary of the Interior jointly shall make reasonable regulations for contractors or subcontractors on any such building or work, including a provision that each contractor and subcontractor shall furnish weekly a sworn affidavit with respect to the wages paid each employee during the preceding week.

Weekly sworn statement required.

Approved, June 13, 1934.

[CHAPTER 483.]

AN ACT

June 13, 1934.
[S. 3237.]
[Public, No. 325.]

To repeal certain provisions of the Act of March 4, 1933, and to reenact sections 4 and 5 of the Act of March 2, 1929.

Government publications: printing.
Provisions repealed.
Vol. 47, p. 1603; U.S.C., Supp. VII, p. 3.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That such provisions in section 1 of the Act of March 4, 1933 (47 Stat. 1603), as purport to amend "sections 4 and 5 of the joint resolution approved March 2, 1929 (U.S.C., Supp. VI, title 1, sections 54 (a) and (b))", are hereby repealed.

Provisions reenacted.
Vol. 45, p. 1542; U.S.C., Supp. VII, p. 3.

SEC. 2. Sections 4 and 5 of such joint resolution of March 2, 1929 (U.S.C., Supp. VI, title 1, secs. 54 (a) and 54 (b)), shall hereafter be in full force and effect as originally enacted.

Authority of Joint Committee on Printing in printing and distributing bills and resolutions.

SEC. 3. That, subject to the provisions of the second section, the Joint Committee on Printing is hereby empowered to authorize the printing of any bill or resolution, with index and ancillaries, in such style and form as the Joint Committee on Printing shall deem to be most suitable in the interest of economy and efficiency, and to so con-

tinue until final enactment thereof in both Houses of Congress; and such committee may also curtail the number of copies of such bills or resolutions, including the slip form of such public Act or public resolution.

Approved, June 13, 1934.

[CHAPTER 484.]

AN ACT

June 13, 1934.
[S. 3502.]
[Public, No. 326.]

Authorizing the Oregon-Washington Bridge Board of Trustees to construct, maintain, and operate a toll bridge across the Columbia River at Astoria, Clatsop County, Oregon.

Columbia River. Oregon-Washington Bridge. Board of Trustees may bridge, at Astoria, Oreg.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, Guy Boyington, judge of the county court of Clatsop County, Oregon, and his successors in office, J. C. Ten Brook, mayor of the city of Astoria, Oregon, and his successors in office, and L. D. Williams, chairman of the Board of County Commissioners of Pacific County, Washington, and his successors in office, all as trustees, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Columbia River, at a point suitable to the interests of navigation, at Astoria, Clatsop County, Oregon, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act; and said trustees shall own and hold said bridge in trust for Clatsop County, Oregon, Pacific County, Washington, and the city of Astoria, Oregon; said trustees being known as and functioning as the Oregon-Washington Bridge Board of Trustees, and serving without compensation. Said board of trustees is hereby granted the right to assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act.

Construction.
Vol. 34, p. 84.

Conditions and limitations.

Rights of trustees to assign, etc., rights.

Acquisition of approaches, etc.

SEC. 2. There is hereby conferred upon said board of trustees all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Toll rates.

SEC. 3. The said board of trustees is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Vol. 34, p. 85.

Rates to be applied to operation, sinking fund, etc.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed twenty-five years from the completion thereof. After a sinking fund sufficient for such amortization

Maintenance as free bridge after amortizing costs.

shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches; the expenditures for maintaining, repairing, and operating the same; and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Record of expenditures and receipts.

Amendment.

SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 13, 1934.

[CHAPTER 485.]

AN ACT

June 13, 1934.
[S. 3615.]
[Public, No. 327.]

Authorizing the county of Wahkiakum, a legal political subdivision of the State of Washington, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River between Puget Island and the mainland, Cathlamet, State of Washington.

Columbia River. Wahkiakum County, Wash., may bridge, between Puget Sound and Cathlamet.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the county of Wahkiakum, a legal political subdivision of the State of Washington, its successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across the Columbia River between Puget Island and the mainland, Cathlamet, State of Washington, at a point suitable to the interests of navigation, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in said Act.

Construction.
Vol. 34, p. 84.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 13, 1934.

[CHAPTER 486.]

AN ACT

June 13, 1934.
[H.R. 3353.]
[Public, No. 328.]

To provide a preliminary examination of Stillaguamish River and its tributaries in the State of Washington, with a view to the control of its floods.

Stillaguamish River. Preliminary examination of, with view of flood control.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Stillaguamish River and its tributaries in the State of Washington, with a view to the control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for the control of the floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Vol. 39, p. 950.
U.S.C., p. 1089.

Approved, June 13, 1934.

[CHAPTER 487.]

AN ACT

To provide a preliminary examination of Snohomish River and its tributaries in the State of Washington, with a view to the control of its floods.

June 13, 1934.
[H.R. 3354.]
[Public, No. 329.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of Snohomish River and its tributaries in the State of Washington, with a view to control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of the floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Snohomish River. Preliminary examination of, with view of flood control.

Vol. 39, p. 950. U.S.C., p. 1089.

Approved, June 13, 1934.

[CHAPTER 488.]

AN ACT

To provide a preliminary examination of the Nooksack River and its tributaries in the State of Washington, with a view to the control of its floods.

June 13, 1934.
[H.R. 3362.]
[Public, No. 330.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Nooksack River and its tributaries in the State of Washington, with a view to the control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Nooksack River. Preliminary examination of, with view of flood control

Vol. 39, p. 950. U.S.C., p. 1089.

Approved, June 13, 1934.

[CHAPTER 489.]

AN ACT

To provide a preliminary examination of Skagit River and its tributaries in the State of Washington, with a view to the control of its flood waters.

June 13, 1934.
[H.R. 3363.]
[Public, No. 331.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Skagit River and its tributaries in the State of Washington, with a view to the control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for the control of the floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore and hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Skagit River. Preliminary examination of, with view to flood control.

Vol. 39, p. 950. U.S.C., p. 1089.

Approved, June 13, 1934.

[CHAPTER 490.]

AN ACT

June 13, 1934.
[H.R. 7299.]
[Public, No. 332.]

To authorize the Post Office Department to hold contractors responsible in damages for the loss, rifling, damage, wrong delivery, depredation upon, or other mistreatment of mail matter due to fault or negligence of the contractor or an agent or employee thereof.

Postal service.
R.S., sec. 3962, p. 768.
Vol. 44, p. 499.
U.S.C., Supp. VII, p. 881.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3962 of the Revised Statutes, as amended by the Act of May 11, 1926 (44 Stat. 499; U.S.C., Supp. VII, title 39, sec. 443), is hereby amended to read as follows:

Mail contractors.
Deductions from pay for failure to perform service; may be remitted.
Responsibility for loss or damage.

"The Postmaster General may make deductions from the pay of contractors for failure to perform service according to contract and impose fines upon them for other delinquencies, which deductions or fines may be changed or remitted, in his discretion. Contractors shall also be answerable in damages to the United States for the proper care and transportation of the mails, and be accountable to the United States for any loss or damage resulting to any of such mail or any part of it by reason of the failure to exercise due care on the part of any of the contractor's officers, agents, or employees in the custody, handling, or transportation thereof. He may deduct the price of the trip in all cases where the trip is not performed and not exceeding three times the price if the failure be occasioned by the fault of the contractor or carrier."

Deducting damages.

Approved, June 13, 1934.

CHAPTER 491.]

AN ACT

June 13, 1934.
[H.R. 8234.]
[Public, No. 333.]

To provide a preliminary examination of the Paint Rock River in Jackson County, Alabama, with a view to the control of its floods.

Paint Rock River.
Preliminary examination of, with view of flood control.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Paint Rock River, in Jackson County, Alabama, with a view to the control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of the floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Vol. 39, p. 950.
U.S.C., p. 1089.

Approved, June 13, 1934.

[CHAPTER 492.]

AN ACT

June 13, 1934.
[H.R. 8562.]
[Public, No. 334.]

To provide for a preliminary examination of the Connecticut River, with a view to the control of its floods and prevention of erosion of its banks in the State of Massachusetts.

Connecticut River.
Preliminary examination of, with view of flood control.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is authorized and directed to cause a preliminary examination to be made of the Connecticut River, with a view to control of its floods and prevention of erosion of its banks in the State of Massachusetts, in accordance with the provisions of section 3 of the Act entitled "An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and

Vol. 39, p. 950.
U.S.C., p. 1089.

for other purposes", approved March 1, 1917 (U.S.C., title 33, sec. 701), the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Approved, June 13, 1934.

[CHAPTER 493.]

AN ACT

To exempt from taxation certain property of The American Legion in the District of Columbia.

June 13, 1934.
[H.R. 9400.]
[Public, No. 335.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the property situated in square 185 in the city of Washington, District of Columbia, described as lots 32 and 33, owned, occupied, and used by The American Legion, is hereby exempt from all taxation so long as the same is so owned and occupied, and not used for commercial purposes, subject to the provisions of section 8 of the Act of March 3, 1877, as amended and supplemented (D.C. Code, title 20, sec. 712), providing for exemptions of church and school property.

District of Columbia. Property of The American Legion exempted from taxation.

Vol. 19, p. 399; Vol. 32, p. 620.

Approved, June 13, 1934.

[CHAPTER 494.]

AN ACT

To provide a preliminary examination of the Cowlitz River and its tributaries in the State of Washington, with a view to the control of its floods.

June 13, 1934.
[H.R. 9430.]
[Public, No. 336.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Cowlitz River and its tributaries in the State of Washington, with a view to the control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Cowlitz River. Preliminary examination of, with view to flood control.

Vol. 39, p. 950. U.S.C., p. 1089.

Approved, June 13, 1934.

[CHAPTER 495.]

AN ACT

To provide a preliminary examination of Chehalis River and its tributaries in the State of Washington, with a view to the control of its floods.

June 13, 1934.
[H.R. 9431.]
[Public, No. 337.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Chehalis River and its tributaries in the State of Washington, with a view to the control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Chehalis River. Preliminary examination of, with view to flood control.

Vol. 39, p. 950. U.S.C., p. 1089.

Approved, June 13, 1934.

[CHAPTER 496.]

AN ACT

June 13, 1934.
[H.R. 9432.]
[Public, No. 338.]

To provide a preliminary examination of the Lewis River and its tributaries in the State of Washington, with a view to the control of its floods.

Lewis River.
Preliminary examination of, with view to flood control.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Lewis River and its tributaries in the State of Washington, with a view to the control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Vol. 39, p. 950.
U.S.C., p. 1089.

Approved, June 13, 1934.

[CHAPTER 497.]

AN ACT

June 13, 1934.
[H.R. 9433.]
[Public, No. 339.]

To provide a preliminary examination of Columbia River and its tributaries in the State of Washington, with a view to the control of its flood waters.

Columbia River.
Preliminary examination of, with view of flood control.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Columbia River and its tributaries in the States of Washington and Oregon, with a view to the control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for the control of the floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore and hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Vol. 39, p. 950.
U.S.C., p. 1089.

Approved, June 13, 1934.

[CHAPTER 498.]

AN ACT

June 13, 1934.
[H.R. 9694.]
[Public, No. 340.]

To amend the Emergency Railroad Transportation Act, 1933, approved June 16, 1933.

Emergency Railroad Transportation Act, 1933, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of title I of the Emergency Railroad Transportation Act, 1933, is amended by striking out the second sentence thereof and substituting therefor a sentence reading as follows: "It shall be the duty of each carrier, within thirty days after June 16, 1934, to pay into this fund, for the second year of the operation of this title, $2 for every mile of road operated by it on December 31, 1933, as reported to the Commission, and it shall be the duty of the Secretary of the Treasury to collect such assessments."

Ante, p. 216.
Carrier's assessments under, increased.

Approved, June 13, 1934.

[CHAPTER 510.]

AN ACT

To authorize an appropriation for the purchase of land in Wyoming for use as rifle ranges for the Army of the United States.

June 14, 1934.
[S. 2130.]
[Public, No. 341.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum not to exceed $16,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of one thousand six hundred acres of land adjacent to Fort Francis E. Warren in the State of Wyoming for use of the United States Army for rifle-range purposes. All purchase of land under this Act shall be made by the Secretary of War pursuant to law governing the acquisition of land for the use of the Army of the United States.

Fort Francis E. Warren, Wyo.
Purchase of additional land for rifle range purposes.

To be made by Secretary of War.

Approved, June 14, 1934.

[CHAPTER 511.]

AN ACT

To facilitate purchases of forest lands under the Act approved March 1, 1911.

June 14, 1934.
[S. 3521.]
[Public, No. 342.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to allow and facilitate the purchase of forest lands under the provisions of the Act approved March 1, 1911 (36 Stat. 961; U.S.C., title 16, secs. 613–521[1]), in States which desire that such purchases shall be made but cannot give their formal consent thereto until the next meeting of their legislative bodies, it is hereby provided that a written statement of consent signed by the Governor of the State prior to January 1, 1935, and containing the certification that a majority of the individual members of the current State legislative body have expressed in writing to the Governor their concurrence in and approval of such statement of consent shall be regarded as fully complying with and satisfying the requirements of that part of section 7 of said Act of March 1, 1911, which provides that no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under said Act until the legislature of the State in which the land lies shall have consented to the acquisition of said land by the United States.

Conservation of navigable watersheds, etc.
Purchases of forest lands for, modified.
Vol. 36, p. 961; Vol. 43, p. 1215.

Ante, p. 22.
U.S.C., pp. 424–425.

Consent required.

Approved, June 14, 1934.

[CHAPTER 512.]

AN ACT

To amend the Judicial Code by adding a new section to be numbered 274D.

June 14, 1934.
[H.R. 4337.]
[Public, No. 343.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Judicial Code, approved March 3, 1911, is hereby amended by adding after section 274C thereof a new section to be numbered 274D, as follows:

"SEC. 274D. (1) In cases of actual controversy the courts of the United States shall have power upon petition, declaration, complaint, or other appropriate pleadings to declare rights and other legal relations of any interested party petitioning for such declaration, whether or not further relief is or could be prayed, and such declaration shall have the force and effect of a final judgment or decree and be reviewable as such.

Judicial Code.
Vol. 36, p. 1164; Vol. 38, p. 956.
U.S.C., p. 911.

Declaratory judgments.

[1] So in original.

Further relief.

"(2) Further relief based on a declaratory judgment or decree may be granted whenever necessary or proper. The application shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party, whose rights have been adjudicated by the declaration, to show cause why further relief should not be granted forthwith.

Procedure.

Determining issues of fact.

"(3) When a declaration of right or the granting of further relief based thereon shall involve the determination of issues of fact triable by a jury, such issues may be submitted to a jury in the form of interrogatories, with proper instructions by the court, whether a general verdict be required or not."

Approved, June 14, 1934.

[CHAPTER 513.]

June 14, 1934.
[H.R. 5175.]
[Public, No. 344.]

AN ACT

To provide a preliminary examination of the Green River, Washington, with a view to the control of its floods.

Green River.
Preliminary examination of, for flood control.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Green River, Washington, with a view to control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for control of the floods of the Mississippi River, and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Vol. 39, p. 950.

Approved, June 14, 1934.

[CHAPTER 514.]

June 14, 1934.
[H.R. 5597.]
[Public, No. 345.]

AN ACT

To afford permanent protection to the watershed and water supply of the city of Coquille, Coos County, Oregon.

Coquille, Oreg.
Patent to certain lands granted to, for protecting its water supply, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of affording permanent protection to the watershed and water supply of the city of Coquille, Coos County, Oregon, lot 4 and the southwest quarter northwest quarter section 3, township 28 south, range 12 west, Willamette meridian, is hereby granted to the city of Coquille, Oregon; and the Secretary of the Interior is hereby authorized and directed to issue patent to the city of Coquille for said land: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found on the land so granted and the right to prospect for, mine, and remove same: *Provided further*, That said land shall be subject to all rights of way which the Secretary of the Interior shall at any time deem necessary for the removal of timber from any of the land title to which revested in the United States under the Act of June 9, 1916, or to which title was reconveyed to the United States under the Act of February 26, 1919: *And provided further*, That said city shall not have the right to sell or convey the land herein granted or any part thereof or to devote the same to any other purpose than as hereinbefore described; and if the said land shall not be used for such municipal purpose the same, or such part thereof not so used, shall revert to the United States: *Provided*, That there shall be reserved to the United States, its patentees or their transferees, the right to

Provisos.
Mineral deposits reserved.

Subject to rights of way.

Vol. 39, p. 218; Vol. 40, p. 1179.

Use for other purposes denied.

Reversionary provision.

Cutting and removing timber.

cut and remove therefrom the merchantable timber, reserving to the city of Coquille when such sale is made under the provisions of the Act of June 9, 1916 (39 Stat. 218), a preference right to purchase the timber at the highest price bid.

SEC. 2. The Secretary of the Interior shall prescribe all necessary regulations to carry into effect the foregoing provisions of this Act. Regulations to be prescribed.

Approved, June 14, 1934.

[CHAPTER 515.]

AN ACT

June 14, 1934.
[H.R. 5823.]
[Public, No. 346.]

To authorize the purchase by the city of McMinnville, Oregon, of certain tracts of public lands and certain tracts revested in the United States under the Act of June 9, 1916 (39 Stat. 218).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to issue a patent, upon payment of $2.50 per acre, or fraction thereof, to the city of McMinnville, Oregon, for lots 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, and southeast quarter section 33, southwest quarter northwest quarter section 34, township 2 south, range 6 west; southeast quarter southeast quarter section 2; lots 3 and 4 and southwest quarter southwest quarter section 3; northwest quarter northeast quarter section 15, township 3 south, range 6 west, east half northeast quarter section 10, and the southwest quarter northwest quarter and northwest quarter southwest quarter section 14, township 3 south, range 6 west, Willamette meridian, Yamhill County, Oregon, containing in the aggregate nine hundred and eighty-one and fifty-five one-hundredths acres, subject to all valid existing rights at the time of the filing of the application by the city of McMinnville: *Provided*, That there shall be reserved to the United States, its patentees, or their transferees, with respect to lots 5 and 6, section 33, township 2 south, range 6 west, and southwest quarter southwest quarter section 3, township 3 south, range 6 west, the right to cut and remove therefrom the merchantable timber, which in the opinion of the Secretary of the Interior may be cut and removed without material damage to the watershed, reserving to said city of McMinnville, when such sale is made under the provisions of the Act of June 9, 1916, a preference right to purchase the timber at the highest price bid.

Public lands.
McMinnville, Oreg., may purchase certain tracts, revested in United States.
Description.
Vol. 39, p. 218.
Proviso.
Right to cut and remove merchantable timber reserved.

SEC. 2. That the Secretary of the Interior shall prescribe all necessary regulations to carry into effect the foregoing provisions of this Act. Regulations to be prescribed.

Approved, June 14, 1934.

[CHAPTER 516.]

AN ACT

June 14, 1934.
[H.R. 6847.]
[Public, No. 347.]

Providing for the acquisition of additional lands for the naval air station at Hampton Roads Naval Operating Base, Norfolk, Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he hereby is, authorized and directed to acquire, by purchase or condemnation, additional tracts of land adjacent to and lying southeastwardly from the Hampton Roads Naval Operating Base, Norfolk, Virginia, said land being generally known as "East Camp", together with such additional land adjoining same as is necessary for the development and expansion of naval air activities at said station, and comprising approximately five hundred and forty acres and being bounded by Masons Creek

Hampton Roads Naval Operating Base, Norfolk, Va.
Acquisition of additional lands for naval air station at, authorized.

Appropriation authorized.

on the north and east, Bush Creek on the west, and the Virginian Railway on the south; and there is hereby authorized to be appropriated for the purchase of this entire tract the sum of $400,000.

Approved, June 14, 1934.

[CHAPTER 517.]

AN ACT

June 14, 1934.
[H.R. 7185.]
[Public, No. 348.]

To authorize the purchase by the city of Forest Grove, Oregon, of certain tracts of public lands and certain tracts revested in the United States under the Act of June 9, 1916 (39 Stat. 218).

Forest Grove, Oreg. Land patent to issue to.

Area, purchase price, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to issue a patent, upon payment of $2.50 per acre, or fraction thereof, to the city of Forest Grove, Oregon, for the northwest quarter of section 14, township 1 north, range 5 west, Washington County, Oregon, containing in the aggregate one hundred and sixty acres subject to all valid existing rights at the time of the filing of the application by the city of Forest Grove.

Regulations to be prescribed.

SEC. 2. That the Secretary of the Interior shall prescribe all necessary regulations to carry into effect the foregoing provisions of this Act.

Approved, June 14, 1934.

[CHAPTER 518.]

AN ACT

June 14, 1934.
[H.R. 7213.]
[Public, No. 349.]

To provide hourly rates of pay for substitute laborers in the Railway Mail Service and time credits when appointed as regular laborer.

Railway Mail Service, Postal Service.
Reclassification Act amended.
Vol. 43, p. 1062.
U.S.C., p. 1272.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act entitled "An Act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes", approved February 28, 1925, is amended by inserting after the fourth paragraph of such section (43 Stat. 1053; U.S.C., title 39, sec. 607) a new paragraph to read as follows:

Substitute laborers.
Hourly rate of pay provided for.
Time credit.

"Substitute laborers in the Railway Mail Service shall be paid for services actually performed at the rate of 55 cents per hour, and when appointed to the position of regular laborer the substitute service performed shall be included in eligibility for promotion to grade 2 on the basis of three hundred and six days of eight hours constituting a year's service."

Approved, June 14, 1934.

[CHAPTER 519.]

AN ACT

June 14, 1934.
[H.R. 7653.]
[Public, No. 350.]

To authorize the establishment of the Ocmulgee National Monument in Bibb County, Georgia.

National monuments.
Ocmulgee, in Bibb County, Ga., set apart when lands therefor vest in United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when title to lands commonly known as the "Old Ocmulgee Fields", upon which certain Indian mounds of great historical importance are located, comprising approximately two thousand acres, in and around the city of Macon, County of Bibb, State of Georgia, as

shall be designated by the Secretary of the Interior, in the exercise of his judgment and discretion as necessary for national-monument purposes, shall have been vested in the United States, said area shall be set aside as a national monument, by proclamation of the President, and shall be known as the "Ocmulgee National Monument": *Provided*, That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

Proviso.
Lands to be secured by donation only.

SEC. 2. The Secretary of the Interior is hereby authorized to accept donations of land, interests in land, buildings, structures, and other property, within the boundaries of said national monument as determined and fixed hereunder and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States under any donated funds by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of the Act of August 1, 1888, such tracts of land within the said national monument as may be necessary for the completion thereof.

Acceptance of lands, funds, etc.

Proviso.
Purchases from donated funds.

SEC. 3. The administration, protection, and development of the Ocmulgee National Monument shall be under the supervision of the Secretary of the Interior subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916, as amended.

Placed under supervision of Secretary of Interior.
Vol. 39, p. 535.

Approved, June 14, 1934.

[CHAPTER 520.]

AN ACT

To authorize the Secretary of Agriculture to adjust claims to so-called "Olmstead lands" in the State of North Carolina.

June 14, 1934.
[H.R. 8779.]
[Public, No. 351.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture be, and he is hereby, authorized to adjust all claims to the so-called "Olmstead lands" in the State of North Carolina, which were placed under his administrative care by the Act of July 6, 1912 (37 Stat. 189).

Olmstead lands in North Carolina.
Secretary of Agriculture to adjust all claims to.
Vol. 37, p. 189.

SEC. 2. That for the purpose of carrying out the provisions of this Act the Secretary of Agriculture is authorized, upon a finding by him, and approved by the Attorney General, that by reason of long-continued occupancy and use thereof a party is justly entitled to any of said Olmstead lands, to convey by quitclaim deed to such party the interest of the United States therein, or to pay to such party from any appropriation which hereafter may be made to carry out the purpose of the Act of March 1, 1911 (36 Stat. 936), such sum as the Secretary of Agriculture shall find to be just compensation for the release of the claim of such party to said lands, other claims of title to said Olmstead lands found to be superior to that of the United States may be settled by the Secretary of Agriculture through allowing the removal of timber from the lands claimed in such an amount as he finds equitable and acceptable to the claimant in full satisfaction of his claim, or with the approval of the National Forest Reservation Commission the Secretary of Agriculture may make payment in satisfaction of the claim from funds appropriated for carrying out the provisions of the said Act of March 1, 1911 (36 Stat. 936).

Conveyance of interest of United States to present occupants.

Compensation for release of claim.
Appropriation available.

Payment of superior claims through removal of timber.

Approved, June 14, 1934.

[CHAPTER 521.]

AN ACT

June 14, 1934.
[H.R. 8927.]
[Public, No. 352.]

To define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes.

Navajo Indian Reservation, Ariz.
Exterior boundaries defined.
Vol. 15, p. 667.
Post, pp. 985, 1033.
Description.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the exterior boundaries of the Navajo Indian Reservation, in Arizona, be, and they are hereby, defined as follows: Beginning at a point common to the States of Arizona, New Mexico, Colorado, and Utah, thence west along the boundary line between the States of Arizona and Utah to a point where said boundary line intersects the Colorado River; thence down the south bank of that stream to its confluence with the Little Colorado River; thence following the north bank of the Little Colorado River to a point opposite the east boundary of the Grand Canyon National Park; thence south along said east boundary to the southeast corner of section 5, township 30 north, range 6 east, Gila and Salt River base and meridian, Arizona; thence east to the southeast corner of section 4; thence south to the southwest corner of section 10; thence east to the southeast corner of section 10; thence south to the southwest corner of section 14; thence east to the northwest corner of the northeast quarter section 23; thence south two miles to the southeast corner of the southwest quarter section 26; thence west one half mile to the southeast corner of section 27, township 30 north, range 6 east, Gila and Salt River base and meridian, Arizona; thence south seven miles to the southwest corner of section 35, township 29 north, range 6 east; thence east one mile; thence south one and one half miles to the southwest corner of the northwest quarter section 12, township 28 north, range 6 east; thence east through the center of section 12 to the range line between ranges 6 and 7 east; thence south along said range line five and one half miles to the southeast corner of section 1, township 27 north, range 6 east; thence west three miles to the southwest corner of section 3, township 27 north, range 6 east; thence south five miles to the southeast corner of section 33, township 27 north, range 6 east; thence east along township line between townships 26 and 27, six and one half miles, to the northeast corner of the northwest quarter section 3, township 26 north, range 7 east; thence south two miles to the southeast corner of the southwest quarter section 10, township 26 north, range 7 east; thence east four and one half miles to the southeast corner of section 8, township 26 north, range 8 east; thence north four miles to the northwest corner of section 28, township 27 north, range 8 east, Gila and Salt River base and meridian; thence east one mile to the southeast corner of section 21; thence north four miles to the northeast corner of section 4, township 27 north, range 8 east, thence east along township line between townships 27 and 28 north to its intersection with the Little Colorado River; thence up the middle of that stream to the intersection of the present west boundary of the Leupp Extension Reservation created by Executive order of November 14, 1901; thence south along the present western boundary of said extension to where it intersects the fifth standard parallel north; thence east along said standard parallel to the southwest corner of township 21 north, range 26 east, Gila and Salt River base and meridian; thence north six miles to the northwest corner of township 21 north, range 26 east; thence east twelve miles to the northeast corner of township 21 north, range 27 east; thence south two miles; thence east twelve miles; thence south four miles; thence east along the township line between townships 20 and 21 north to the boundary line between the States of New Mexico and Arizona; thence north along said boundary

Executive order.

line to the point of beginning. All vacant, unreserved, and unappropriated public lands, including all temporary withdrawals of public lands in Arizona heretofore made for Indian purposes by Executive order or otherwise within the boundaries defined by this Act, are hereby permanently withdrawn from all forms of entry or disposal for the benefit of the Navajo and such other Indians as may already be located thereon; however, nothing herein contained shall affect the existing status of the Moqui (Hopi) Indian Reservation created by Executive order of December 16, 1882. There are hereby excluded from the reservation as above defined all lands heretofore designated by the Secretary of the Interior pursuant to section 28 of the Arizona Enabling Act of June 20, 1910 (36 Stat.L. 575), as being valuable for water-power purposes and all lands withdrawn or classified as power-site lands, saving to the Indians, nevertheless, the exclusive right to occupy and use such designated and classified lands until they shall be required for power purposes or other uses under the authority of the United States: *Provided*, That nothing in this Act contained shall be construed as authorizing the payment of proceeds or royalties to the Navajo Indians from water power developed within the areas added to the Navajo Reservation pursuant to section 1 of this Act; and the Federal Water Power Act of June 10, 1920 (41 Stat.L. 1063), and amendments thereto, shall operate for the benefit of the State of Arizona as if such lands were vacant, unreserved, and unappropriated public lands. All valid rights and claims initiated under the public land laws prior to approval hereof involving any lands within the areas so defined, shall not be affected by this Act.

Moqui Indian Reservation, not affected.

Lands suitable for power sites excluded.
Vol. 36, p. 575.

Proviso.
Payment of royalties to Indians, not authorized.

Vol. 41, p. 1063.

Prior legal rights protected.

SEC. 2. The Secretary of the Interior is hereby authorized in his discretion, under rules and regulations to be prescribed by him, to accept relinquishments and reconveyances to the United States of such privately owned lands, as in his opinion are desirable for and should be reserved for the use and benefit of the Navajo Tribe of Indians, including patented and nonpatented Indian allotments and selections, within the counties of Apache, Navajo, and Coconino, Arizona; and any Indian so relinquishing his or her right shall be entitled to make lieu selections within the areas consolidated for Indian purposes by this Act. Upon conveyance to the United States of a good and sufficient title to any such privately owned land, except Indian allotments and selections, the owners thereof, or their assigns, are hereby authorized, under regulations of the Secretary of the Interior, to select from the unappropriated, unreserved, and nonmineral public lands of the United States within said counties in the State of Arizona lands approximately equal in value to the lands thus conveyed, and where surrendered lands contain springs or living waters, selection of other lands taken in lieu thereof may be of like character or quality, such values to be determined by the Secretary of the Interior, who is hereby authorized to issue patents for the lieu lands so selected. In all selections of lieu lands under section 2 of this Act notice to any interested party shall be by publication. Any privately owned lands relinquished to the United States under section 2 of this Act shall be held in trust for the Navajo Tribe of Indians; and relinquishments in Navajo County, Arizona, excluding Indian allotments and selections, shall not extend south of the township line between townships 20 and 21 north, Gila and Salt River base and meridian. The State of Arizona may relinquish such tracts of school land within the boundary of the Navajo Reservation, as defined by section 1 of this Act, as it may see fit in favor of said Indians, and shall have the right to select other unreserved and nonmineral public lands contiguous or noncontiguous, located within

Landowners within, may relinquish holdings and select lien lands from public domain.

Indian allotments excepted.

Notice of selections to be by publication.
Relinquished lands to be held in trust for Navajos.
Area limited.

Exchanges permitted Arizona.
Vol. 36, p. 558.

the three counties involved equal in value to that relinquished, said lieu selections to be made in the same manner as is provided for in the Arizona Enabling Act of June 20, 1910 (36 Stat.L. 558), except as to the payment of fees or commissions which are hereby waived. Pending the completion of exchanges and consolidations authorized by section 2 of this Act, no further allotments of public lands to Navajo Indians shall be made in the counties of Apache, Navajo, and Coconino, Arizona, nor shall further Indian homesteads be initiated or allowed in said counties to Navajo Indians under the Act of July 4, 1884 (23 Stat.L. 96); and thereafter should allotments to Navajo Indians be made within the above-named counties, they shall be confined to land within the boundaries defined by section 1 of this Act.

Payment of fees waived.

No further allotments to Navajos in designated counties.

Vol. 23, p. 96.

Arizona may select its school lands in area, after completing exchanges, etc.

SEC. 3. Upon the completion of exchanges and consolidations authorized by section 2 of this Act, the State of Arizona may, under rules and regulations to be prescribed by the Secretary of the Interior, relinquish to the United States such of its remaining school lands in Coconino, Navajo, and Apache Counties as it may see fit; and shall have the right to select from the vacant, unreserved, and nonmineral public lands in said counties lieu lands equal in value to those relinquished without the payment of fees or commissions.

Acquisition, through purchase of certain property within.

Sum authorized; reimbursable.

SEC. 4. For the purpose of purchasing privately owned lands, together with the improvements thereon, within the boundaries above defined, there is hereby authorized to be appropriated, from any funds in the Treasury not otherwise appropriated, the sum of $481,879.38, which sum shall be reimbursable from funds accruing to the Navajo tribal funds as and when such funds accrue and shall remain available until expended: *Provided*, That title to the land so purchased may, in the discretion of the Secretary of the Interior, be taken for the surface only: *Provided further*, That said funds may be used in purchasing improvements on any land within said boundaries or on leased State school land within the boundaries above defined, provided the State of Arizona agrees to the assignment of said leases to the Navajo Tribe of Indians on a renewable and preferential basis, and provided the Legislature of said State enacts such laws as may be necessary to avail itself of the exchange provisions contained in section 2 of this Act, and disclaim any right, title, or interest in and to any improvements on said lands.

Provisos.
Title may be for surface only.
Use of funds for improvements.

Approved, June 14, 1934.

[CHAPTER 522.]

AN ACT

To reclassify terminal railway post offices.

June 14, 1934.
[H.R. 9392.]
[Public, No. 353.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the terminal railway post office system shall be maintained for the purpose of handling and distributing mail not handled or distributed in railway post office lines or post offices, and the clerks in said terminal railway post offices shall be classified as railway postal clerks and progress successively to grade 4. Clerks in charge of terminals, tours, or crews consisting of less than twenty employees shall be of grade 5. Clerks in charge of terminals, tours, or crews consisting of twenty or more employees shall be of grade 6. When a terminal railway post office is operated in three tours there shall be a relief clerk in charge: *Provided*, That the clerk in charge of terminals having seventy-five or more employees shall be of grade 7: *Provided further*, That no employee in the Postal Service shall be reduced in rank or salary as a result of the provisions of this Act.

Postal service.
Terminal railway post offices.
Vol. 43, p. 1063; U.S.C., p. 1272.

Classifications of clerks in charge.

Relief clerks.

Provisos.
Rating of clerks in charge of large terminals.
No reduction in pay.

Approved, June 14, 1934.

[CHAPTER 523.]

JOINT RESOLUTION

To harmonize the treaties and statutes of the United States with reference to American Samoa.

June 14, 1934.
[H.J.Res. 340.]
[Pub. Res., No. 31.]

Whereas the convention relating to the Samoan Islands, signed by the United States, Great Britain, and Germany on December 2, 1899, was proclaimed by the President of the United States on February 16, 1900, and continues to be in force; and

Samoan Islands.
Tripartite convention of 1899.
Vol. 31, p. 1879.

Whereas article 3 of the said convention is word for word as follows:

"It is understood and agreed that each of the three signatory powers shall continue to enjoy, in respect to their commerce and commercial vessels, in all the islands of the Samoan group privileges and conditions equal to those enjoyed by the sovereign power, in all ports which may be open to the commerce of either of them."

Equal rights among signatories.

Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of law of the United States restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from any port of the United States to another port of the United States shall not be applicable to commerce beween [1] the islands of American Samoa or between those islands and other ports under the jurisdiction of the United States.

Coastwise shipping laws not applicable to American Samoa, etc.

Approved, June 14, 1934.

[CHAPTER 536.]

AN ACT

To amend section 895 of the Code of Law of the District of Columbia.

June 15, 1934.
[S. 2714.]
[Public, No. 354.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, vested with authority to make harbor regulations for the entire waterfront of the city within the District of Columbia, to alter and amend the same from time to time as they may find necessary: *Provided*, That whenever these regulations affect navigable waters, channels, and anchorage areas or other interests of the United States, such regulations shall be subject to the approval of the Secretary of War: *And provided further*, That whenever said regulations affect the waterfront within the District of Columbia under the jurisdiction of the Director of National Parks, Buildings, and Reservations, or affect the interests and rights of the National Capital Park and Planning Commission, such regulations shall be subject to prior approval of the respective agencies.

District of Columbia, harbor regulations.
Authority vested in Commissioners to make.
Vol. 31, p. 1335, amended.

Provisos.
Federal approval, if affecting navigable waters.

Park, etc., waterfronts.

Approved, June 15, 1934.

[CHAPTER 537.]

AN ACT

To authorize the acknowledgment of oaths by post-office inspectors and by chief clerks of the Railway Mail Service.

June 15, 1934.
[H.R. 6675]
[Public, No. 355.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That post-office inspectors are empowered and authorized with like force and effect as officers having a seal to administer oaths required or authorized by law or regulation promulgated thereunder in respect of any matter coming before them in the performance of their official duties and

Railway Mail Service.
Post office inspectors, chief clerks, etc., authorized to administer oaths.

[1] So in original.

likewise oaths to accounts for travel or other expenses against the United States, but no compensation or fee shall be demanded or accepted for administering any such oaths. Chief clerks and assistant chief clerks in the Railway Mail Service are required, empowered, and authorized, when requested, to administer oaths to employees on appointment or promotion and to accounts for travel or other expenses against the United States with like force and effect as officers having a seal: *Provided*, That for such service no charge shall be made and no fee or money paid for such service shall be paid or reimbursed by the United States.

Proviso.
No fee allowed.

Approved, June 15, 1934.

[CHAPTER 538.]

AN ACT

June 15, 1934.
[H.R. 7360.]
[Public, No. 356.]

To establish a minimum area for the Great Smoky Mountains National Park, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an area of four hundred thousand acres within the minimum boundaries of the Great Smoky Mountains National Park, acquired one half by the peoples and States of North Carolina and Tennessee, and the United States, and one half by the Laura Spelman Rockefeller Memorial in memory of Laura Spelman Rockefeller, be, and the same is hereby, established as a completed park for administration, protection, and development by the United States, and so much of the Act of May 22, 1926 (44 Stat. 616), as is inconsistent herewith is hereby repealed.

Great Smoky Mountains National Park.
Minimum area for, established.

Vol. 44, p. 616.

SEC. 2. That all lands purchased from funds heretofore allocated and made available by Executive order, or otherwise, or which hereafter may be allocated and made available for the acquisition of lands for conservation or forestation purposes within the maximum boundaries of the Great Smoky Mountain National Park as authorized by the Act of May 22, 1926, be, and the same are hereby, made a part of the said park as fully as if originally acquired for that purpose.

Land purchased from emergency work funds, made part of park.

Approved, June 15, 1934.

[CHAPTER 539.]

AN ACT

June 15, 1934.
[H.R. 7759.]
[Public, No. 357.]

To amend the law relating to timber operations on the Menominee Indian Reservation in Wisconsin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act approved March 28, 1908 (35 Stat.L. 51), entitled "An Act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin", be, and is hereby, amended by adding at the end thereof the following: "The Secretary of the Interior shall at the end of each fiscal year ascertain and fix the fair market stumpage value of the fully matured and ripened green timber cut on said reservation during the fiscal year and shall during the succeeding fiscal year pay said amount in equal shares to each member of the Menominee Tribe of Indians, living and on the tribal rolls, on the last day of said fiscal year: *Provided*, That said amount so distributed during any fiscal year shall not exceed the amount actually earned from timber operations on said reservation during

Menominee Indian Reservation, Wis., timber operations.
Vol. 35, p. 52, amended.
Fair market stumpage value of timber cut during fiscal year to be fixed.

Payment to members.

Proviso.
Limitation on amount.

the previous fiscal year. The expenditures proposed for the purposes specified herein shall be submitted to the tribal council, or its authorized business committee, for its advance review and approval." Expenses proposed subject to review, etc., by tribal council.

Approved, June 15, 1934.

[CHAPTER 540.]

AN ACT

To provide for the enrollment of members of the Menominee Indian Tribe of the State of Wisconsin.

June 15, 1934.
[H.R. 8541.]
[Public, No. 358.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to prepare a certified roll of the members of the Menominee Indian Tribe in the State of Wisconsin, and from time to time to add names to such roll in accordance with the provisions of this Act, which roll shall constitute the official roll of members of said tribe for all purposes. The names of all persons on the tribal rolls on the date of the enactment of this Act shall automatically be placed on the roll authorized to be prepared under the provisions of this Act and shall be used as a basis for the compilation and preparation of said roll by the Secretary of the Interior. The Secretary of the Interior shall, from time to time, place on said roll the names of such additional persons as are entitled to the privilege of enrollment under the provisions of this Act.

Menominee Indians of Wisconsin.
Certified roll of members to be prepared.

Present enrollment to be used as basis.

Additional qualified persons.

SEC. 2. Any person whose name is not on the roll of the Menominee Indian Tribe on the date of the enactment of this Act may at any time hereafter apply to the Secretary of the Interior to have his name placed thereon. Such application shall be in writing, shall contain such information as the Secretary of the Interior may require, and shall be subscribed and sworn to before an official authorized to administer oaths; except that in the case of minors under the age of eighteen years and in the case of persons who are mentally incompetent, such application may be executed by any member of the Menominee Tribe of Indians in behalf of such minor or mentally incompetent person.

Application for enrollment.

SEC. 3. At the end of each fiscal year, the Secretary of the Interior shall compile a list of all persons who have applied for enrollment as a member of the Menominee Indian Tribe during the past fiscal year, and he shall certify such list of applicants to the general council of the Menominee Indian Tribe requesting said general council to investigate the qualifications of such applicants and to report its findings to the Secretary of the Interior. The Secretary of the Interior shall take no action on any application for enrollment until after the expiration of one year from the date the certified list of applicants was forwarded to the general council of the Menominee Indian Tribe, unless the said general council of the Menominee Indian Tribe shall have previously filed its findings and recommendations with reference thereto with the Secretary of the Interior.

Certification of list of applicants.

SEC. 4. No person whose name does not appear on the tribal roll of the Menominee Indian Tribe on the date of the enactment of this Act shall hereafter be eligible to enrollment unless he possesses at least one fourth of Menominee Indian blood, and any person possessing one fourth or more of Menominee Indian blood who has been or may be born of parents residing, at the time of such birth, upon the Menominee Reservation, at least one of whom is an enrolled member of the Menominee Tribe, or who has been or may be adopted by the Menominee Tribe, shall be entitled to have his name placed

Eligibility to enrollment.

Adopted member.

on the tribal roll by the Secretary of the Interior in the manner provided for in this Act and shall be entitled to all the privileges of membership in said tribe: *Provided*, That no person who participated in the so-called "Half Breed Payment of 1849" shall, for the purposes of enrollment as a member of the tribe, be considered as possessing any Menominee Indian blood, and no person claiming to possess one fourth or more of Menominee Indian blood shall hereafter be placed on the tribal roll unless he can establish the fact that he possesses the required one fourth or more of Menominee Indian blood as a descendant of a person or persons possessing Menominee Indian blood other than those persons who participated in the so-called "Half Breed Payment of 1849."

Proviso. Persons excluded.

Back annuities or per capita payments denied.

SEC. 5. No person whose name shall hereafter be placed on the roll of the Menominee Indian Tribe shall be entitled to any back annuities or per capita payments made to the members of the tribe out of tribal funds which were authorized to be paid to the members of said tribe before such person's name shall have been placed upon such roll.

Appeal of enrollment decision.

SEC. 6. Any person whose application for enrollment as a member of the Menominee Indian Tribe is denied by the Secretary of the Interior shall have the right of appeal to the Federal District Court for the Eastern District of Wisconsin at any time within two years after the denial of such application by the said Secretary of the Interior, and the general council of the Menominee Indian Tribe shall have the right to appeal to said court from any order or decision of the Secretary of the Interior granting any such application or placing the name of any applicant on the tribal roll, at any time within two years after such order or decision of the Secretary of the Interior. Notice of such appeal and of the hearing thereof shall be given to the Secretary of the Interior, the applicant and the general council of the Menominee Indian Tribe, in such manner as the court, by order, shall direct: *Provided*, That failure on the part of the Secretary of the Interior to approve or deny any application, within two years after the same has been filed with him, shall, for the purposes of this section, be deemed a denial of such application. Said district court shall consider all affidavits on file with the Secretary of the Interior with reference to the particular application and shall also consider such additional evidence as may be presented in the form of affidavits or otherwise by any of the parties in interest and shall hear such witnesses in open court as either party may present, and at the conclusion thereof the court shall either affirm or deny the right of said applicant to enrollment as a member of the Menominee Indian Tribe, which judgment shall be conclusive. In the event the court decides that the applicant is entitled to enrollment, the court shall order the Secretary of the Interior to place the applicant's name on the tribal roll as of the date upon which said application was denied by the Secretary of the Interior.

Notice and hearing thereon.

Proviso. Failure to approve deemed a denial.

Court to consider affidavits and other evidence presented.

Judgment conclusive.

Conflicting tribal custom or act of Congress repealed.

SEC. 7. The provisions of this Act shall be applicable to the enrollment of members of the Menominee Indian Tribe of the State of Wisconsin notwithstanding any conflicting tribal custom of said tribe, and any Act or Acts of Congress in conflict with the provisions of this Act are hereby repealed insofar as same relates to the Menominee Indians.

Approved, June 15, 1934.

[CHAPTER 541.]

AN ACT

June 15, 1934.
[H.R. 9184.]
[Public, No. 359.]

To authorize the Commissioners of the District of Columbia to sell the old Tenley School to the duly authorized representative of Saint Ann's Church of the District of Columbia.

District of Columbia.
Sale of Tenley School Building authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, authorized to sell and convey to the duly constituted representative and agent of Saint Ann's Roman Catholic Church, of the District of Columbia, located at or near the Corner of Wisconsin Avenue and Yuma Street northwest, the following described real estate: The old Tenley School Building, and original site, known as parcels 35/130 and 131, parcel 130 containing two thousand eight hundred and eighty square feet, and parcel 131 containing forty-two thousand and thirty-six square feet, or a total of forty-four thousand nine hundred and sixteen square feet, being the same land and premises now leased to the pastor of Saint Ann's Church by a certain lease signed by the Commissioners of the District of Columbia, dated October 16, 1933, and now included in parcel 35/260.

Approved, June 15, 1934.

[CHAPTER 542.]

AN ACT

June 15, 1934.
[H.R. 3768.]
[Public, No. 360.]

To change the name of the retail liquor dealers' stamp tax in the case of retail drug stores or pharmacies.

Internal Revenue.
Retail liquor dealers' stamp tax designated "medicinal spirits stamp tax" in case of pharmacists.
R.S., sec. 3244, p. 623.
U.S.C., p. 741.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of subdivision "Fourth" of section 3244 of the Revised Statutes, as amended (U.S.C., title 26, sec. 205 (a)), is amended by adding at the end thereof a new sentence to read as follows: "The tax required to be paid by this paragraph shall, in case of a retail drug store or pharmacy making sales of liquors through a duly licensed pharmacist, be designated as a 'medicinal spirits stamp tax.'"

Approved, June 15, 1934.

[CHAPTER 543.]

JOINT RESOLUTION

June 15, 1934.
[S.J.Res. 93.]
[Pub. Res., No. 32.]

United States Territorial Expansion Memorial Commission.

Authorizing the creation of a Federal Memorial Commission to consider and formulate plans for the construction, on the western bank of the Mississippi River, at or near the site of old Saint Louis, Missouri, of a permanent memorial to the men who made possible the territorial expansion of the United States, particularly President Thomas Jefferson and his aids, Livingston and Monroe, who negotiated the Louisiana Purchase, and to the great explorers, Lewis and Clark, and the hardy hunters, trappers, frontiersmen, and pioneers and others who contributed to the territorial expansion and development of the United States of America.

Whereas Thomas Jefferson, as President of the United States, insured, through the Louisiana Purchase and the Lewis and Clark Expedition, the expansion of our national domain to the Pacific Ocean; and

Whereas the early exploration and occupancy of these vast territorial additions of diversified climate and great riches, down the Ohio and up the Mississippi and Missouri Rivers and over the Santa Fe Trail and the Oregon Trail to the Pacific, stirred and broadened the Nation to a vision of our safety against encroachment from without and of our economic independence from within, that would come with a rounding out of the national boundary by the annexation of Texas and the acquisition of California; and

Whereas the national expansion of our country westward from its original confines along the eastern seaboard to include a continental empire stretching from the Atlantic to the Pacific is due in large part to the vision and genius of Thomas Jefferson and the other patriotic citizens who worked to the same end; and

Whereas there exists no adequate permanent national memorial to Thomas Jefferson, the Louisiana Purchase, the Lewis and Clark Expedition, or the other important movements and achievements connected therewith in the Mississippi Valley or elsewhere in the United States; and

Whereas the American people feel a deep debt of gratitude to Thomas Jefferson and all those who contributed to the territorial expansion of our Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a commission, to be known as the "United States Territorial Expansion Memorial Commission" (hereinafter designated as the "United States Commission"), for the purpose of considering and formulating plans for designing and constructing a permanent memorial on the Mississippi River, at Saint Louis, Missouri, said Commission to be composed of fifteen commissioners as follows: Three persons to be appointed by the President of the United States, three Senators by the President of the Senate, three Members of the House of Representatives by the Speaker of the House of Representatives, and six members of the Jefferson National Expansion Memorial Association to be selected by such association.

Establishment, title, purpose.

Composition of Commission.

Acceptance of donations, etc.

SEC. 2. The United States Commission may in its discretion accept from any source, public or private, money or property to be used for the purpose of making surveys and investigations, formulating, preparing, and considering plans and estimates for the improvement, construction, or other expenses incurred, or to be incurred.

No Federal liability.

SEC. 3. The United States shall not be held liable for any obligation or indebtedness incurred by the United States Commission, the State of Missouri, the Jefferson National Expansion Memorial Association, the city of Saint Louis, Missouri, or any other agency or officer, employee or agent of them, or any of them, for any purpose.

Approved, June 15, 1934.

[CHAPTER 545.]

AN ACT

June 16, 1934.
[S. 2347.]
[Public, No. 361.]

To amend the Inland Waterways Corporation Act, approved June 3, 1924, as amended.

Inland Waterways Corporation Act amended.

Common carrier service provisions extended.

Vol. 45, p. 980.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision (e) of section 3 of the Act entitled "An Act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the Transportation Act, and for other purposes", approved

June 3, 1924, as amended, is amended by striking out after the word "Warrior" the words "River or the Mississippi River", and inserting in lieu thereof a comma and the words "Mississippi, Columbia, or Snake Rivers,". U.S.C., Supp. VII, p. 1019.

Approved, June 16, 1934.

[CHAPTER 546.]

AN ACT

June 16, 1934.
[S. 3025.]
[Public, No. 362.]

To amend section 12B of the Federal Reserve Act so as to extend for one year the temporary plan for deposit insurance, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12B of the Federal Reserve Act is amended— Federal Reserve Act, amendment.

(1) By striking out "July 1, 1934" wherever it appears in subsections (e), (l), and (y), and inserting in lieu thereof "July 1, 1935"; Federal deposit insurance; extensions. *Ante*, pp. 168, 172, 179. Subscriptions; insurance of deposits.

(2) By striking out "June 15, 1934" where it appears in the last sentence of the third paragraph of subsection (y) and inserting in lieu thereof "October 1, 1934"; Certified statements by Fund members. *Ante*, p. 179.

(3) By striking out "June 30, 1934" where it appears in the first sentence of the fifth paragraph of subsection (y), and inserting in lieu thereof "June 30, 1935"; Liabilities, if Fund member closes before June 30, 1935.

(4) By amending the second sentence of the fifth paragraph of subsection (y) to comprise two sentences reading as follows: "The provisions of such subsection (l) relating to State member banks shall be extended for the purposes of this subsection to members of the Fund which are not members of the Federal Reserve System, and the provisions of such subsection (l) relating to the appointment of the Corporation as receiver shall be applicable to all members of the Fund. The provisions of this subsection shall apply only to deposits of members of the Fund which have been made available since March 10, 1933, for withdrawal in the usual course of the banking business."; Deposit insurance. Provisions extended. *Ante*, p. 180. Appointment of Corporation as receiver; limitation.

(5) By adding to the sixth paragraph of subsection (y) the following: "The Corporation shall prescribe by regulations the manner of exercise of the right of nonmember banks to withdraw from membership in the fund on July 1, 1934, except that no bank shall be permitted to withdraw unless ten days prior thereto it has given written notice to the Corporation of its election so to do. Banks which withdraw from the Fund on July 1, 1934, shall be entitled to a refund of their proportionate share of any estimated balance in the Fund on the same basis as if the Fund had terminated on July 1, 1934."; Regulating exercise of nonmember's right to withdraw. *Ante*, p. 180. Refunds.

(6) By adding to the end of the fourth paragraph of subsection (y) the following new paragraphs: Amount of deposit eligible for insurance increased. *Ante*, p. 179.

"On and after July 1, 1934, the amount eligible for insurance under this subsection for the purposes of the October 1, 1934 certified statement, any entrance assessment, and, if levied, the additional assessment, shall be the amounts not in excess of $5,000 of the deposits of each depositor.

"Each mutual savings bank, unless it becomes subject to the provisions of the preceding paragraph in the manner hereinafter provided, shall be excepted from the operation of the preceding paragraph and for each such bank which is so excepted the amount eligible for insurance under this subsection for the purposes of the October 1, 1934 certified statement, any entrance assessment, and, if levied, the additional assessment, shall be the amounts not in excess of $2,500 for the deposits of each depositor. In the event Mutual savings banks. Deposits insured not exceeding $2,500.

Payments if bank closes.

any mutual savings bank shall be closed on account of inability to meet its deposit liabilities the Corporation shall pay not more than $2,500 on account of the net approved claim of any owner of deposits in such bank: *Provided, however*, That should any mutual savings bank make manifest to the Corporation its election to be subject to the provisions of the preceding paragraph the Corporation may, in the discretion of the board of directors, permit such bank to become so subject and the insurance of its deposits to continue on the same basis and to the same extent as that of fund members other than mutual savings banks.

Proviso.
Election to insure deposits on same basis as other fund members.

"Fund for Mutuals." Establishment.

"The Corporation, in the discretion of the board of directors, may open on its books solely for the benefit of mutual savings banks an additional Temporary Federal Deposit Insurance Fund (hereinafter referred to as the 'Fund For Mutuals') which, if opened, shall become operative on or after July 1, 1934, but prior to August 1, 1934, and shall continue to July 1, 1935. If the Fund For Mutuals is opened on the books of the Corporation, each mutual savings bank which is or becomes entitled to the benefits of insurance during the period of its operation shall be a member thereof and shall not be a Fund member. All assessments on each mutual savings bank, including payments heretofore made to the Corporation less an equitable deduction for liabilities and expenses of the Fund incurred prior to the opening of the Fund For Mutuals, if opened, shall be transferred or paid, as the case may be, to the Fund For Mutuals. All provisions of this section applicable to the Fund and not inconsistent with this paragraph shall be applicable to the Fund For Mutuals if opened, except that as to any period the two are in operation the Fund shall not be subject to the liabilities of the Fund For Mutuals and the Fund For Mutuals shall not be subject to the liabilities of the Fund. Each mutual savings bank admitted to the Fund shall bear its equitable share of the liabilities of the Fund for the period it is a member thereof, including expenses of operation and allowing for anticipated recoveries.";

When to become operative.

Membership.

Fund members excluded.

Assessments, including payments.

Provisions applicable to.

Liabilities of Fund to be equally shared.

Amount of deposits eligible for insurance increased, after June 30, 1934.
Ante, p. 179.

(7) By striking out the period at the end of the first sentence of the fifth paragraph of subsection (y) and inserting in lieu thereof a comma and the following: "if the member closed on or before June 30, 1934, and not more than $5,000 if closed on or after July 1, 1934.";

Insurance of deposits, nonmember banks.
Subscription for class A stock, State bank member of Fund.
Ante, pp. 172, 180.

(8) By (a) striking out "July 1, 1936" in the first sentence of subsection (1) and inserting in lieu thereof "July 1, 1937", (b) striking out the words "July 1, 1936" in the seventh paragraph of subsection (y) and inserting in lieu thereof "July 1, 1937", and (c) adding after the seventh paragraph of subsection (y) the following new paragraph:

Benefits to State banks after Fund terminated.

"Until July 1, 1937, any State bank may obtain the benefits of this section on and after the date the Fund is terminated upon the conditions with regard to examination, certification, and approval governing the admission of State banks to the Fund and upon purchasing such class A stock or making such a deposit as is prescribed in the preceding paragraph for former fund members.";

Insurance of deposits, sign to be displayed.
Ante, p. 178.

(9) By adding at the end of the first paragraph of subsection (v) the following new paragraph:

"Every insured bank shall display at each place of business maintained by it a sign or signs to the effect that its deposits are insured by the Federal Deposit Insurance Corporation. The Corporation shall prescribe by regulation the form of such sign and the manner of its display. Such regulation may impose a maximum penalty of $100 for each day an insured bank continues to violate any lawful provisions of said regulation."; and

Regulations.

(10) By amending the first sentence of the second paragraph of subsection (y) by inserting within the parentheses and immediately after the words "District of Columbia" the words "and the Territories of Hawaii and Alaska".

Membership of Fund extended to Territories, etc.
Ante, p. 179.

SEC. 2. The first paragraph of section 9 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 321), is amended by adding after the second sentence thereof a new sentence to read as follows: "For the purposes of membership of any such bank the terms 'capital' and 'capital stock' shall include the amount of outstanding capital notes and debentures legally issued by the applying bank and purchased by the Reconstruction Finance Corporation."

Ante, p. 164.
U.S.C., Supp. VII, p. 169.
Membership of State banks.
"Capital" and "capital stock" construed.

SEC. 3. (a) The Reconstruction Finance Corporation Act, as amended, is amended by adding before section 6 thereof the following new section:

Reconstruction Finance Corporation Act.
Vol. 47, p. 8; U.S.C., Supp. VII, p. 153.

"SEC. 5e. (a) The Corporation is authorized and empowered to make loans upon or purchase the assets of any bank, savings bank, or trust company, which has been closed on or after December 31, 1929, and prior to January 1, 1934, and the affairs of which have not been fully liquidated or wound up, upon such terms and conditions as the Corporation may by regulations prescribe. If in connection with the reorganization, stabilization, or liquidation of any such bank, assets have been trusteed or are otherwise held for the benefit of depositors or depositors and others, the authority, subject to regulations, as provided in the preceding sentence shall be extended for the purpose of authorizing the Corporation to purchase or make loans on such assets held for the benefit of such depositors or depositors and others. This authority shall also extend to any such institution that has reopened without payment of deposits in full. In making any purchase of or loan on the assets of any closed bank, the Corporation shall appraise such assets in anticipation of an orderly liquidation over a period of years, rather than on the basis of forced selling values in a period of business depression. This authority shall also extend to assets of the character made eligible by this section as security for loans without regard to whether the Corporation has heretofore made loans thereon.

Banks closed during 1930-33.
Loans to, or purchase of assets of, authorized.
Loans on assets held for benefit of depositors.
Bank reopened, without paying deposits in full.
Appraisal of assets.
Authority extended to other eligible assets.

"(b) The Corporation shall purchase at par value such debentures or other obligations of the Federal Deposit Insurance Corporation as are authorized to be issued under subsection (o) of section 12B of the Federal Reserve Act, as amended, upon request of the board of directors of the Federal Deposit Insurance Corporation, whenever in the judgment of said board additional funds are required for insurance purposes: *Provided*, That the Corporation shall not purchase or hold at any time said debentures or other obligations in excess of $250,000,000 par value: *Provided further*, That the proceeds derived from the purchase by the Corporation of any such debentures or other such obligations shall be used by the Federal Deposit Insurance Corporation solely in carrying out its functions with respect to such insurance.

Obligations of Federal Deposit Insurance Corporation.
Purchase of, when additional funds required.
Provisos.
Limitation.
Proceeds from such purchases for insurance purposes solely.

"(c) The amount of notes, bonds, debentures, and other such obligations which the Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by $250,000,000."

Maximum outstanding obligations permitted.

SEC. 4. So much of section 31 of the Banking Act of 1933 as relates to stock ownership by directors, trustees or members of similar governing bodies of member banks of the Federal Reserve System, is hereby repealed.

Provisions concerning stock ownership by directors, etc., repealed.
Ante, p. 194.

Approved, June 16, 1934.

Payments if bank closes.

any mutual savings bank shall be closed on account of inability to meet its deposit liabilities the Corporation shall pay not more than $2,500 on account of the net approved claim of any owner of deposits in such bank: *Provided, however*, That should any mutual savings bank make manifest to the Corporation its election to be subject to the provisions of the preceding paragraph the Corporation may, in the discretion of the board of directors, permit such bank to become so subject and the insurance of its deposits to continue on the same basis and to the same extent as that of fund members other than mutual savings banks.

Proviso.
Election to insure deposits on same basis as other fund members.

"Fund for Mutuals." Establishment.

"The Corporation, in the discretion of the board of directors, may open on its books solely for the benefit of mutual savings banks an additional Temporary Federal Deposit Insurance Fund (hereinafter referred to as the 'Fund For Mutuals') which, if opened, shall become operative on or after July 1, 1934, but prior to August 1, 1934, and shall continue to July 1, 1935. If the Fund For Mutuals is opened on the books of the Corporation, each mutual savings bank which is or becomes entitled to the benefits of insurance during the period of its operation shall be a member thereof and shall not be a Fund member. All assessments on each mutual savings bank, including payments heretofore made to the Corporation less an equitable deduction for liabilities and expenses of the Fund incurred prior to the opening of the Fund For Mutuals, if opened, shall be transferred or paid, as the case may be, to the Fund For Mutuals. All provisions of this section applicable to the Fund and not inconsistent with this paragraph shall be applicable to the Fund For Mutuals if opened, except that as to any period the two are in operation the Fund shall not be subject to the liabilities of the Fund For Mutuals and the Fund For Mutuals shall not be subject to the liabilities of the Fund. Each mutual savings bank admitted to the Fund shall bear its equitable share of the liabilities of the Fund for the period it is a member thereof, including expenses of operation and allowing for anticipated recoveries.";

When to become operative.

Membership.

Fund members excluded.

Assessments, including payments.

Provisions applicable to.

Liabilities of Fund to be equally shared.

(7) By striking out the period at the end of the first sentence of the fifth paragraph of subsection (y) and inserting in lieu thereof a comma and the following: "if the member closed on or before June 30, 1934, and not more than $5,000 if closed on or after July 1, 1934.";

Amount of deposits eligible for insurance increased, after June 30, 1934.
Ante, p. 179.

(8) By (a) striking out "July 1, 1936" in the first sentence of subsection (l) and inserting in lieu thereof "July 1, 1937", (b) striking out the words "July 1, 1936" in the seventh paragraph of subsection (y) and inserting in lieu thereof "July 1, 1937", and (c) adding after the seventh paragraph of subsection (y) the following new paragraph:

Insurance of deposits, nonmember banks.
Subscription for class A stock, State bank member of Fund.
Ante, pp. 172, 180.

Benefits to State banks after Fund terminated.

"Until July 1, 1937, any State bank may obtain the benefits of this section on and after the date the Fund is terminated upon the conditions with regard to examination, certification, and approval governing the admission of State banks to the Fund and upon purchasing such class A stock or making such a deposit as is prescribed in the preceding paragraph for former fund members.";

(9) By adding at the end of the first paragraph of subsection (v) the following new paragraph:

Insurance of deposits, sign to be displayed.
Ante, p. 178.

"Every insured bank shall display at each place of business maintained by it a sign or signs to the effect that its deposits are insured by the Federal Deposit Insurance Corporation. The Corporation shall prescribe by regulation the form of such sign and the manner of its display. Such regulation may impose a maximum penalty of $100 for each day an insured bank continues to violate any lawful provisions of said regulation."; and

Regulations.

eries: *Provided*, That such allowances to said Frank J. Boudinot shall be in addition to any and all fees and expenses authorized by said Acts of Congress of March 19, 1924, and April 25, 1932; and this Act shall not be construed to affect in any way the contracts with attorneys entered into thereunder.

Proviso.
Allowance to be additional to authorized fee, etc.
Other contracts not affected.

Approved, June 16, 1934.

[CHAPTER 550.]

AN ACT

June 16, 1934.
[H.R. 3214.]
[Public, No. 366.]

To compensate the Post Office Department for the extra work caused by the payment of money orders at offices other than those on which the orders are drawn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to regulate the payment of postal money orders", approved February 6, 1914 (38 Stat. 280; U.S.C., title 39, sec. 727), is amended to read as follows:

Postal service.
Postal money orders.
Vol. 38, p. 280; U.S.C., p. 1279.

"That under such rules and regulations as the Postmaster General shall prescribe postal money orders may be issued payable at any money-order post office, and on and after the date upon which such rules and regulations become effective all money orders shall be legally payable at any money-order post office, although drawn on a specified office; and as compensation for the extra labor involved in paying a money order at an office other than that on which the order is drawn the Postmaster General is authorized to exact a fee of the same amount as that charged for the issue of the order; and that all laws or parts of laws in conflict herewith are hereby repealed."

Payment at offices other than those on which drawn.

Fee.

Approved, June 16, 1934.

[CHAPTER 551.]

AN ACT

June 16, 1934.
[S. 2674.]
[Public, No. 367.]

To amend an Act entitled "An Act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes", approved May 12, 1933.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 15 of the Act entitled "An Act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes", approved May 12, 1933, is amended to read as follows:

Agricultural Adjustment Act amended.
Ante, p. 39.

"Any person, including any State or Federal organization or institution, delivering any product to any organization for charitable distribution, or use, including any State or Federal welfare organization, for its own use, whether the product is delivered as merchandise, or as a container for merchandise, or otherwise, shall, if such product or the commodity from which processed is under this title subject to tax, be entitled to a refund of the amount of any tax due and paid under this title with respect to such product so delivered, or to a credit against any tax due and payable under this title of the amount of tax which would be refundable under this section with

Refund of processing tax on products for charitable distribution.

Proviso. Restriction.

respect to such product so delivered: *Provided, however*, That no tax shall be refunded or credited under this section, unless the person claiming the refund or credit establishes, in accordance with regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury (1) that he has not included the tax in the price of the product so delivered or collected the amount of the tax from the said organization, or (2) that he has repaid, or has agreed in writing to repay, the amount of the tax to the said organization. No refund shall be allowed under this section unless claim therefor is filed within six months after delivery of the products to the organization for charitable distribution, or use. The word 'State' as used in this section shall include a State and any political subdivision thereof."

Time limitation. "State," defined.

Approved, June 16, 1934.

[CHAPTER 552.]

AN ACT

June 16, 1934. [H.R. 8525.] [Public, No. 368.]

To amend the District of Columbia Alcoholic Beverage Control Act to permit the issuance of retailers' licenses of class B in residential districts.

District of Columbia Alcoholic Beverage Control Act, amended. *Ante*, p. 329.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 15 of the District of Columbia Alcoholic Beverage Control Act is amended to read as follows:

Restriction on issuing retailer's licenses in residential-use district modified.

"SEC. 15. No retailer's licenses except of classes B or E shall be issued for any business conducted in a residential-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission, except for a restaurant or tavern conducted in a hotel, apartment house, or club, and then only when the entrance to such restaurant or tavern is entirely inside of the hotel, apartment house, or club and no sign or display is visible from the outside of the building."

Approved, June 16, 1934.

[CHAPTER 553.]

AN ACT

June 16, 1934. [H.R. 9002.] [Public, No. 369.]

To provide relief to Government contractors whose costs of performance were increased as a result of compliance with the Act approved June 16, 1933, and for other purposes.

Relief of Government contractors operating under Code. Comptroller General to adjust claims of, for increased costs of performance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle on a fair and equitable basis claims of persons who entered into a contract or contracts with the United States prior to August 10, 1933, including subcontractors and materialmen performing work or furnishing material or necessary fuel direct to the contractor under such contracts, for additional costs incurred by reason of compliance on and after August 10, 1933, with a code or codes of fair competition approved by the President under section 3 of the Act approved June 16, 1933, known as the "National Industrial Recovery Act", or by reason of compliance with an agreement with the President executed under section 4 (a) of said Act in the performance after August 10, 1933, of the contract or any part thereof. In the event that such contract was performed wholly or in part by a surety on the bond of the contractor, the claim may be presented by and settlement made with such surety, but such surety shall have no greater rights than would have accrued to the

Ante, p. 212.

Contract performed by surety.

contractor had such contractor completed the contract. Any contractor, subcontractor, or completing surety desiring an adjustment and settlement with respect to any such contract under this Act for increased costs incurred after August 10, 1933, by reason of compliance with the codes or reemployment agreements shall file with the department or administrative establishment concerned a verified claim itemizing such additional costs, and any subcontractor on any such contract may file his claim directly with the head of the department or independent establishment concerned or through the contractor. After the claim has been examined by the head of the department or independent establishment concerned, or such person or persons as he shall designate, the claim shall be transmitted to the Comptroller General of the United States, accompanied with an administrative finding of fact and recommendation with respect to the claim.

Filing, examining claims.

Reference, with finding, to Comptroller General.

SEC. 2. In no event shall any allowance exceed the amount by which the cost of performance of such part of the contract as was performed subsequently to August 10, 1933, was directly increased by reason of compliance with a code or codes of fair competition, or with an agreement with the President, as aforesaid.

Allowance not to exceed outlay.

SEC. 3. In no event shall any allowance be made which would result in a profit to the claimant exceeding 7 per centum on the cost of performance of the contract in respect of which the claim is made. The head of the department or establishment concerned, subject to the approval of the Comptroller General, shall have the authority, from time to time, to determine the actual cost and profit thereon.

Profit to claimant limited.

Determining cost and profit.

SEC. 4. No claim hereunder shall be considered or allowed unless presented within six months from the date of approval of this Act or, at the option of the claimant, within six months after the completion of the contract, except in the discretion of the Comptroller General for good cause shown by the claimant.

Time limitation.

SEC. 5. Appropriations for the purpose of paying claims allowed hereunder and the expenses of determining the claims are hereby authorized.

Appropriations authorized.

SEC. 6. In all proceedings under this Act witnesses may be compelled to attend, appear, and testify and produce books, papers, and letters, or other documents; and the claim that any such testimony or evidence may tend to incriminate the person giving the same shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person in the trial of any criminal proceeding. Nothing in this Act shall in any way relieve or excuse any officer of the United States or any claimant from prosecution under any statute of the United States for any fraud or criminal conduct.

Attendance of witnesses, etc.

Evidence.

Prosecutions.

Approved, June 16, 1934.

[CHAPTER 554.]

AN ACT

June 16, 1934.
[H.R. 5369.]
[Public, No. 370.]

Providing for the issuance of patents upon certain conditions to lands and accretions thereto determined to be within the State of New Mexico in accordance with the decree of the Supreme Court of the United States entered April 9, 1928.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to issue patents for the public lands determined to be within the State of New Mexico in accordance with the decree of the Supreme Court of the United

Public lands.
Issue of patents for certain, in New Mexico.

Vol. 45, p. 1445.

States entered April 9, 1928 (New Mexico against Texas, 276 U.S. 558), to the persons in actual and bona fide possession of and claiming title on April 9, 1928, under patent from the State of Texas to such lands, upon payment therefor by such persons to the United States at the rate of $1.25 an acre.

Requirements of applicants.

SEC. 2. In order to receive a patent under this Act, the persons entitled thereto, their heirs or assigns, shall within five years from the passage of this Act, submit a written application describing the land according to their claim of title, and the proof of the facts necessary under this Act to entitle the applicant to make entry shall be submitted in accordance with such regulations as the Secretary of the Interior may prescribe, including posting and publication of notice as now prescribed under the homestead laws.

Lands acquired subject to liens, etc.

SEC. 3. It is further provided that any land acquired by patent under this Act shall be subject to the same liens, other than liens for taxes and water and like quasi-public charges, that would have been against such land had it been in Texas.

SEC. 4. As used in this Act the term "person" includes an individual, corporation, partnership, or association.

Approved, June 16, 1934.

[CHAPTER 555.]

AN ACT

June 16, 1934.
[H.R. 6781.]
[Public No. 371.]

To authorize appropriations to pay the annual share of the United States as an adhering member of the International Council of Scientific Unions and associated unions.

International Council of Scientific Unions. Annual appropriations authorized for share.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, to be expended under the direction of the Secretary of State, in paying the annual share of the United States as an adhering member of the International Council of Scientific Unions and associated unions, including the International Astronomical Union, International Union of Chemistry, International Union of Geodesy and Geophysics, International Union of Mathematics, International Scientific Radio Union, International Union of Physics, and International Geographical Union, and such other international scientific unions as the Secretary of State may designate, the sum of $9,000 for the fiscal year ending June 30, 1935.

Sum for fiscal year, 1935.

Approved, June 16, 1934.

[CHAPTER 556.]

AN ACT

June 16, 1934.
[H.R. 8639.]
[Public, No. 372.]

To repeal certain laws providing for the protection of sea lions in Alaska waters.

Sea lions in Alaskan waters.
Laws for protection of, repealed.
Vol. 35, p. 104.
Proviso.
Supervision over killing.
Vol. 41, p. 717.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all Acts and parts of Acts making it unlawful to kill sea lions, as game animals or otherwise, in the waters of the Territory of Alaska are repealed: *Provided, however*, That sea lions shall not be killed in the waters of Alaska except under such rules and regulations as the Secretary of Commerce may prescribe, in order to prevent the extinction of sea lions as a species of interesting sea life in the waters of Alaska.

Approved, June 16, 1934.

[CHAPTER 557.]

AN ACT

To amend the Mineral Lands Leasing Act of 1920 with reference to oil- or gas-prospecting permits and leases.

June 16, 1934.
[S. 3723.]
[Public, No. 373.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920, as amended, is amended by adding the following new section:

Mineral Lands Leasing Act of 1920, amended.
Vol. 41, p. 451.

"SEC. 40. (a) All prospecting permits and leases for oil or gas made or issued under the provisions of this Act shall be subject to the condition that in case the permittee or lessee strikes water while drilling instead of oil or gas, the Secretary of the Interior may, when such water is of such quality and quantity as to be valuable and usable at a reasonable cost for agricultural, domestic, or other purposes, purchase the casing in the well at the reasonable value thereof to be fixed under rules and regulations to be prescribed by the Secretary: *Provided*, That the land on which such well is situated shall be reserved as a water hole under section 10 of the Act of December 29, 1916.

Purchase of casings in wells when water suitable for agriculture, etc., is struck.

Proviso.
Water holes.
Vol. 39, pp. 865, 518.

"(b) In cases where water wells producing such water have heretofore been or may hereafter be drilled upon lands embraced in any prospecting permit or lease heretofore issued under the Act of February 25, 1920, as amended, the Secretary may in like manner purchase the casing in such wells.

Purchase of water wells upon lands embraced in any prospecting permit.

"(c) The Secretary may make such purchase and may lease or operate such wells for the purpose of producing water and of using the same on the public lands or of disposing of such water for beneficial use on other lands, and where such wells have heretofore been plugged or abandoned or where such wells have been drilled prior to the issuance of any permit or lease by persons not in privity with the permittee or lessee, the Secretary may develop the same for the purposes of this section: *Provided*, That owners or occupants of lands adjacent to those upon which such water wells may be developed shall have a preference right to make beneficial use of such water.

Opening and operating plugged or abandoned wells.

Proviso.
Preferential rights of vicinity.

"(d) The Secretary may use so much of any funds available for the plugging of wells, as he may find necessary to start the program provided for by this section, and thereafter he may use the proceeds from the sale or other disposition of such water as a revolving fund for the continuation of such program, and such proceeds are hereby appropriated for such purpose.

Use of available sums to initiate program and proceeds from sales as revolving fund.

"(e) Nothing in this section shall be construed to restrict operations under any oil or gas lease or permit under any other provision of this Act."

No restriction, unless stipulated.

Approved, June 16, 1934.

[CHAPTER 558.]

JOINT RESOLUTION

Authorizing suitable memorials in honor of James Wilson and Seaman A. Knapp.

June 16, 1934.
[S.J.Res. 100.]
[Pub. Res. No. 33.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the archway connecting the new building of the Department of Agriculture (commonly known as the "South Building") with the west wing of the main building of the Department of Agriculture shall be designated the "Wilson Memorial Arch" in memory of James

Department of Agriculture.
Memorial archways authorized.
"Wilson Memorial Arch."

Wilson, Secretary of the Department of Agriculture for sixteen years, and shall be suitably inscribed as such.

"Knapp Memorial Arch."

SEC. 2. The archway connecting such new building with the east wing of the main building of the Department of Agriculture shall be designated the "Knapp Memorial Arch" in memory of Seaman A. Knapp, who rendered great service to American agriculture, and shall be suitably inscribed as such.

Memorial tablets.

SEC. 3. The Grand Council of the National Honorary Extension Fraternity, Epsilon Sigma Phi, is hereby authorized to place, without expense to the United States, in each such memorial arch a suitable memorial tablet; but such tablets shall not be erected until the plans and specifications therefor have been submitted to and approved by the Commission of Fine Arts.

Subject to approval by Fine Arts Commission.

Approved, June 16, 1934.

[CHAPTER 559.]

JOINT RESOLUTION

June 16, 1934.
[S.J.Res. 121.]
[Pub. Res. No. 34.]

Authorizing the President to return the mace of the Parliament of upper Canada to the Canadian Government.

Speaker's mace captured at Battle of York, Canada.

Preamble.

Whereas the mace of the Parliament of upper Canada, or Ontario, has been the symbol of legislative authority at York (now Toronto) since 1792; and

Whereas the mace then in use was taken at the Battle of York, April 27, 1813, by the United States forces and since has been preserved in the United States Naval Academy at Annapolis; and

Whereas on July 4, 1934, there is to be unveiled in Toronto a memorial tablet erected by the United States Daughters of 1812, to the memory of General Pike and others of the United States forces who were killed in action: Now, therefore, be it

President authorized to return to Canadian Government.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to return said mace to the Canadian Government in token of the mutual friendship and good will existing between the people of the United States and those of Canada.

Approved, June 16, 1934.

[CHAPTER 567.]

AN ACT

June 18, 1934.
[S. 852.]
[Public, No. 374.]

To amend section 24 of the Trading with the Enemy Act, as amended.

Trading with the Enemy Act, amended. Vol. 42, p. 1516; Vol. 45, p. 277.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 24 (b) of the Trading with the Enemy Act, as amended by the Settlement of War Claims Act of 1928, approved March 10, 1928, is amended by adding at the end thereof the following: "Notwithstanding the expiration of any period of limitation provided by law, credit or refund of any income, war-profits, or excess-profits tax erroneously or illegally assessed or collected may be made or allowed if claim therefor was filed with the Commissioner of Internal Revenue by the Alien Property Custodian on or before February 15, 1933."

Credit or refund of any income, or war profits, erroneously assessed and collected, authorized.

Approved, June 18, 1934.

[CHAPTER 568.]

AN ACT

June 18, 1934.
[S. 1735.]
[Public, No. 375.]

To amend an Act approved May 14, 1926 (44 Stat. 555), entitled "An Act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims."

Chippewa Indians of Minnesota.
Vol. 44, p. 555, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of an Act approved May 14, 1926 (44 Stat. 555), be, and the same is hereby, amended to read as follows:

Adjudication of claims of, against United States.

"SECTION 1. That jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party as in other cases, notwithstanding the lapse of time or statute of limitations, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of the Act of January 14, 1889 (25 Stat.L. 642), or arising under or growing out of any subsequent Act of Congress in relation to Indian Affairs which said Chippewa Indians of Minnesota may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States. In any such suit or suits the plaintiffs, the Chippewa Indians of Minnesota, shall be considered as including and representing all those entitled to share in the final distribution of the permanent fund provided for by section 7 of the Act of January 14, 1889 (25 Stat.L. 642), and the agreements entered into thereunder: *Provided*, That nothing herein shall be construed to affect the powers of the Secretary of the Interior to determine the roll or rolls of the Chippewa Indians of Minnesota for the purpose of making any distribution of the permanent Chippewa fund or of the interest accruing thereon or of the proceeds of any judgments: *Provided further*, That nothing herein shall be construed to authorize the submission to the Court of Claims for determination of any individual claim or claims to enrollment with the Chippewa Indians of Minnesota or to share in the interest or principal of the permanent Chippewa fund or in any funds hereafter acquired: *Provided further*, That the qualifications necessary to such enrollment shall not be changed or affected in any manner by the provisions of this Act.

Vol. 25, p. 642.

Plaintiffs to include all who are entitled to share in final disposition of permanent fund.

Provisos.
Determining rolls for distributing Indian funds.

Individual claims not admitted.

Qualifications to such enrollment.

Approved, June 18, 1934.

[CHAPTER 569.]

AN ACT

June 18, 1934.
[S. 2248.]
[Public, No. 376.]

To protect trade and commerce against interference by violence, threats, coercion, or intimidation.

Protection of trade and commerce against interference by violence, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "trade or commerce", as used herein, is defined to mean trade or commerce between any States, with foreign nations, in the District of Columbia, in any Territory of the United States, between any such Territory or the District of Columbia and any State or other Territory, and all other trade or commerce over which the United States has constitutional jurisdiction.

"Trade or commerce" defined.

Acts adversely affecting trade or commerce specified.

SEC. 2. Any person who, in connection with or in relation to any act in any way or in any degree affecting trade or commerce or any article or commodity moving or about to move in trade or commerce—

(a) Obtains or attempts to obtain, by the use of or attempt to use or threat to use force, violence, or coercion, the payment of money or other valuable considerations, or the purchase or rental of property or protective services, not including, however, the payment of wages by a bona-fide employer to a bona-fide employee; or

(b) Obtains the property of another, with his consent, induced by wrongful use of force or fear, or under color of official right; or

(c) Commits or threatens to commit an act of physical violence or physical injury to a person or property in furtherance of a plan or purpose to violate sections (a) or (b); or

(d) Conspires or acts concertedly with any other person or persons to commit any of the foregoing acts; shall, upon conviction thereof, be guilty of a felony and shall be punished by imprisonment from one to ten years or by a fine of $10,000, or both.

"Wrongful" defined.

SEC. 3. (a) As used in this Act the term "wrongful" means in violation of the criminal laws of the United States or of any State or Territory.

"Property", etc., not to include wages.

(b) The terms "property", "money", or "valuable considerations" used herein shall not be deemed to include wages paid by a bona-fide employer to a bona-fide employee.

Initiating prosecutions.

SEC. 4. Prosecutions under this Act shall be commenced only upon the express direction of the Attorney General of the United States.

Separability provisions.

SEC. 5. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Jurisdiction.

SEC. 6. Any person charged with violating this Act may be prosecuted in any district in which any part of the offense has been committed by him or by his actual associates participating with him in the offense or by his fellow conspirators: *Provided*, That no court of the United States shall construe or apply any of the provisions of this Act in such manner as to impair, diminish, or in any manner affect the rights of bona-fide labor organizations in lawfully carrying out the legitimate objects thereof, as such rights are expressed in existing statutes of the United States.

Proviso. Rights of bona fide labor bodies.

Approved, June 18, 1934.

[CHAPTER 570.]

June 18, 1934. [S. 3147.] [Public, No. 377.]

AN ACT

To amend the Act approved June 28, 1932 (47 Stat.L. 337).

Chippewa Indians of Minnesota. Contracts with certain attorneys extended. Vol. 47, p. 337, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved June 28, 1932 (47 Stat.L. 337), be, and the same is hereby, amended by striking out in the eighth line thereof the word "three" and substituting therefor the word "five".

Approved, June 18, 1934.

[CHAPTER 571.]

June 18, 1934. [S. 3151.] [Public, No. 378.]

AN ACT

To convey to the King Hill Irrigation District, State of Idaho, all the interest of the United States in the King Hill Federal Reclamation Project, and for other purposes.

King Hill Irrigation District, Idaho. Certain agreements between United States and, rescinded.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to enter into a contract with the King Hill Irrigation District, organized under the laws of the State of Idaho, by which said district and the United States shall

rescind the agreements between them of March 2, 1926, November 14, 1923, January 11, 1922, June 17, 1920, and December 17, 1917, each party in such rescissory agreement to release the other from all obligations, accrued or to accrue, under the said five agreements, and the United States as a part of said rescissory agreement to quitclaim to the said district all the right, title, interest and estate of the United States in or to said King Hill Reclamation project, including the water rights thereof and any real estate acquired or held by the United States in connection therewith.

Mutual release of obligation.

Conveyance of U.S. interest to reclamation project.

Approved, June 18, 1934.

[CHAPTER 572.]

AN ACT

June 18, 1934.
[S. 3230.]
[Public, No. 379.]

Creating the Florence Bridge Commission and authorizing said Commission and its successors and assigns to construct, maintain, and operate a bridge across the Missouri River at or near Florence, Nebraska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, Charles J. Andersen, John A. Kuhn, and Henry Rief, all as trustees, or their successors in office, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Florence, Douglas County, Nebraska, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act; said trustees shall own and hold said bridge in trust for Douglas County, Nebraska, and Pottawattamie County, Iowa; said trustees being known as and functioning as the "Florence Bridge Board of Trustees" and serving without compensation. Said board of trustees is hereby granted the right to assign, transfer, and mortgage all of the rights, powers, and privileges conferred by this Act.

Missouri River. Florence, Nebr., Bridge Board of Trustees may bridge.

Construction. Vol. 34, p. 84.

SEC. 2. There is hereby conferred upon said board of trustees such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Right to acquire real estate for location, approaches, etc.

Condemnation proceedings.

SEC. 3. The said board of trustees is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Tolls. Vol. 34, p. 85.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall

Rates to be adjusted to provide for operation, sinking fund, etc.

Maintenance, as free bridge after amortizing costs.

have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches; the expenditures for maintaining, repairing, and operating the same; and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Record of expenditures and receipts.

SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 18, 1934.

[CHAPTER 573.]

AN ACT

June 18, 1934.
[S. 3443.]
[Public, No. 380.]

To provide for the creation of the Pioneer National Monument in the State of Kentucky, and for other purposes.

Pioneer National Monument, Ky. Preamble.

Whereas no provision has been made to preserve some of the great shrines of pioneer history that played their part in the drama of the American Revolution, both in resistance to the efforts of the British and their Indian allies to wipe out the American colonists west of the Alleghenies and thus close in on the colonists along the Atlantic seaboard and in waging a counteroffensive that resulted in the conquest and acquisition of the Old Northwest; and

Whereas four of these shrines in Kentucky represent in continuity a counterpart of the American Revolution east of the Alleghenies, to wit: (1) Boonesborough, where the first fort "in the West" was erected, the first highway to "the West, the Wilderness Road", terminated, the first colonization was effected, and the first legislature met; (2) Boones Station, whence Daniel Boone, as lieutenant colonel of the Fayette County Militia, rushed troops to the assistance of various other besieged stations as well as joined in the retaliatory campaigns under General George Rogers Clark into the Old Northwest, and where he buried his son and nephew, who fell at the Battle of Blue Licks; (3) Bryans Station, where the women of the fort sallied forth under the rifles of some six hundred Indians to procure water for the besieged pioneers on August 18, 1782, contributing in large measure to the successful defense of the fort; and (4) Blue Licks Battlefield, scene of the accredited "Last Battle of the Revolution", August 19, 1782, which aroused all of the western colonists to unitedly launch a devastating campaign into the Ohio country, under the leadership of General George Rogers Clark, that effectually stopped further invasion of Kentucky by the British and Indians and was the forerunner of the final conquest of the entire Northwest Territory for the United States: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when title to the sites of Fort Boonesborough, Boones Station, Bryans Station, and Blue Licks Battlefield, in the State of Kentucky, comprising noncontiguous tracts to be united by a Memorial Highway, together with such historical structures and remains thereon, as may be designated by the Secretary of the Interior as necessary or desirable for national monument purposes and for the proper commemoration of the valor and sacrifices of the pioneers of "the West", shall have been vested in the United States, said areas and improvements shall be designated and set apart by proclamation of the President for

Designated lands to be set apart as, when title vested in United States.

preservation as a national monument for the benefit and inspiration of the people, and shall be called the "Pioneer National Monument".

Acceptance of donations, etc.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to accept donations of land, interests in land and/or buildings, structures, and other property within the boundaries of said national monument as determined and fixed hereunder, and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States out of any donated funds, by purchase at prices deemed by him reasonable, or by condemnation under the provisions of the Act of August 1, 1888, such tracts of land within the said national monument as may be necessary for the completion thereof.

Proviso.
Purchase of tracts from funds donated.

Administration.
Vol. 39, p. 535.

SEC. 3. That the administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes", as amended.

Approved, June 18, 1934.

[CHAPTER 574.]

AN ACT

To authorize production credit associations to make loans to oyster planters.

June 18, 1934.
[S. 3541.]
[Public, No. 381.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the approval of the Governor of the Farm Credit Administration and under rules and regulations to be prescribed by the Production Credit Commissioner, production credit associations organized under the Farm Credit Act of 1933 are authorized to make loans to oyster planters who are carrying on their operations under leases of oyster beds granted by any State or political subdivision thereof; to sell, discount, assign, or otherwise dispose of any loans made by them under the provisions of this Act; and to do any and all other things necessary to carry these provisions into effect. With the approval of the Governor of the Farm Credit Administration and under rules and regulations to be prescribed by the Intermediate Credit Commissioner, the Federal intermediate credit banks are authorized and empowered to discount for or purchase from any production credit association any note, draft, or other such obligation representing a loan or loans made under the provisions of this Act; and to make loans or advances direct to any such organization secured by such obligations.

Loans to oyster planters.
Production credit associations authorized to make, under regulations.
Ante, p. 259.

Federal intermediate credit banks may discount, etc., such loans.

To make direct advances, etc.

Approved, June 18, 1934.

[CHAPTER 575.]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Saint Clair River at or near Port Huron, Michigan.

June 18, 1934.
[S. 3545.]
[Public, No. 382.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Saint Clair River at or near Port Huron, Michigan, authorized to be built by the Great Lakes Bridge Commission by an Act of Congress approved June 25, 1930, heretofore extended by Acts of

Saint Clair River.
Time extended for bridging, at Port Huron, Mich.

Congress approved February 28, 1931, June 9, 1932, and June 13, 1933, are hereby extended one and three years, respectively, from June 13, 1934.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 18, 1934.

[CHAPTER 576.]

AN ACT

June 18, 1934.
[S. 3645.]
[Public, No. 383.]

To conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, Act of Congress, Executive order, purchase, or otherwise, shall be allotted in severalty to any Indian.

Indian affairs.
Future allotment in severalty prohibited.

SEC. 2. The existing periods of trust placed upon any Indian lands and any restriction on alienation thereof are hereby extended and continued until otherwise directed by Congress.

Existing trust periods extended.

SEC. 3. The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public-land laws of the United States: *Provided, however*, That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: *Provided further*, That this section shall not apply to lands within any reclamation project heretofore authorized in any Indian reservation: *Provided further*, That the order of the Department of the Interior signed, dated, and approved by Honorable Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands of the Papago Indian Reservation in Arizona from all forms of mineral entry or claim under the public land mining laws, is hereby revoked and rescinded, and the lands of the said Papago Indian Reservation are hereby restored to exploration and location, under the existing mining laws of the United States, in accordance with the express terms and provisions declared and set forth in the Executive orders establishing said Papago Indian Reservation: *Provided further*, That damages shall be paid to the Papago Tribe for loss of any improvements on any land located for mining in such a sum as may be determined by the Secretary of the Interior but not to exceed the cost of said improvements: *Provided further*, That a yearly rental not to exceed five cents per acre shall be paid to the Papago Tribe for loss of the use or occupancy of any land withdrawn by the requirements of mining operations, and payments derived from damages or rentals shall be deposited in the Treasury of the United States to the credit of the Papago Tribe: *Provided further*, That in the event any person or persons, partnership, corporation, or association, desires a mineral patent, according to the mining laws of the United States, he or they shall first deposit in the Treasury of the United States to the credit of the Papago Tribe the sum of $1.00 per acre in lieu of annual rental, as hereinbefore provided, to compensate for the loss or occupancy of the lands withdrawn by the requirements of mining operations: *Provided further*,

Restoration of lands to tribal ownership.

Provisos.
Existing valid rights not affected.

Lands in reclamation projects.

Order temporarily withdrawing Papago Reservation lands from mineral entry, etc., revoked.

Resulting damages to be paid tribe; limitation.

Annual rental to be paid.

Applicant for mineral patent must first make deposit of rent.

That patentee shall also pay into the Treasury of the United States to the credit of the Papago Tribe damages for the loss of improvements not heretofore paid in such a sum as may be determined by the Secretary of the Interior, but not to exceed the cost thereof; the payment of $1.00 per acre for surface use to be refunded to patentee in the event that patent is not acquired.

Patentee to pay, to credit of Indians, damages, for loss of improvements.

Refund, if not acquired.

Nothing herein contained shall restrict the granting or use of permits for easements or rights-of-way; or ingress or egress over the lands for all proper and lawful purposes; and nothing contained herein, except as expressly provided, shall be construed as authority for the Secretary of the Interior, or any other person, to issue or promulgate a rule or regulation in conflict with the Executive order of February 1, 1917, creating the Papago Indian Reservation in Arizona or the Act of February 21, 1931 (46 Stat. 1202).

Rights of way, etc., not restricted.

Vol. 46, p. 1202.

SEC. 4. Except as herein provided, no sale, devise, gift, exchange or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe or corporation organized hereunder, shall be made or approved: *Provided, however*, That such lands or interests may, with the approval of the Secretary of the Interior, be sold, devised, or otherwise transferred to the Indian tribe in which the lands or shares are located or from which the shares were derived or to a successor corporation; and in all instances such lands or interests shall descend or be devised, in accordance with the then existing laws of the State, or Federal laws where applicable, in which said lands are located or in which the subject matter of the corporation is located, to any member of such tribe or of such corporation or any heirs of such member: *Provided further*, That the Secretary of the Interior may authorize voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such exchange, in his judgment, is expedient and beneficial for or compatible with the proper consolidation of Indian lands and for the benefit of cooperative organizations.

No transfers of restricted Indian lands, etc.; exception.

Provisos.
Lands may descend only to Indian tribe or successor corporation.

Descent, etc., according to applicable laws.

Voluntary exchanges for proper consolidations.

SEC. 5. The Secretary of the Interior is hereby authorized, in his discretion, to acquire through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments whether the allottee be living or deceased, for the purpose of providing land for Indians.

Acquisitions, for providing lands for Indians.

For the acquisition of such lands, interests in lands, water rights, and surface rights, and for expenses incident to such acquisition, there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, a sum not to exceed $2,000,000 in any one fiscal year: *Provided*, That no part of such funds shall be used to acquire additional land outside of the exterior boundaries of Navajo Indian Reservation for the Navajo Indians in Arizona and New Mexico, in the event that the proposed Navajo boundary extension measures now pending in Congress and embodied in the bills (S. 2499 and H.R. 8927) to define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes, and the bills (S. 2531 and H.R. 8982) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico and for other purposes, or similar legislation, become law.

Appropriation authorized.

Proviso.
Not to be used outside boundary lines of Navajo reservation.

Ante, p. 960.

The unexpended balances of any appropriations made pursuant to this section shall remain available until expended.

Balances available until expended.

Title to any lands or rights acquired pursuant to this Act shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired, and such lands or rights shall be exempt from State and local taxation.

Title vested in United States in trust.
Lands exempt from taxation.

Indian forestry units. Regulations governing.

SEC. 6. The Secretary of the Interior is directed to make rules and regulations for the operation and management of Indian forestry units on the principle of sustained-yield management, to restrict the number of livestock grazed on Indian range units to the estimated carrying capacity of such ranges, and to promulgate such other rules and regulations as may be necessary to protect the range from deterioration, to prevent soil erosion, to assure full utilization of the range, and like purposes.

New Indian reservations on lands acquired by proclamation.

SEC. 7. The Secretary of the Interior is hereby authorized to proclaim new Indian reservations on lands acquired pursuant to any authority conferred by this Act, or to add such lands to existing reservations: *Provided*, That lands added to existing reservations shall be designated for the exclusive use of Indians entitled by enrollment or by tribal membership to residence at such reservations.

Proviso. Additions, for exclusive use of Indians.

Holdings for homesteads outside of reservations.

SEC. 8. Nothing contained in this Act shall be construed to relate to Indian holdings of allotments or homesteads upon the public domain outside of the geographic boundaries of any Indian reservation now existing or established hereafter.

Sum for defraying expenses of tribal organization herein created.

SEC. 9. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary, but not to exceed $250,000 in any fiscal year, to be expended at the order of the Secretary of the Interior, in defraying the expenses of organizing Indian chartered corporations or other organizations created under this Act.

Establishment of revolving fund, to make loans for economic development.

SEC. 10. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $10,000,000 to be established as a revolving fund from which the Secretary of the Interior, under such rules and regulations as he may prescribe, may make loans to Indian chartered corporations for the purpose of promoting the economic development of such tribes and of their members, and may defray the expenses of administering such loans. Repayment of amounts loaned under this authorization shall be credited to the revolving fund and shall be available for the purposes for which the fund is established. A report shall be made annually to Congress of transactions under this authorization.

Repayments to be credited to revolving fund.

Report to Congress.

Vocational and trade school. Annual appropriation for loans, to provide payment for tuition, etc.

SEC. 11. There is hereby authorized to be appropriated, out of any funds in the United States Treasury not otherwise appropriated, a sum not to exceed $250,000 annually, together with any unexpended balances of previous appropriations made pursuant to this section, for loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools: *Provided*, That not more than $50,000 of such sum shall be available for loans to Indian students in high schools and colleges. Such loans shall be reimbursable under rules established by the Commissioner of Indian Affairs.

Proviso. Indian students in secondary, etc., schools.

Reimbursable.

Standards of health, ability, etc., to be established.

Appointments.

SEC. 12. The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed, without regard to civil-service laws, to the various positions maintained, now or hereafter, by the Indian Office, in the administration of functions or services affecting any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such positions.

Provisions dealing with Indian corporations, education, etc., applicable to Alaska.

SEC. 13. The provisions of this Act shall not apply to any of the Territories, colonies, or insular possessions of the United States, except that sections 9, 10, 11, 12, and 16, shall apply to the Territory of Alaska: *Provided*, That Sections 2, 4, 7, 16, 17, and 18 of this Act shall not apply to the following-named Indian tribes, the members of

Designated sections inapplicable to various tribes.

such Indian tribes, together with members of other tribes affiliated with such named tribes located in the State of Oklahoma, as follows: Cheyenne, Arapaho, Apache, Comanche, Kiowa, Caddo, Delaware, Wichita, Osage, Kaw, Otoe, Tonkawa, Pawnee, Ponca, Shawnee, Ottawa, Quapaw, Seneca, Wyandotte, Iowa, Sac and Fox, Kickapoo, Pottawatomi, Cherokee, Chickasaw, Choctaw, Creek, and Seminole. Section 4 of this Act shall not apply to the Indians of the Klamath Reservation in Oregon.

Protecting treaty rights with Sioux Indians.
Continuation of allowances, etc.
Vol. 23, p. 894; Vol. 29, p. 334; Vol. 25, p. 451.

SEC. 14. The Secretary of the Interior is hereby directed to continue the allowance of the articles enumerated in section 17 of the Act of March 2, 1889 (23 Stat.L. 894), or their commuted cash value under the Act of June 10, 1896 (29 Stat.L. 334), to all Sioux Indians who would be eligible, but for the provisions of this Act, to receive allotments of lands in severalty under section 19 of the Act of May 29, 1908 (25 Stat.L. 451), or under any prior Act, and who have the prescribed status of the head of a family or single person over the age of eighteen years, and his approval shall be final and conclusive, claims therefor to be paid as formerly from the permanent appropriation made by said section 17 and carried on the books of the Treasury for this purpose. No person shall receive in his own right more than one allowance of the benefits, and application must be made and approved during the lifetime of the allottee or the right shall lapse. Such benefits shall continue to be paid upon such reservation until such time as the lands available therein for allotment at the time of the passage of this Act would have been exhausted by the award to each person receiving such benefits of an allotment of eighty acres of such land.

No person to receive more than one allowance.

No Indian claim or suit impaired by this Act.

SEC. 15. Nothing in this Act shall be construed to impair or prejudice any claim or suit of any Indian tribe against the United States. It is hereby declared to be the intent of Congress that no expenditures for the benefit of Indians made out of appropriations authorized by this Act shall be considered as offsets in any suit brought to recover upon any claim of such Indians against the United States.

Indians residing on same reservation may organize for common welfare.

SEC. 16. Any Indian tribe, or tribes, residing on the same reservation, shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe. Such constitution and bylaws when ratified as aforesaid and approved by the Secretary of the Interior shall be revocable by an election open to the same voters and conducted in the same manner as hereinabove provided. Amendments to the constitution and bylaws may be ratified and approved by the Secretary in the same manner as the original constitution and bylaws.

Effective, when ratified.

Revocation, amendments, etc.

Additional powers vested in tribe.

In addition to all powers vested in any Indian tribe or tribal council by existing law, the constitution adopted by said tribe shall also vest in such tribe or its tribal council the following rights and powers: To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior; to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe; and to negotiate with the Federal, State, and local Governments. The Secretary of the Interior shall advise such tribe or its tribal council of all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress.

Secretary to advise tribe of contemplated appropriation estimates.

Charters.
Issue of, to each tribe, upon petition therefor.

Proviso.
Ratification condition precedent to operation.

Powers conferred.

SEC. 17. The Secretary of the Interior may, upon petition by at least one-third of the adult Indians, issue a charter of incorporation to such tribe: *Provided*, That such charter shall not become operative until ratified at a special election by a majority vote of the adult Indians living on the reservation. Such charter may convey to the incorporated tribe the power to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands and to issue in exchange therefor interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, not inconsistent with law, but no authority shall be granted to sell, mortgage, or lease for a period exceeding ten years any of the land included in the limits of the reservation. Any charter so issued shall not be revoked or surrendered except by Act of Congress.

Revocation.

Inapplicable to reservation rejecting proposition.

SEC. 18. This Act shall not apply to any reservation wherein a majority of the adult Indians, voting at a special election duly called by the Secretary of the Interior, shall vote against its application. It shall be the duty of the Secretary of the Interior, within one year after the passage and approval of this Act, to call such an election, which election shall be held by secret ballot upon thirty days' notice.

Term "Indian" defined.

SEC. 19. The term "Indian" as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood. For the purposes of this Act, Eskimos and other aboriginal peoples of Alaska shall be considered Indians. The term "tribe" wherever used in this Act shall be construed to refer to any Indian tribe, organized band, pueblo, or the Indians residing on one reservation. The words "adult Indians" wherever used in this Act shall be construed to refer to Indians who have attained the age of twenty-one years.

"Tribe."

"Adult Indians."

Approved, June 18, 1934.

[CHAPTER 577.]

June 18, 1934.
[S. 3742.]
[Public, No. 384.]

AN ACT

Granting the consent of Congress to the State Board of Public Works of the State of Vermont to construct, maintain, and operate a toll bridge across Lake Champlain at or near West Swanton, Vermont.

Lake Champlain.
Vermont may bridge, at West Swanton.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State Board of Public Works of the State of Vermont to construct, maintain, and operate a bridge and approaches thereto across Lake Champlain, at a point suitable to the interests of navigation, between a point at or near East Alburg, Vermont, and a point at or near West Swanton, Vermont, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Construction.
Vol. 34, p. 84.

Toll rates to be adjusted to provide cost of operation and sinking fund.

SEC. 2. If tolls are charged for the use of such bridge, the rates of tolls may be so adjusted as to provide a fund sufficient to pay (a) the reasonable cost of maintenance, repair, and operation of the said bridge and its approaches, and (b) the amortization within a reasonable time, and not exceeding twenty-five years from the

date that the bridge is opened to traffic, and under reasonable condition, of any loan or loans, including reasonable interest, taxes, and financing charges made or to be made in connection with the construction of said bridge and its approaches.

Record of expenditures and receipts.

SEC. 3. An accurate record of the cost of the bridge and its approaches, and of all the expenditures for maintaining, repairing, and operating the same, and of the tolls collected from time to time, shall be kept and shall at all reasonable times be available for the information of all persons interested in the construction, operation, and maintenance thereof.

Right to sell, etc., granted.

SEC. 4. The right to sell, assign, transfer, mortgage, or pledge any or all of the rights, powers, and privileges conferred by this Act is hereby granted to the said State Board of Public Works of the State of Vermont or any corporation to which, or any person to whom, such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same through mortgage, pledge, foreclosure, or otherwise, including therein the United States of America acting by or through the President, the Federal Emergency Administrator of Public Works, such other agency or agencies as may be designated or created for such purpose pursuant to the National Industrial Recovery Act or any other amendment or supplement thereto, or any other agency or agencies as may be created for such purpose by the Congress of the United States, and such person or corporation is hereby authorized and empowered to exercise all of the rights, powers, and privileges conferred upon the State Board of Public Works of the State of Vermont as fully as though conferred herein directly upon such corporation or person.

Ante, p. 200.

Maintenance as free bridge after amortizing costs.

SEC. 5. Whenever a sum sufficient to amortize and pay off the amount of money used in building and constructing said bridge shall have been collected, the State Board of Public Works of the State of Vermont shall declare said bridge free and open to the use of the general public without the imposition of any further tolls or charges for the use of said bridge.

Amendment.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 18, 1934.

[CHAPTER 578.]

AN ACT

June 18, 1934.
[S. 3765.]
[Public, No. 385.]

To enable the Postmaster General to withhold commissions on false returns made by postmasters.

Postal service.
Vol. 20, p. 141; U.S.C. p. 1237.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that part of the Act of June 17, 1878 (20 Stat. 141), which comprises section 45 of title 39, United States Code, is hereby amended to read as follows:

Postmasters.
Withholding commissions, based on false returns of business.

"In any case where the Postmaster General shall be satisfied that a postmaster has made a false return of business, or that a postmaster has mailed or caused to be mailed matter in order to obtain commissions on cancelations of stamps, it shall be within the discretion of the Postmaster General to withhold commissions on such returns and to allow any compensation that under the circumstances he may deem reasonable or proper. The form of affidavit to be made by postmasters upon their returns shall be such as may be prescribed by the Postmaster General."

Form of affidavit to be prescribed.

Approved, June 18, 1934.

[CHAPTER 579.]

AN ACT

June 18, 1934.
[S. 3766.]
[Public, No. 386.]

To amend the Act entitled "An Act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty", approved March 17, 1882, as amended.

Postal service.
Vol. 22, p. 29; Vol. 38, p. 279; Vol. 44, p. 903.
U.S.C., p. 1237; supp. VII, p. 871.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of the Act entitled "An Act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty", approved March 17, 1882 (22 Stat. 29), as amended (U.S.C., Supp. VII, title 39, sec. 49), be, and it is hereby, amended to read as follows:

Adjustment of claims of postmasters and Navy mail clerks for losses by burglary, fire, etc.

"The Postmaster General may investigate all claims of postmasters, Navy mail clerks, and assistant Navy mail clerks for the loss of money-order funds, postal funds, postal-savings funds, postage stamps, stamped envelops, newspaper wrappers, postal cards, postal-savings cards, postal-savings stamps, postal-savings certificates, United States war-savings certificate stamps, United States Government thrift stamps, war-tax revenue stamps, internal-revenue stamps, Federal migratory bird hunting stamps, and funds received from the sale of such stamps belonging to the United States in the hands of such postmasters, Navy mail clerks, or assistant Navy mail clerks, and for the loss of key-deposit funds, funds deposited to cover postage on mailings, and funds received as deposits to cover orders for stamped envelops, in the hands of such postmasters, Navy mail clerks, or assistant Navy mail clerks, and for losses of customs charges collected on dutiable mail articles occurring after April 1, 1924, resulting from burglary, fire, or other unavoidable casualty, and for the loss occurring after April 1, 1924, by bank failure of any such funds deposited in National or State banks, and if he shall determine that such loss resulted from no fault or negligence on the part of such postmasters, Navy mail clerks, or assistant Navy mail clerks, may pay to such postmasters, Navy mail clerks, or assistant Navy mail clerks, or credit them with the amount so ascertained to have been lost or destroyed, and may also credit postmasters, Navy mail clerks, or assistant Navy mail clerks with the amount of any remittance of money-order funds, postal funds, postal-savings funds, funds received from the sale of United States war-savings certificate stamps, United States Government thrift stamps, war-tax revenue stamps, Federal migratory bird hunting stamps, and internal-revenue stamps, or other public funds, made by them in compliance with the instructions of the Postmaster General, which shall have been lost or stolen while in transit by mail from the office of the remitting postmaster, Navy mail clerk, or assistant Navy mail clerk to the office designated as his depository, or after arrival at such depository office and before the postmaster at such depository office has become responsible therefor, or to the postmaster at any other post office, or to the proper customs officer in the case of customs charges collected, and authorized shipments of postage and other stamp stock lost while in transit by mail from one postmaster, Navy mail clerk, or assistant Navy mail clerk to another postmaster, Navy mail clerk, or assistant Navy mail clerk, or to or from the Post Office Department, and such funds remitted after April 1, 1924, in compliance with instructions of the Postmaster General in the form of drafts or checks which have been returned unpaid or dishonored by reason of the closing of the banks issuing such drafts or checks:

Internal revenue and Federal migratory bird hunting stamps added.

Losses by bank failure since April 1, 1924.

Provided, That in all cases of bank failure the postmaster shall first file with the receiver of the insolvent bank a claim for the full amount of the funds involved and assign such claim to the Postmaster General, who shall receive all dividends accruing in any such case."

Proviso. In case of bank failure, claim to be filed with receiver.

Approved, June 18, 1934.

[CHAPTER 580.]

AN ACT

To amend section 4 of "An Act to amend an Act entitled 'An Act to establish a uniform system of bankruptcy throughout the United States', approved July 1, 1898, and Acts amendatory thereof and supplementary thereto", approved June 7, 1934.

June 18, 1934.
[S. 3779.]
[Public, No. 387.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 (a) (7) of the Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of bankruptcy throughout the United States', approved July 1, 1898, and Acts amendatory thereof and supplemental thereto", approved June 7, 1934, is hereby amended by adding at the end of said clause (7) after the words "*Provided further*, That the provisions of this clause (7) shall apply to estates pending at the time of the enactment of this amendatory Act", the words " in which the time for filing such claims has not expired."

Bankruptcy Act amendment.
Ante, p. 924.
Executory contracts, including future rents.

Provisions of, limited in operation to those where time for filing has not expired.

Approved, June 18, 1934.

[CHAPTER 581.]

AN ACT

Authorizing the control of floods in the Salmon River, Alaska.

June 18, 1934.
[H.R. 5665.]
[Public, No. 388.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project of prevention and control of floods in the Salmon River, Alaska, recommended in the report of the Chief of Engineers, United States Army, in House Document Numbered 228, Seventy-second Congress, is hereby adopted and authorized and shall be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers in accordance with the plan recommended in such report and subject to the conditions set forth therein.

Salmon River.
Flood control project.

Approved, June 18, 1934.

[CHAPTER 582.]

AN ACT

Authorizing the city of Atchison, Kansas, and the county of Buchanan, Missouri, or either of them, or the States of Kansas and Missouri, or either of them, or the highway departments of such States, acting jointly or severally, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Atchison, Kansas.

June 18, 1934.
[H.R. 6898.]
[Public, No. 389.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the city of Atchison, Kansas, and the county of Buchanan, Missouri, or either of them, or the States of Kansas and Missouri, or either of them, or the highway departments of such States, acting jointly or severally, be, and are hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near the city of Atchison, Kansas, in accordance with the provisions of an Act

Missouri River.
Atchison, Kans., etc., may bridge.

Construction.
Vol. 34, p. 84.

entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Acquisition of real estate for location, approaches, etc.

SEC. 2. There is hereby conferred upon the city of Atchison, Kansas, and the county of Buchanan, Missouri, or either of them, or the States of Kansas and Missouri, or either of them, or the highway departments of such States, acting jointly or severally, all such rights and powers to enter upon such lands and to acquire,

Condemnation proceedings.

condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate and other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Amendment.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 18, 1934.

[CHAPTER 583.]

June 18, 1934.
[H.R. 7212.]
[Public, No. 390.]

AN ACT

To remove the limitation upon the extension of star routes.

Star routes, postal service.
Vol. 36, p. 1339.
U.S.C., p. 1263.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last paragraph of section 1 of the Act entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, nineteen hundred and twelve, and for other purposes", approved March 4, 1911 (36 Stat. 1327; U.S.C., title 39, sec. 442), is amended to read as follows:

Limitation on extension of, modified.

"The Postmaster General may, in cases where the mail service would be thereby improved, extend service on a mail route under contract, at not exceeding fifty miles and at not exceeding pro rata additional pay: *Provided*, That such extension shall not exceed 50 miles of traveled service route.

Proviso.
Maximum extension.

Approved, June 18, 1934.

[CHAPTER 584.]

June 18, 1934.
[H.R. 7301.]
[Public, No. 391.]

AN ACT

To authorize the Postmaster General to charge an additional fee for effecting delivery of domestic registered, insured, or collect-on-delivery mail, the delivery of which is restricted to the addressee only, or to the addressee or order.

Postal Service.
Domestic registered, insured, etc., mail.
Additional fee for delivery authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General, under such regulations as he may prescribe, is authorized to collect an additional fee of 10 cents for effecting the delivery by carrier or otherwise of domestic registered, insured, or collect-on-delivery mail, the delivery of which is restricted to the addressee only, or to the addressee or order: *Provided*, That no refund shall be made of fees paid for this service unless request for refund is made and erroneous delivery of the article or articles was made by the Postal Service or nondelivery of the article or articles was due to some fault of the Postal Service.

Proviso.
Refund of fees restricted.

Approved, June 18, 1934.

[CHAPTER 585.]

AN ACT

June 18, 1934.
[H.R. 8544.]
[Public, No. 392.]

Making receivers appointed by any United States courts and authorized to conduct any business, or conducting any business, subject to taxes levied by the State the same as if such business were conducted by private individuals or corporations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any receiver, liquidator, referee, trustee, or other officers or agents appointed by any United States court who is authorized by said court to conduct any business, or who does conduct any business, shall, from and after the enactment of this Act, be subject to all State and local taxes applicable to such business the same as if such business were conducted by an individual or corporation: *Provided, however*, That nothing in this Act contained shall be construed to prohibit or prejudice the collection of any such taxes which accrued prior to the approval of this Act, in the event that the United States court having final jurisdiction of the subject matter under existing law should adjudge and decide that the imposition of such taxes was a valid exercise of the taxing power by the State or States, or by the civil subdivisions of the State or States imposing the same.

Receivers, etc., in Federal courts.
Business conducted under, subject to State and local taxes.

Proviso.
Collecting such taxes accruing prior to date of Act.

Approved, June 18, 1934.

[CHAPTER 586.]

AN ACT

June 18, 1934.
[H.R. 8781.]
[Public, No. 393.]

To increase employment by authorizing an appropriation to provide for emergency construction of public highways and related projects, and to amend the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of increasing employment by providing for emergency construction of public highways and other related projects there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000,000, which shall be apportioned by the Secretary of Agriculture immediately upon the passage of this Act under the provisions of section 204 of the National Industrial Recovery Act, approved June 16, 1933 (in addition to any sums heretofore allocated under such section), in making grants under said section to the several States to be expended by their highway departments pursuant to the provisions of such section, and to remain available until expended: *Provided*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto: *Provided further*, That not less than 25 per centum of the apportionment to any State shall be applied to secondary or feeder roads, including farm to market roads, rural free delivery mail roads, and public-school bus routes, except that the Secretary of Agriculture, upon request and satisfactory showing from the highway department of any State, may fix a less percentage of the apportionment of such State for expenditure on secondary or feeder roads: *And provided further*, That any funds allocated under the provisions of section 204 (a) (2) of such Act shall also be available for the cost of any construction that will provide safer traffic facilities or definitely eliminate existing hazards to pedestrian or vehicular traffic.

Emergency construction of public highways, etc.
Appropriation authorized.
Post, p. 1057.

Apportionment of, among the several States.
Ante, p. 203.

Expenditure.

Provisos.
Approval by Secretary of Agriculture; effect.

Amount for secondary and feeder roads.

Constructing safer traffic facilities, etc.

Roads through Government lands.
Sums authorized for highways, trails, bridges in national forests, etc.

SEC. 2. To further increase employment by providing for emergency construction of public highways and other related projects, there is hereby also authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $24,000,000 for allotment under the provisions of section 205 (a) of the National Industrial Recovery Act, approved June 16, 1933 (in addition to any sums heretofore allotted under such section), to be expended for the survey, construction, reconstruction, and maintenance of highways, roads, trails, bridges, and related projects in national parks and monuments (including areas transferred to the National Park Service for administration by Executive order dated June 10, 1933), national forests, Indian reservations, and public lands, pursuant to the provisions of such section, and to remain available until expended.

Executive Order No. 6166.

Special relief fund for repairing flood, earthquake, etc., damages.

SEC. 3. Not to exceed $10,000,000 of any money heretofore, herein, or hereafter appropriated for expenditure in accordance with the provisions of the Federal Highway Act shall be available for expenditure by the Secretary of Agriculture, in accordance with the provisions of the Federal Highway Act, as an emergency relief fund, after receipt of an application therefor from the highway department of any State, in the repair or reconstruction of highways and bridges on the system of Federal-aid highways, which he finds, after investigation, have been damaged or destroyed by floods, hurricanes, earthquakes, or landslides, and there is hereby authorized to be appropriated any sum or sums necessary to reimburse the funds so expended from time to time under the authority of this section.

Aid in rural post-road construction.
Vol. 39, p. 356.

SEC. 4. For the purpose of carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, the following sums, to be expended according to the provisions of such Act as amended: The sum of $125,000,000 for the fiscal year ending June 30, 1936; and the sum of $125,000,000 for the fiscal year ending June 30, 1937.

Availability; reapportionment of balance among States.
Vol. 42, p. 217.

All sums authorized in this section and apportioned to the States shall be available for expenditure for one year after the close of the fiscal year for which said sums, respectively, are authorized, and any sum remaining unexpended at the end of the period during which it is available for expenditure shall be reapportioned among the States as provided in section 21 of the Federal Highway Act.

Forest highways, etc.
Vol. 42, p. 218.
Available until expended.

SEC. 5. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act, approved November 9, 1921, there is hereby authorized to be appropriated for forest highways, roads, and trails, the following sums, to be available until expended in accordance with the provisions of said section 23: The sum of $10,000,000 for the fiscal year ending June 30, 1936; the sum of $10,000,000 for the fiscal year ending June 30, 1937.

Cooperative road construction through public lands, Federal reservations, etc.

SEC. 6. For the purpose of carrying out the provisions of section 3 of the Federal Highway Act, approved November 9, 1921, as amended June 24, 1930 (46 Stat. 805), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations, the sum of $2,500,000 for the fiscal year ending June 30, 1936, and the sum of $2,500,000 for the fiscal year ending June 30, 1937, to remain available until expended.

Maintenance of main roads.

Road systems in national parks, etc. Vol. 46, p. 1053.

SEC. 7. For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of $7,500,000 for the fiscal year ending June 30, 1936, and the sum of $7,500,000 for the fiscal year ending June 30, 1937.

Indian reservations. Constructing roads in, not eligible, under Federal Highway Act. Vol. 45, p. 751.

SEC. 8. For construction and improvement of Indian reservation roads under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of $4,000,000 for the fiscal year ending June 30, 1936, and the sum of $4,000,000 for the fiscal year ending June 30, 1937.

"Highway" defined. Vol. 42, p. 212.

SEC. 9. The term "highway" as defined in the Federal Highway Act, approved November 9, 1921, as amended and supplemented, shall for the period covered by this Act be deemed to include such main parkways as may be designated by the State and approved by the Secretary of Agriculture as part of the Federal-aid highway system.

Vol. 42, p. 216.

SEC. 10. Section 19 of the Federal Highway Act, approved November 9, 1921, is hereby amended to read as follows:

Annual detailed statements from Secretary.

"SEC. 19. That on or before the first Monday in January of each year the Secretary of Agriculture shall make a report to Congress, which shall include a detailed statement of the work done, the status of each project undertaken, the allocation of appropriations, an itemized statement of the expenditures and receipts during the preceding fiscal year under this Act, and itemized statement of the traveling and other expenses, including a list of employees, their duties, salaries, and traveling expenses, if any, and his recommendations, if any, for new legislation amending or supplementing this Act. The Secretary of Agriculture shall also make such special reports as Congress may request."

Special reports.

Surveys, plans, and engineering investigations.

SEC. 11. With the approval of the Secretary of Agriculture, not to exceed 1½ per centum of the amount apportioned for any year to any State under sections 1 and 4 of this Act may be used for surveys, plans, and engineering investigations of projects for future construction in such State, either on the Federal-aid highway system and extensions thereof or on secondary or feeder roads.

Diversion of motor tax and gasoline taxes from highway maintenance, etc., restricted.

SEC. 12. Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts now provided by law for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Agriculture shall promulgate from time to time: *Provided*, That in no case shall the provisions of this section operate to deprive any State of more than one-third of the amount to which that State would be entitled under any apportionment hereafter made, for the fiscal year for which the apportionment is made.

Retirement of bonds.

Proviso. No State deprived of more than one-third its allocation thereby.

Limitations in Federal Highway Act as to highway and bridge construction not to apply herein.

SEC. 13. The limitations in the Federal Highway Act, approved November 9, 1921, as amended and supplemented, upon highway construction, reconstruction, and bridges within municipalities and

upon payments per mile which may be made from Federal funds, shall hereafter not apply.

Emergency Relief and Construction Act, 1932.
No deduction on account of advances under.
Ante, p. 203.

SEC. 14. No deductions shall hereafter be made on account of prior advances and/or loans to the States for the construction of roads under the requirements of the Federal Highway Act or on account of amounts paid under the provisions of title I of the Emergency Relief and Construction Act of 1932 for furnishing relief and work relief to needy and distressed people.

Inter-American Highway.
Continuing cooperation, in surveys as to feasibility of building, etc.
Vol. 45, p. 1697.
Post, p. 1042.

SEC. 15. To provide for the continuation of the cooperative reconnaissance surveys for a proposed inter-American highway as provided in Public Resolution Numbered 104, approved March 4, 1929 (45 Stat. 1697), and for making location surveys, plans, and estimates for such highway, the Secretary of Agriculture is hereby authorized to expend not more than $75,000 to pay all costs hereafter incurred for such work from any moneys available from the administrative funds provided under the Act of July 11, 1916 (U.S.C., title 23, sec. 21), as amended, or as otherwise provided.

Vol. 42, p. 217.
U.S.C., p. 667.

Inconsistent laws repealed.

SEC. 16. Acts or parts of Acts in any way inconsistent with the provisions of this Act are hereby repealed and this Act shall take effect on its passage.

Approved, June 18, 1934.

[CHAPTER 587.]

June 18, 1934.
[H.R. 8912.]
[Public, No. 394.]

AN ACT

To amend section 35 of the Criminal Code of the United States.

Criminal Code amendments.
Vol. 35, pp. 1095, 555.
U.S.C., p. 465.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 35 of the Criminal Code of the United States, as amended (U.S.C., title 18, secs. 80, 82, 83, 84, 85, and 86), be, and the same is hereby, amended to read as follows:

Presenting false claims to Government or officer thereof.

"SEC. 35. Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; or whoever shall take and carry away or take for his own use, or for the use of another, with intent to steal or purloin, or shall willfully injure or commit any depredation against, any property of the United States, or any branch or department thereof, or any corporation in which the United States of America is a stockholder, or any property which has been or is being made, manufactured, or constructed under contract for the War or Navy Departments of the United States; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the pay-

Willful damage, or depredation against Government, etc., property.

ment or allowance of any false or fraudulent claim; and whoever, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, with intent to defraud the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, or willfully to conceal such money or other property, shall deliver or cause to be delivered to any person having authority to receive the same any amount of such money or other property less than that for which he received a certificate or took a receipt; or whoever, being authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, shall make or deliver the same to any other person without a full knowledge of the truth of the facts stated therein and with intent to defraud the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. And whoever shall purchase, or receive in pledge, from any person any arms, equipment, ammunition, clothing, military stores, or other property furnished by the United States, under a clothing allowance or otherwise, to any soldier, sailor, officer, cadet, or midshipman in the military or naval service of the United States or of the National Guard or Naval Militia, or to any person accompanying, serving, or retained with the land or naval forces and subject to military or naval law, having knowledge or reason to believe that the property has been taken from the possession of the United States or furnished by the United States under such allowance, shall be fined not more than $500 or imprisoned not more than two years, or both."

Punishment for.

Unlawfully purchasing arms, etc., from person subject to military or naval law.

Punishment for.

Approved, June 18, 1934.

[CHAPTER 588.]

AN ACT

To amend section 11 of the District of Columbia Alcoholic Beverage Control Act.

June 18, 1934.
[H.R. 9007.]
[Public, No. 395.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11, paragraph (g), be amended to read as follows:

District of Columbia Alcoholic Beverage Control Act amendment.
Ante, p. 325.
Retailer's, Class C.

"(g) RETAILER'S LICENSE, CLASS C.—Such a license shall be issued only for a bona fide restaurant, hotel, or club, or a passenger-carrying marine vessel serving meals, or a club car or a dining car on a railroad. It shall authorize the holder thereof to keep for sale and to sell spirits, wine, and beer at the place therein described for consumption only in said place. Except in the case of clubs, hotels, and passenger-carrying marine vessels serving meals in interstate commerce of one hundred miles or more, no beverage shall be sold or served to a customer in any closed container. In the case of restaurants and passenger-carrying marine vessels and club cars or dining cars on a railroad, said spirits and wine, except light wines, shall be sold or served only to persons seated at public tables, and beer and light wines shall be sold and served only to persons seated at public tables or at bona fide lunch counters, except that spirits, wine, and beer may be sold or served to assemblages of more than six individuals in a private room when such room has been previously approved by the Board. In the case of hotels, said beverages may be sold and served only in the private room of a registered guest or to persons seated at public tables or to assemblages of more than six individuals in a private room, when such room has been

Restaurants, hotels, etc., serving meals.

Passenger vessels, and club or dining cars, in interstate commerce, added.

Restriction on serving, etc.

previously approved by the Board. Beer and light wines may also be sold and served to persons seated in bona fide lunch counters. And in the case of clubs, said beverages may be sold and served in the private room of a member or guest of a member, or to persons seated at tables. No license shall be issued to a club which has not been established for at least three months immediately prior to the making of the application for such license.

Fees.

"The fee for such a license shall be for a restaurant, $500 per annum; for a hotel, under one hundred rooms, $500 per annum; for a hotel of one hundred or more rooms, $1,000 per annum; for a club, $250 per annum; for a marine vessel serving meals in interstate commerce of one hundred miles or more and for each railroad dining car or club car, $2 per month or $20 per annum; for all other passenger-carrying marine vessels serving meals, $50 per month or $500 per annum."

Approved, June 18, 1934.

[CHAPTER 589.]

AN ACT

June 18, 1934.
[H.R. 9234.]
[Public, No. 396.]

To amend section 601 (c) (2) of the Revenue Act of 1932.

Revenue Act of 1932, amended.
Liquid malt, malt extract, etc., exempt from excise tax when sold for resale to a baker, manufacturer, or producer.
Vol. 47, p. 260.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601 (c) (2) of the Revenue Act of 1932, as amended, is amended by striking out "sold to a baker" and inserting in lieu thereof "sold to, or for resale to, a baker", and by striking out "to a manufacturer or producer" and inserting in lieu thereof "to, or for resale to, a manufacturer or producer".

Approved, June 18, 1934.

[CHAPTER 590.]

AN ACT

June 18, 1934.
[H.R. 9322.]
[Public, No. 397.]

To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes.

Foreign-trade zones.
Definitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act—

"Secretary."

(a) The term "Secretary" means the Secretary of Commerce;

"Board."
Composition of.

(b) The term "Board" means the Board which is hereby established to carry out the provisions of this Act. The Board shall consist of the Secretary of Commerce, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, and the Secretary of War;

"State."

(c) The term "State" includes any State, the District of Columbia, Alaska, Hawaii, and Puerto Rico;

"Corporation."

(d) The term "corporation" means a public corporation and a private corporation, as defined in this Act;

"Public corporation."

(e) The term "public corporation" means a State, political subdivision thereof, a municipality, a public agency of a State, political subdivision thereof, or municipality, or a corporate municipal instrumentality of one or more States;

"Private corporation."

(f) The term "private corporation" means any corporation (other than a public corporation) which is organized for the purpose of establishing, operating, and maintaining a foreign-trade zone and which is chartered under special Act enacted after the date of enactment of this Act of the State or States within which it is to operate such zone;

(g) The term "applicant" means a corporation applying for the right to establish, operate, and maintain a foreign-trade zone; "Applicant."

(h) The term "grantee" means a corporation to which the privilege of establishing, operating, and maintaining a foreign-trade zone has been granted; "Grantee."

(i) The term "zone" means a "foreign-trade zone" as provided in this Act. "Zone."

SEC. 2. (a) The Board is hereby authorized, subject to the conditions and restrictions of this Act and of the rules and regulations made thereunder, upon application as hereinafter provided, to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States. Establishment of foreign-trade zones authorized.

(b) Each port of entry shall be entitled to at least one zone, but when a port of entry is located within the confines of more than one State such port of entry shall be entitled to a zone in each of such States, and when two cities separated by water are embraced in one port of entry, a zone may be authorized in each of said cities or in territory adjacent thereto. Zones in addition to those to which a port of entry is entitled shall be authorized only if the Board finds that existing or authorized zones will not adequately serve the convenience of commerce. Ports of entry. Entitled to one or more zones. Additional zones.

(c) In granting applications preference shall be given to public corporations. Preference to public-service corporations.

(d) In case of any State in which harbor facilities of any port of entry are owned and controlled by the State and in which State harbor facilities of any other port of entry are owned and controlled by a municipality, the Board shall not grant an application by any public corporation for the establishment of any zone in such State, unless such application has been authorized by an Act of the legislature of such State (enacted after the date of enactment of this Act). Approval of application by State, when harbor facilities are State-owned.

SEC. 3. Foreign and domestic merchandise of every description, except such as is prohibited by law, may, without being subject to the customs laws of the United States, except as otherwise provided in this Act, be brought into a zone and may not be manufactured or exhibited in such zone but may be stored, broken up, repacked, assembled, distributed, sorted, graded, cleaned, mixed with foreign or domestic merchandise, or otherwise manipulated, and be exported, and foreign merchandise may be sent into customs territory of the United States therefrom, in the original package or otherwise; but when foreign merchandise is so sent from a zone into customs territory of the United States it shall be subject to the laws and regulations of the United States affecting imported merchandise: *Provided*, That when the privilege shall be requested the collector of customs shall supervise the unlading of foreign merchandise in the zone, cause such merchandise or any portion thereof to be appraised and the duties liquidated thereon. Thereafter it may be stored or manipulated under the supervision and regulations prescribed by the Secretary of the Treasury, and within two years after such unlading such merchandise, whether mixed with domestic merchandise or not, may be sent into customs territory upon the payment of such liquidated duties thereon; and if not so sent into customs territory within such period of two years such merchandise shall be disposed of under rules and regulations prescribed by the Secretary of the Treasury and out of the proceeds the duties shall be paid and the remainder, if any, shall be delivered to the owners of the property: *Provided further*, That subject to such regulations respecting identity and the safeguarding of the revenue as the Secretary of the Treasury may Foreign and domestic merchandise. Bringing into zone; not subject to customs laws. Storing, repacking, etc. Transporting from zone to customs territory. *Provisos.* Supervision of unlading foreign merchandise; appraisal. Storage; transporting into customs territory within two years. Disposal if not sent. Articles of domestic growth, manufacture, etc.

deem necessary, articles the growth, product, or manufacture of the United States, and articles previously imported on which duty has been paid, or which have been admitted free of duty, may be taken into a zone from the customs territory of the United States, and may be brought back thereto free of duty, whether or not they have been combined with or made part, while in such zone, of other articles: *Provided*, That if in the opinion of the Secretary of the Treasury their identity has not been lost such articles not entitled to free entry by reason of noncompliance with the requirements made hereunder by the Secretary of the Treasury shall be treated when they reenter the customs territory of the United States as foreign merchandise under the provisions of the tariff laws in force at that time.

Or on which duty previously paid.

Articles not entitled to free entry because of noncompliance with regulations.

Customs officers and guards. Assignment.

SEC. 4. The Secretary of the Treasury shall assign to the zone the necessary customs officers and guards to protect the revenue and to provide for the admission of foreign merchandise into customs territory.

Vessels entering or leaving a zone, subject to regulations.

SEC. 5. Vessels entering or leaving a zone shall be subject to the operation of all the laws of the United States, except as otherwise provided in this Act, and vessels leaving a zone and arriving in customs territory of the United States shall be subject to such regulations to protect the revenue as may be prescribed by the Secretary of the Treasury. Nothing in this Act shall be construed in any manner so as to permit vessels under foreign flags to carry goods or merchandise shipped from one foreign trade zone to another zone or port in the protected coastwise trade of the United States.

Competition by foreign vessels in American coastwise trade.

Application for permits. Requirements specified.

SEC. 6. (a) Each application shall state in detail—

(1) The location and qualifications of the area in which it is proposed to establish a zone, showing (A) the land and water or land or water area or land area alone if the application is for its establishment in or adjacent to an interior port; (B) the means of segregation from customs territory; (C) the fitness of the area for a zone; and (D) the possibilities of expansion of the zone area;

(2) The facilities and appurtenances which it is proposed to provide and the preliminary plans and estimate of the cost thereof, and the existing facilities and appurtenances which it is proposed to utilize;

(3) The time within which the applicant proposes to commence and complete the construction of the zone and facilities and appurtenances;

(4) The methods proposed to finance the undertaking;

(5) Such other information as the Board may require.

Amendments permitted.

(b) The Board may upon its own initiative or upon request permit the amendment of the application. Any expansion of the area of an established zone shall be made and approved in the same manner as an original application.

Grant to establish zone.

SEC. 7. If the Board finds that the proposed plans and location are suitable for the accomplishment of the purpose of a foreign trade zone under this Act, and that the facilities and appurtenances which it is proposed to provide are sufficient it shall make the grant.

Rules, etc., to be prescribed.

SEC. 8. The Board shall prescribe such rules and regulations not inconsistent with the provisions of this Act or the rules and regulations of the Secretary of the Treasury made hereunder and as may be necessary to carry out this Act.

Cooperation with local and Federal agencies.

SEC. 9. The Board shall cooperate with the State, subdivision, and municipality in which the zone is located in the exercise of their police, sanitary, and other powers in and in connection with the free zone. It shall also cooperate with the United States Customs Service, the Post Office Department, the Public Health Service, the

Bureau of Immigration, and such other Federal agencies as have jurisdiction in ports of entry described in section 2.

President may require cooperation of Governmental agencies.

SEC. 10. For the purpose of facilitating the investigations of the Board and its work in the granting of the privilege, in the establishment, operation, and maintenance of a zone, the President may direct the executive departments and other establishments of the Government to cooperate with the Board, and for such purpose each of the several departments and establishments is authorized, upon direction of the President, to furnish to the Board such records, papers, and information in their possession as may be required by him, and temporarily to detail to the service of the Board such officers, experts, or engineers as may be necessary.

Agreement for use of Federal property.

SEC. 11. If the title to or right of user of any of the property to be included in a zone is in the United States, an agreement to use such property for zone purposes may be entered into between the grantee and the department or officer of the United States having control of the same, under such conditions, approved by the Board and such department or officer, as may be agreed upon.

Facilities each zone must have and maintain.

SEC. 12. Each grantee shall provide and maintain in connection with the zone—

(a) Adequate slips, docks, wharves, warehouses, loading and unloading and mooring facilities where the zone is adjacent to water; or, in the case of an inland zone, adequate loading, unloading, and warehouse facilities;

(b) Adequate transportation connections with the surrounding territory and with all parts of the United States, so arranged as to permit of proper guarding and inspection for the protection of the revenue;

(c) Adequate facilities for coal or other fuel and for light and power;

(d) Adequate water and sewer mains;

(e) Adequate quarters and facilities for the officers and employees of the United States, State, and municipality whose duties may require their presence within the zone;

(f) Adequate enclosures to segregate the zone from customs territory for protection of the revenue, together with suitable provisions for ingress and egress of persons, conveyances, vessels, and merchandise;

(g) Such other facilities as may be required by the Board.

Grantee may permit others to erect buildings within zone, with Board's approval.

SEC. 13. The grantee may, with the approval of the Board, and under reasonable and uniform regulations for like conditions and circumstances to be prescribed by it, permit other persons, firms, corporations, or associations to erect such buildings and other structures within the zone as will meet their particular requirements: *Provided*, That such permission shall not constitute a vested right as against the United States, nor interfere with the regulation of the grantee or the permittee by the United States, nor interfere with or complicate the revocation of the grant by the United States: *And provided further*, That in the event of the United States or the grantee desiring to acquire the property of the permittee no good will shall be considered as accruing from the privilege granted to the zone: *And provided further*, That such permits shall not be granted on terms that conflict with the public use of the zone as set forth in this Act.

Provisos.
U.S. rights not prejudiced.

No "good will" to accrue on transfer.

Permits granted only in public interest.

Operation of zone as public utility.

SEC. 14. Each zone shall be operated as a public utility, and all rates and charges for all services or privileges within the zone shall be fair and reasonable, and the grantee shall afford to all who may apply for the use of the zone and its facilities and appurtenances uniform treatment under like conditions, subject to such treaties

Rates and charges to be reasonable and nondiscriminatory.

or commercial conventions as are now in force or may hereafter be made from time to time by the United States with foreign governments and the cost of maintaining the additional customs service required under this Act shall be paid by the operator of the zone.

Cost of maintaining guard.

Use of zone for residential purposes restricted.

SEC. 15. (a) No person shall be allowed to reside within the zone except Federal, State, or municipal officers or agents whose resident presence is deemed necessary by the Board.

Authority of Board.

Regulations governing employees.

(b) The Board shall prescribe rules and regulations regarding employees and other persons entering and leaving the zone. All rules and regulations concerning the protection of the revenue shall be approved by the Secretary of the Treasury.

Exclusion of detrimental goods, etc.

(c) The Board may at any time order the exclusion from the zone of any goods or process of treatment that in its judgment is detrimental to the public interest, health, or safety.

Restriction on conduct of retail trade.

(d) No retail trade shall be conducted within the zone except under permits issued by the grantee and approved by the Board. Such permittees shall sell no goods except such domestic or duty-paid or duty-free goods as are brought into the zone from customs territory.

Form and manner of keeping accounts.

SEC. 16. (a) The form and manner of keeping the accounts of each zone shall be prescribed by the Board.

(b) Each grantee shall make to the Board annually, and at such other times as it may prescribe, reports containing a full statement of all the operations, receipts, and expenditures, and such other information as the Board may require.

(c) The Board shall make a report to Congress on the first day of each regular session containing a summary of the operation and fiscal condition of each zone and transmit therewith copies of the annual report of each grantee.

Alienation of grant prohibited.

SEC. 17. The grant shall not be sold, conveyed, transferred, set over, or assigned.

Revocation of grant on showing of violation.

SEC. 18. (a) In the event of repeated willful violations of any of the provisions of this Act by the grantee, the Board may revoke the grant after four months' notice to the grantee and affording it an opportunity to be heard. The testimony taken before the Board shall be reduced to writing and filed in the records of the Board together with the decision reached thereon.

Procedure.

(b) In the conduct of any proceeding under this section for the revocation of a grant the Board may compel the attendance of witnesses and the giving of testimony and the production of documentary evidence, and for such purpose may invoke the aid of the district courts of the United States.

(c) An order under the provisions of this section revoking the grant issued by the Board shall be final and conclusive, unless within ninety days after its service the grantee appeals to the circuit court of appeals for the circuit in which the zone is located by filing with the clerk of said court a written petition praying that the order of the Board be set aside. Such order shall be stayed pending the disposition of appellate proceedings by the court. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Board and it shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in the proceedings held before it under this section, the charges, the evidence, and the order revoking the grant. The testimony and evidence taken or submitted before the Board, duly certified and filed as a part of the record, shall be considered by the court as the evidence in the case.

Penalty provision.

SEC. 19. In case of a violation of this Act, or any regulation under this Act, by the grantee, any officer, agent, or employee thereof responsible for or permitting any such violation shall be subject to a fine of not more than $1,000. Each day during which a violation continues shall constitute a separate offense.

Separability provisions.

SEC. 20. If any provision of this Act or the application of such provision to certain circumstances be held invalid, the remainder of the Act and the application of such provisions to circumstances other than those as to which it is held invalid shall not be affected thereby.

Right to amend, etc., reserved.

SEC. 21. The right to alter, amend, or repeal this Act is hereby reserved.

Approved, June 18, 1934.

[CHAPTER 591.]

AN ACT

June 18, 1934.
[H.R. 9326.]
[Public, No. 398.]

Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Susquehanna River at or near York Furnace, Pennsylvania.

Susquehanna River. Pennsylvania may bridge, at York Furnace.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a bridge and approaches thereto across the Susquehanna River, at a point suitable to the interests of navigation, at or near York Furnace, York County, Pennsylvania, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Construction.
Vol. 34, p. 84.

Tolls to be applied to operation, sinking fund, etc.

SEC. 2. If tolls are charged for the use of such bridge, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall threafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

Amendment.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 18, 1934.

[CHAPTER 592.]

AN ACT

June 18, 1934.
[H.R. 9371.]
[Public, No. 399.]

To authorize the incorporated town of Douglas City, Alaska, to undertake certain municipal public works, including construction, reconstruction, enlargement, extension, and improvements of its water-supply system; and construction, reconstruction, enlargement, extension, and improvements to sewers, and for such purposes to issue bonds in any sum not exceeding $40,000.

Douglas City, Alaska.
May issue bonds for certain public works.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the incorporated town of Douglas City, Alaska, is hereby authorized and empowered to undertake the municipal public works herein specified and for such purposes to issue bonds in any sum not exceeding $40,000. Said town is hereby authorized and empowered to construct, reconstruct, enlarge, extend, and improve its water-supply system and for such purpose to issue bonds in any sum not exceeding $25,000; to construct, reconstruct, enlarge, extend, and improve sewers and for such purpose to issue bonds in any sum not exceeding $15,000.

Special election to authorize.

SEC. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the said town of Douglas City, at which election the question of whether such bonds shall be issued in the amounts above specified for either or both of the purposes hereinbefore set forth shall be submitted to the qualified electors of said town of Douglas City whose names appear on the last assessment roll of said town for municipal taxation. The form of the ballot shall be such that the electors may vote for or against the issuance of bonds for each of the purposes herein specified in the amounts herein authorized. Not less than twenty days' notice of such election shall be given by posting notices of the same in three conspicuous places within the corporate limits of the town of Douglas City, Alaska, one of which shall be at the front door of the United States post office. The registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued for either or both of the purposes herein authorized only upon condition that not less than a majority of the votes cast at such election in said town shall be in favor of the issuance of said bonds for such purpose.

Conduct of election.

Bonds to be coupon in form; denomination, maturity, etc.

SEC. 3. Such bonds shall be coupon in form, may bear such date or dates, may be in such denomination or denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable in such medium of payment and at such place or places, may be sold at either public or private sale, may be redeemable, with or without premium, or nonredeemable, and may carry such registration privileges as to either principal and interest, principal only, or both, as shall be prescribed by the common council of said town of Douglas City at the time such bonds are authorized to be issued. The bonds shall bear the signatures of the mayor and clerk of the town of Douglas City, and shall have impressed thereon the official seal of said town. In case any of the officers whose signatures or countersignatures appear on the bonds shall cease to be such officers before delivery of such bonds, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Said bonds shall bear interest at a rate to be fixed by the common council of the said town of Douglas City, not to exceed 6 per centum per annum, payable semiannually, and the bonds shall be sold at not less than the principal amount thereof plus accrued interest.

Redemption.

Signatures; validity.

Bonds to be general obligations.
Payment of principal and interest.

SEC. 4. The bonds herein authorized to be issued shall be general obligations of said town of Douglas City, payable as to both interest and principal from ad valorem taxes which shall be levied upon all the taxable property within the corporate limits of said town of Douglas City in an amount sufficient to pay the interest on and principal of such bonds as and when the same become due and payable. Such of the bonds as may be issued to construct, reconstruct, enlarge, extend, or improve the water-supply system of said town of Douglas City may, if so provided by the common council of said town of Douglas City, be additionally secured by a direct pledge of all or any part of the revenues of said water-supply system and any subsequent additions or extensions thereto, remaining after provisions for the payment of the reasonable costs of operation and maintenance of said system and the cost of such repairs, improvements, and betterments thereto as shall be necessary to keep the same at all times in good repair and working order.

Additional security for water bonds.

Use of funds restricted.
Sale of bonds.

SEC. 5. No part of the funds arising from the sale of said bonds shall be used for any purpose or purposes other than those specified in this Act. Said bonds shall be sold only when and in such amounts as the common council of the town of Douglas City shall direct, and the proceeds thereof shall be disbursed for the purposes hereinbefore mentioned and under the orders and directions of said common council from time to time as the same may be required for said purposes.

Financing, etc., under provisions of National Industrial Recovery Act.

Ante, p. 200.

SEC. 6. The town of Douglas City is hereby authorized to enter into contracts with the United States of America or any agency or instrumentality thereof, under the provisions of the National Industrial Recovery Act and Acts amendatory thereof and Acts supplemental thereto, and revisions thereof, and the regulations made in pursuance thereof, and under any further Acts of the Congress of the United States to encourage public works, for the sale of bonds issued in accordance with provisions of this Act or for the acceptance of a grant of money to aid said town in financing any public works herein authorized; or to enter into contracts with any person or corporation, public or private, for the sale of such bonds; and such contracts may contain such terms and conditions, subject to the provisions of this Act, as may be agreed upon by and between the common council of said town of Douglas City and the United States of America or any agency or instrumentality thereof, or such terms and conditions, subject to the provisions of this Act, as may be agreed upon by and between the common council of said town of Douglas City and any other purchaser of said bonds.

Approved, June 18, 1934.

[CHAPTER 593.]

AN ACT

June 18, 1934.
[H.R. 9401.]
[Public, No. 400.]

Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Susquehanna River at or near Middletown, Dauphin County, Pennsylvania.

Susquehanna River.
Pennsylvania may bridge, at Middletown.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania, acting through its Department of Highways, to construct, maintain, and operate a toll bridge and approaches thereto across the Susquehanna River, at a point suitable to the interests of navigation, at or near Middletown, Dauphin County, and between Middletown, Dauphin County, and Goldsboro, York County, in the Commonwealth of Pennsylvania, in accordance with the provisions of the Act

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entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Tolls to be applied to operation, sinking fund, etc.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Maintenance as free bridge, after amortizing costs.

Record of expenditures and receipts.

Amendment.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 18, 1934.

[CHAPTER 594.]

AN ACT

June 18, 1934. [H.R. 9402.] [Public, No. 401.]

To authorize the incorporated town of Fairbanks, Alaska, to undertake certain municipal public works, including construction, reconstruction, and extension of sidewalks; construction, reconstruction, and extension of sewers, and construction of a combined city hall and fire-department building, and for such purposes to issue bonds in any sum not exceeding $50,000.

Fairbanks, Alaska. May issue bonds for certain public works.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the incorporated town of Fairbanks, Alaska, is hereby authorized and empowered to undertake the municipal public works herein specified and for such purposes to issue bonds in any sum not exceeding $50,000. Said town is hereby authorized and empowered to construct, reconstruct, and extend sidewalks and for such purpose to issue bonds in any sum not exceeding $10,000; to construct, reconstruct, and extend sewers and for such purpose to issue bonds in any sum not exceeding $10,000; to construct a combined city hall and fire-department building and for such purpose to issue bonds in any sum not exceeding $30,000. All of said public works are to be undertaken in the said town of Fairbanks, Alaska.

Special election to authorize.

SEC. 2. Before said bonds shall be issued a special election shall be ordered by the common council of the said town of Fairbanks, at which election the question of whether such bonds shall be issued in the amounts above specified for any or all of the purposes hereinbefore set forth shall be submitted to the qualified electors of said town of Fairbanks whose names appear on the last assessment roll of said town for municipal taxation. The form of the ballot shall be such that the electors may vote for or against the issuance of bonds for each of the purposes herein specified in the amounts herein authorized. Not less than twenty days' notice of such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election. The registration for such election, the manner of conducting the same, the canvass of the returns of said election shall be,

Conduct of election.

as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued for any or all of the purposes herein authorized only upon condition that not less than a majority of the votes cast at such election in said town shall be in favor of the issuance of said bonds for such purpose.

Form of bonds; maturity, etc.

SEC. 3. Such bonds shall be coupon in form, may bear such date or dates, may be in such denomination or denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable in such medium of payment and at such place or places, may be sold at either public or private sale, may be redeemable, with or without premium, or nonredeemable, may carry such registration privileges as to either principal and interest, principal only, or both, as shall be prescribed by the common council of said town of Fairbanks at the time such bonds are authorized to be issued. The bonds shall bear the signatures of the mayor and clerk of the town of Fairbanks, and shall have impressed thereon the official seal of said town. In case any of the officers whose signatures or countersignatures appear on the bonds shall cease to be such officers before delivery of such bonds, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if the officers of the town signing the same had remained in office until such delivery. Said bonds shall bear interest at a rate to be fixed by the common council of the said town of Fairbanks, not to exceed 6 per centum per annum, payable semiannually, and the bonds shall be sold at not less than the principal amount thereof plus accrued interest.

Redemption.

Signatures; validity.

Bonds to be general obligations.

Payment of principal and interest.

SEC. 4. The bonds herein authorized to be issued shall be general obligations of said town of Fairbanks, payable as to both interest and principal from ad valorem taxes which shall be levied upon all the taxable property within the corporate limits of said town of Fairbanks in an amount sufficient to pay the interest on and principal of such bonds as and when the same become due and payable.

Use of funds restricted.

Sale of bonds.

SEC. 5. No part of the funds arising from the sale of said bonds shall be used for any purpose or purposes other than those specified in this Act. Said bonds shall be sold only when and in such amounts as the common council of the town of Fairbanks shall direct, and the proceeds thereof shall be disbursed for the purposes hereinbefore mentioned and under the orders and directions of said common council from time to time as the same may be required for said purposes.

Financing, etc., under provisions of National Industrial Recovery Act.
Ante, p. 200.

SEC. 6. The town of Fairbanks is hereby authorized to enter into contracts with the United States of America or any agency or instrumentality thereof, under the provisions of the National Industrial Recovery Act and Acts amendatory thereof and Acts supplemental thereto, and revisions thereof, and the regulations made in pursuance thereof, and under any further Acts of the Congress of the United States to encourage public works, for the sale of bonds issued in accordance with provisions of this Act or for the acceptance of a grant of money to aid said town in financing any public works herein authorized; or to enter into contracts with any person or corporation, public or private, for the sale of such bonds; and such contracts may contain such terms and conditions subject to the provisions of this Act, as may be agreed upon by and between the common council of said town of Fairbanks and the United States of America or any agency or instrumentality thereof, or such terms and conditions, subject to the provisions of this Act, as may be agreed upon by and between the common council of said town of Fairbanks and any other purchaser of said bonds.

Approved, June 18, 1934.

[CHAPTER 595.]

AN ACT

June 18, 1934.
[H.R. 9476.]
[Public, No. 402.]

To empower certain members of the Division of Investigation of the Department of Justice to make arrests in certain cases, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director, Assistant Directors, agents, and inspectors of the Division of Investigation of the Department of Justice are empowered to serve warrants and subpenas issued under the authority of the United States; to make seizures under warrant for violation of the laws of the United States; to make arrests without warrant for felonies which have been committed and which are cognizable under the laws of the United States, in cases where the person making the arrest has reasonable grounds to believe that the person so arrested is guilty of such felony and where there is a likelihood of the person escaping before a warrant can be obtained for his arrest, but the person arrested shall be immediately taken before a committing officer. Such members of the Division of Investigation of the Department of Justice are authorized and empowered to carry firearms.

Department of Justice.
Power of certain members of Division of Investigation to make arrests.

May carry firearms.

Approved, June 18, 1934.

[CHAPTER 596.]

AN ACT

June 18, 1934.
[H.R. 9526.]
[Public, No. 403.]

Authorizing the city of Port Arthur, Texas, or the commission hereby created and its successors, to construct, maintain, and operate a bridge over Lake Sabine, at or near Port Arthur, Texas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the city of Port Arthur, Texas, or the Port Arthur Bridge Commission (hereinafter called the "Commission") hereby created, and its successors be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Lake Sabine, at a point suitable to the interests of navigation, between a point at or near Port Arthur, Texas, and a point opposite in Cameron Parish, Louisiana, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to conditions and limitations contained in this Act.

Lake Sabine, Tex.
Port Arthur Bridge Commission may bridge, at Port Arthur.

Construction.
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SEC. 2. There is hereby conferred upon the city of Port Arthur, Texas, or the Commission hereby created and its successors, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Right to acquire real estate for location, approaches, etc.

Condemnation proceedings.

SEC. 3. The said city of Port Arthur, Texas, or the Commission hereby created and its successors, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Tolls authorized.

Rates to be adjusted to provide for operation, sinking fund, etc.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall hereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

"Port Arthur Bridge Commission" created.

Composition.

SEC. 5. There is hereby created a body corporate and politic to be known as the "Port Arthur Bridge Commission", which shall consist of five members approved by the mayor of Port Arthur subject to the approval of a majority of the city commission.

Membership; terms, filling vacancies, etc.

SEC. 6. The Commission shall consist of five members appointed by the mayor of Port Arthur, and shall be a body politic and corporate constituting a public-benefit corporation and shall be deemed a public body within the meaning of the National Industrial Recovery Act. The Commission shall elect a chairman from its members and may establish rules and regulations for the government of its own business. Each member shall serve for a term of five years and until his successor has been appointed and has qualified, except that the initial terms of the members shall be respectively one, two, three, four, and five years. The initial term of the member elected chairman shall be five years, and the Commission shall determine by lot the initial terms of the other members. The mayor of Port Arthur, with the approval of a majority of the city commission, may appoint a successor to hold office for the unexpired term of any member in whose office a vacancy shall occur by death, resignation, or otherwise. Each member shall qualify by giving such bond as may be fixed by the governing body of the city of Port Arthur conditioned for the faithful performance of all duties required by this Act. Three members shall constitute a quorum for the transaction of business. No member shall receive a salary for his services as member, but each member shall be paid his actual expenses not exceeding $5 per day in the performance of his duties hereunder. Members of the Commission may be removed for cause by the mayor of Port Arthur and the majority of the city commission. The Commission may employ a secretary, treasurer, engineers, attorneys, and such other experts, assistants, and employees as it may deem necessary, who shall be entitled to receive such compensation as the Commission may determine. All salaries and expenses shall be paid solely from the funds provided under the authority of this Act.

Quorum.

Members allowed expenses; no salary.

Employees.

Corporate powers.

SEC. 7. The Commission shall have all the powers and authority necessary or convenient for the carrying out of the purposes of this Act, including (but without limitation) the following rights, powers, and authority:

(a) To have perpetual succession as a corporation;

(b) To sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity;

(c) To adopt, use, and alter a corporate seal;

(d) To acquire, purchase, hold, use, lease, mortgage, sell, transfer, and dispose of any property, real, personal, or mixed, tangible or intangible, or any interest therein;

(e) To make bylaws for the management and regulation of its affairs;

(f) To appoint officers, agents, employees, and servants, to prescribe their duties and to fix their compensation;

(g) To fix, alter, charge, and collect tolls and other charges for transit over and use of such bridge;

(h) To borrow money, make and issue negotiable notes, bonds, and other evidences of indebtedness of the Commission, and to secure the payment of such obligations or any thereof by mortgage, lien, pledge or deed of trust upon all or any of the property of the Commission, and to make agreements with the purchasers or holders of such obligations, or with others in connection with any such obligations, issued or to be issued, as the Commission shall deem advisable, and in general to provide for the security for said obligations and the rights of the holders thereof;

(i) To make contracts of every kind and nature and to execute all instruments necessary or convenient for the carrying on of its affairs; and

(j) Without limitation of the foregoing, to borrow money from the United States Government or any corporation or agency created, designated, or established by the United States and to enter into contracts with the United States or such corporation or agency.

Bond issue authorized to cover cost.

SEC. 8. Without limiting any powers anywhere in this Act granted to the Commission, the Commission is hereby authorized to provide for the payment of the cost of the bridge and its approaches and the necessary land, easements, and appurtenances thereto by an issue or issues of negotiable bonds of the Commission and to secure the payment of all or any such bonds by mortgage, lien, pledge, or deed of trust upon all or any of its property. Said bonds shall be authorized by resolution of the Commission and shall bear such date or dates, be in such forms and contain such provisions as the Commission may determine and as may be provided in such resolution or in the mortgage or deed of trust or other instrument securing said bonds. Any resolution or resolutions authorizing such bonds may contain provisions, which shall be part of the contract with the holders of such bonds, as to (a) the rates of tolls and other charges to be charged by the Commission for transit over or use of the bridge, (b) the registration of the bonds as to principal only or as to principal and interest, and the interchangeability and exchangeability of such bonds, (c) the issuance of temporary bonds or interim receipts pending the preparation of definitive bonds, and the terms and provisions of such temporary bonds or interim receipts, (d) the redemption of the bonds, and the price or prices, not exceeding 105 and accrued interest, at which they shall be redeemable, (e) the setting aside of reserves or sinking funds and the regulation and disposition thereof, (f) limitations upon the issuance of additional bonds, (g) the terms and provisions of any mortgage, deed of trust, or other instrument under which the bonds may be issued or by which they may be secured, and (h) any other or additional agreement, with the holders of such bonds. The bonds shall be signed by such officers as the Commission shall determine, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer or other corresponding officer of the Commission. Any such bonds may be issued and delivered, notwithstanding the fact that one or more of the officers signing such bonds, or the treasurer or corresponding offi-

Bonds to be authorized by Commission.

Provisions of.

Signatures; effect of.

cer whose facsimile signature shall be upon the coupons or any thereof, shall have ceased to be such officer or officers at the time when such bonds shall actually be delivered.

Commission may finance through private or Government agency.

The Commission may enter into any mortgages, deeds of trust, indentures, or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same, including the United States Government or any corporation or agency designated or created by it, as security for the bonds, and may transfer, convey, mortgage, or pledge all or any of the property of the Commission thereunder. Such mortgage, deed of trust, indenture, or other agreement may contain such provisions as may be customary in such instruments or as the Commission may authorize, including (but without limitation) provisions as to (a) the terms and provisions of the bonds or the resolution providing for the issuance of the same, (b) the construction, operation, maintenance, repair, and insurance of the properties of the Commission and the duties of the Commission with reference thereto, (c) the application of funds and the safeguarding of funds on hand or on deposit, (d) the rights and remedies of such trustee and the holders of the bonds (which may include restrictions upon the individual right of action of bondholders), and (e) possession of the properties covered by such mortgage, deed of trust, indenture, or other agreement.

Provisions of agreement.

Sale price of bonds.

The bonds of the Commission may be sold in such manner, at such time or times, and at such price or prices as the Commission may determine, but no such sale shall be made at a price which would make the interest cost to maturity on the money received therefor, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, exceed 6 per centum per annum. The cost of the bridge shall be deemed to include interest during construction of the bridge, and for not exceeding twelve months thereafter, and all engineering, legal, architectural, traffic-surveying, and other expenses incident to the construction of the bridge and the acquisition of the necessary property, and incident to the financing thereof, including the cost of acquiring existing franchises, rights, plans, and works of and relating to the bridge, now owned by any person, firm, or corporation, and the cost of purchasing all or any part of the shares of stock of any such corporate owner if, in the judgment of the Commission, such purchases should be found expedient. If the proceeds of the bonds issued shall exceed the cost as finally determined, the excess shall be placed in the sinking fund hereinafter provided.

Bridge cost to include interest, etc.

Any excess from sale to be placed in a sinking fund.

After discharge of obligations incurred, conveyances of interest therein to be delivered to Texas and Louisiana.

SEC. 9. After payment of the bonds and interest and discharge of any other obligations of the Commission, or after a sinking fund sufficient for such payment and discharge shall have been provided and shall be held for that purpose, the Commission shall be authorized to deliver deeds or other suitable instruments of conveyance of the interest of the Commission in and to the bridge, that part within the State of Texas to the State of Texas or any municipality thereof or any agency of said State or any such municipality as may be authorized by or pursuant to law to accept the same (hereinafter referred to as the "Texas interests") and that part within the State of Louisiana to the State of Louisiana or to any municipality thereof or any agency of said State or any such municipality as may be authorized by or pursuant to law to accept the same (hereinafter referred to as the "Louisiana interests"), under the condition that the bridge shall thereafter be free of tolls and be properly maintained, operated, insured, and repaired by the Texas interests and the Louisiana interests, as may be agreed upon; but if either the

Conditional, that bridge thereafter be free of tolls and properly maintained.

Texas interests or the Louisiana interests shall not be authorized to accept or shall not accept the same under such conditions, the Commission may transfer the bridge to either of said interests which shall so accept the same and if neither interest shall so accept the same, then the bridge shall continue to be owned, maintained, operated, insured, and repaired by the Commission, and the rates of tolls shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper maintenance, repair, insurance, and operation of the bridge and its approaches under economical management, including reasonable reserves, until such time as the Texas interests or the Louisiana interests, or both, shall be authorized to accept and shall accept such conveyance under the conditions aforesaid.

Toll rates to provide for operation, sinking fund, etc.

Restriction on incurring obligations.

SEC. 10. Nothing herein contained shall be construed to authorize or permit the Commission or any member thereof to create any obligation or incur any liability other than such obligations and liabilities as are dischargeable solely from funds provided by this Act. No obligation created or liability incurred pursuant to this Act shall be an obligation or liability of any member or members of the Commission, but shall be chargeable solely to the funds herein provided, nor shall any indebtedness created pursuant to this Act be an indebtedness of the United States.

Enforcement provisions.

SEC. 11. All provisions of this Act may be enforced, or the violation thereof prevented, by mandamus, injunction, or other appropriate remedy brought by the attorney general for the State of Texas, or by the attorney general for the State of Louisiana, or by the United States district attorney for the district in which the bridge may be located, in part, in any court having competent jurisdiction of the subject matter and of the parties.

Rights reserved.

SEC. 12. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 18, 1934.

[CHAPTER 597.]

June 18, 1934.
[H.R. 9571.]
[Public, No. 404.]

AN ACT

Granting the consent of Congress to the county commissioners of Essex County, in the State of Massachusetts, to construct, maintain, and operate a free highway bridge across the Merrimack River, in the city of Lawrence, Massachusetts.

Merrimack River.
Essex County, Mass., may bridge, at Lawrence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the county commissioners of Essex County, in the State of Massachusetts, and their successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across the Merrimack River, at a point suitable to the interests of navigation, at Broadway, in the city of Lawrence, in the county of Essex, in the State of Massachusetts, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Construction.
Vol. 34, p. 84.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 18, 1934.

[CHAPTER 598.]

AN ACT

June 18, 1934.
[H.R. 9617.]
[Public, No. 405.]

To authorize the reduction of the required distance between liquor distilleries and rectifying plants and to authorize higher fences around distilleries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3266 of the Revised Statutes (relating to premises on which the distilling of liquor is prohibited) (U.S.C., Supp. VII, title 26, sec. 1170) is amended by inserting after the word "rectifying" a comma and the following: "except that the Secretary of the Treasury is authorized to permit such use for distilling on premises at such lesser distance that[1] six hundred feet as he prescribes, in any case in which he deems that such permission may be granted without danger to the revenue".

Liquor distilleries and rectifying plants.
R.S. sec. 3266, p. 631; U.S.C. Supp. VII, p. 615.
Premises for distilling; distance.

SEC. 2. Section 3280 of the Revised Statutes (relating to minimum distance between places where businesses of distilling and rectifying may be carried on, and to conditions precedent to carrying on distilling business) (U.S.C., Supp. VII, title 26, sec. 1183) is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "except that the Secretary of the Treasury is authorized to permit such business of distilling or process of distillation to be carried on at such lesser distance than six hundred feet as he prescribes, in any case in which he deems that such permission may be granted without danger to the revenue".

R.S., sec., p. 634; U.S.C., Supp. VII, p. 617.
Premises for distilling and rectifying.

SEC. 3. So much of section 3244 "Third" of the Revised Statutes, as amended (U.S.C., Supp. VII, title 26, sec. 1830), as reads "no officer shall collect any special tax for rectifying distilled spirits on any premises less than six hundred feet in a direct line from any distillery" is amended to read as follows: "no officer shall collect any special tax for rectifying distilled spirits on any premises less than six hundred feet (or less than the distance permitted by the Secretary of the Treasury in the particular case) in a direct line from any distillery".

Collecting special tax.
R.S., sec. 3244, p. 623. U.S.C., Supp. VII, p. 692.

SEC. 4. Section 3275 of the Revised Statutes (relating to keeping distilleries accessible) (U.S.C., Supp. VII, title 26, sec. 1177) is amended by striking out the period at the end of the first sentence and inserting in lieu thereof a comma and the following: "but the Secretary of the Treasury may authorize the construction and maintenance of a fence or wall of such greater height than five feet as he shall prescribe in any case in which in his opinion such higher fence or wall is necessary to give adequate protection from trespassers."

Keeping distilleries accessible.
R.S., sec. 3275, p. 633. U.S.C., Supp. VII, p. 616.
Fencing premises.

Approved, June 18, 1934.

[CHAPTER 599.]

AN ACT

June 18, 1934.
[H.R. 9618.]
[Public, No. 406.]

Authorizing the Sistersville Bridge Board of Trustees to construct, maintain, and operate a toll bridge across the Ohio River at Sistersville, Tyler County, West Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, C. S. Sutton, president of the county court of Tyler County, West Virginia, and his successors in office, W. L. Sutton, mayor of the city of Sistersville, West Virginia, and his successors in office, and Arnold Stoeffer, president of the Board of County Commissioners of Monroe County, Ohio, and his successors in office, all as trustees, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the

Ohio River.
Bridge authorized across at Sistersville, W.Va.

Construction.
Vol. 34, p. 84.

[1] So in original.

Ohio River, at a point suitable to the interests of navigation, at Sistersville, Tyler County, West Virginia, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act; and said trustees shall own and hold said bridge in trust for Tyler County, West Virginia, Monroe County, Ohio, and the city of Sistersville, West Virginia; said trustees being known as and functioning as the Sistersville Bridge Board of Trustees, and serving without compensation. Said board of trustees is hereby granted the right to assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act.

Right to acquire real estate for location, approaches, etc.

SEC. 2. There is hereby conferred upon said board of trustees all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Condemnation proceedings.

Tolls authorized.

SEC. 3. The said board of trustees is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Rates adjusted to provide for operation, sinking fund, etc.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches; the expenditures for maintaining, repairing, and operating the same; and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

Amendment.

SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 18, 1934.

[CHAPTER 600.]

AN ACT

June 18, 1934.
[H.R. 9622.]
[Public, No. 407.]

To amend subsection (a) of section 23 of the District Alcoholic Beverage Control Act.

Alcoholic Beverage Control Act, D.C.
Ante, pp. 332, 654.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 23 of the District of Columbia Alcoholic Beverage Control Act is amended so as to read as follows:

"SEC. 23. (a) There shall be levied, collected, and paid on all of the following-named beverages manufactured by a holder of a manufacturer's license and on all of the said beverages imported or brought into the District of Columbia by a holder of a wholesaler's license, except beverages as may be sold to a dealer licensed under the laws of any State or Territory of the United States and not licensed under this Act, and on all beverages imported or brought into the District of Columbia by a holder of a retailer's license, a tax at the following rates to be paid by the licensee in the manner hereinafter provided:". Tax rate on designated alcoholic beverages.

(1) A tax of 35 cents on every wine-gallon of wine containing more than 14 per centum of alcohol by volume, except champagne, or any wine artificially carbonated and a proportionate tax at a like rate on all fractional parts of such gallon; (2) a tax of 50 cents on every wine-gallon of champagne or any wine artificially carbonated, and a proportionate tax at a like rate on all fractional parts of such gallon; (3) a tax of 50 cents on every wine-gallon of spirits, and a proportionate tax at a like rate on all fractional parts of such gallon; (4) and a tax of $1.10 on every wine-gallon of alcohol, and a proportionate tax at a like rate on all fractional parts of such gallon. Wine, except champagne. Champagne. Spirits. Alcohol.

SEC. 2. That subsection (e) of section 23 be amended by inserting the word "taxable" after the word "upon" in the beginning of the first sentence and by inserting the word "taxable" after the word "upon" in the beginning of the second sentence.

Approved, June 18, 1934.

[CHAPTER 601.]

AN ACT

June 18, 1934.
[H.R. 9645.]
[Public, No. 408.]

To extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Missouri.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Missouri, authorized to be built by the city of Washington, Missouri, by an Act of Congress approved June 15, 1933, are hereby extended one and three years, respectively, from June 15, 1934. Missouri River. Time extended for bridging, at Washington, Mo. *Ante*, p. 152.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved. Amendment.

Approved, June 18, 1934.

CHAPTER 602.]

AN ACT

June 18, 1934.
[H.R. 9646.]
[Public, No. 409.]

To authorize the acquisition of additional land for the Upper Mississippi River Wild Life and Fish Refuge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Upper Mississippi River Wild Life and Fish Refuge Act (43 Stat. 650) is amended to read as follows: Upper Mississippi River Wild Life and Fish Refuge Act, amended. Vol. 43, p. 650.

"SEC. 2. The Secretary of Agriculture is authorized to acquire, by purchase, gift, or lease, such areas of land, or of land and water, situated between Rock Island, Illinois, and Wabasha, Minnesota, on either side of or upon islands in the Mississippi River which are not used for agricultural purposes, as he determines suitable for the purposes of this Act." Acquisition of lands on either side of Mississippi River, within area named, authorized.

Approved, June 18, 1934.

[CHAPTER 603.]

AN ACT

June 18, 1934.
[H.R. 9721.]
[Public, No. 410.]

Authorizing the Spencer County Bridge Commission, of Spencer County, Indiana, to construct, maintain, and operate a toll bridge across the Ohio River between Rockport, Indiana, and Owensboro, Kentucky.

Ohio River.
Spencer County, Ind., may bridge, at Rockport.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve postal service, and provide for military and other purposes, the Spencer County Bridge Commission, of Spencer County, Indiana, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, across the Ohio River, at a point suitable to the interests of navigation, between Rockport, Indiana, and Owensboro, Kentucky, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Construction.
Vol. 34, p. 84.

Right to acquire real estate for location, approaches, etc.

SEC. 2. There is hereby conferred upon the Spencer County Bridge Commission, of Spencer County, Indiana, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Condemnation proceedings.

Tolls authorized.

SEC. 3. The said Spencer County Bridge Commission, of Spencer County, Indiana, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Rates adjusted to provide for operation, sinking fund, etc.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge, the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures of maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Maintenance as free bridge, etc., after amortizing costs.

Record of expenditures and receipts.

Amendment.

SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 18, 1934.

[CHAPTER 604.]

AN ACT

June 18, 1934.
[H.R. 9946.]
[Public, No. 411.]

Providing for the ratification of Joint Resolution Numbered 59 of the Legislature of Puerto Rico, approved by the Governor May 5, 1930, imposing an import duty on coffee imported into Puerto Rico.

Puerto Rico.
Legislative resolution, imposing import duty on coffee, ratified.
Vol. 46, p. 696.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the taxes and duties imposed by Joint Resolution Numbered 59, enacted by the Legislature of Puerto Rico and approved by the Governor of Puerto Rico May 5, 1930, are legalized and ratified, and the collection of all such taxes and duties made under or by authority of such Joint Resolution of the Puerto Rican Legislature is legalized, ratified, and confirmed as fully to all intents and purposes as if the same had, by prior Act of Congress, been specifically authorized and directed.

Approved, June 18, 1934, 4 p.m.

[CHAPTER 605.]

JOINT RESOLUTION

June 18, 1934.
[S.J.Res., 108.]
[Pub. Res., No. 35.]

Authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Eloy Alfaro and Jaime Eduardo Alfaro, citizens of Ecuador.

U.S. Military Academy, West Point.
Eloy and Jaime Eduardo Alfaro permitted to receive instruction.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to permit Eloy Alfaro and Jaime Eduardo Alfaro, citizens of Ecuador, to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that said Eloy Alfaro and Jaime Eduardo Alfaro shall each agree to comply with all regulations for the police and discipline of the Academy, to be studious, and to give his utmost efforts to accomplish the courses in the various departments of instruction, and that neither shall be admitted to the Academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that each shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the academic board: *Provided further*, That in the cases of said Eloy Alfaro and Jaime Eduardo Alfaro the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

Proviso.
Compliance with regulations.

R.S., secs. 1320, 1321, waived.

Approved, June 18, 1934.

[CHAPTER 606.]

JOINT RESOLUTION

June 18, 1934.
[S.J. Res., 130.]
[Pub.Res., No. 36.]

To amend section 72 of the Printing Act, approved January 12, 1895, and Acts amendatory thereof and supplementary thereto, relative to the allotment of public documents, and section 85 of the same Act fixing the date of the expiration of the franking privilege to Members of Congress.

Printing Act of 1895.
Vol. 28, p. 612;
U.S.C., p. 1425.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 72 of chapter 23 of the Printing Act (U.S.C., title 44, sec. 158), approved January 12, 1895, and Acts amendatory thereof and supplementary thereto, be, and is hereby, amended to read as follows:

Congressional allotment of documents.

"SEC. 72. ALLOTMENT OF DOCUMENTS. The Congressional allotment of public documents (except the Congressional Record) printed after the expiration of the term of office of the Vice President of the United States, or any Senator, Representative, Delegate, or Resident Commissioner, shall be delivered to his or her successor in office.

Documents credited at expiration of term; disposition.

"The Vice President of the United States and any Senator, Representative, Delegate, or Resident Commissioner in Congress, having public documents to his credit at the expiration of his term of office shall take the same prior to the 30th day of June next following the date of such expiration, and if he shall not do so within such period he shall forfeit them to his or her successor in office."

Vol. 28, p. 622; U.S.C., p. 1256.

SEC. 2. That section 85 of chapter 23 of the Printing Act (U.S.C., title 39, sec. 326), approved January 12, 1895, be, and is hereby, amended to read as follows:

Franking privilege; documents sent and received by Vice President, Members of Congress.
Secretary of Senate; Clerk, House of Representatives.

"SEC. 85. FRANKING PRIVILEGE.—The Vice President of the United States, and Senators, Representatives, Delegates, and Resident Commissioners in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail all public documents printed by order of Congress; and the name of the Vice President, Senator, Representative, Delegate, Resident Commissioner, Secretary of the Senate, and Clerk of the House shall be written thereon, with the proper designation of the office he holds; and the provisions of this section shall apply to each of the persons named herein until the 30th day of June following the expiration of their respective terms of office."

Approved, June 18, 1934.

[CHAPTER 607.]

June 18, 1934.
[H.J.Res., 295.]
[Pub. Res., No. 37.]

JOINT RESOLUTION

Authorizing appropriation for expenses of representatives of United States to meet at Istanbul, Turkey, with representatives of Turkish Republic for purpose of examining claims of either Government against the other and for expense of proceedings before an umpire, if necessary.

American-Turkish claims.
Appropriation authorized to examine and settle.
Post, p. 1041.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $90,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for participation by the United States in the examination and settlement at Istanbul, Turkey, or before an umpire, if necessary, of the claims presented by either the American or Turkish Government against the other, including personal services in the District of Columbia or elsewhere without reference to the Classification Act of 1923, as amended, and rent of offices and rooms for the use of the American representatives, in addition, if deemed necessary by the Secretary of State, to the lawful per diem, stenographic reporting and translating services by contract if deemed necessary, without regard to Section 3709 of the Revised Statutes (U.S.C. title 41, sec. 5); traveling expenses; purchase of law books and books of reference; printing and binding; official cards; entertainment; expenses or honorarium of a neutral umpire in the event such an appointment is found desirable; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified: *Provided*, That any expenditures from the amount herein authorized to be appropriated shall become a first charge upon any moneys received from the Turkish Government in settlement of the respective claims and the amount of such expenditures shall be deducted from the first payment by the Turkish Government and deposited in the Treasury of the United States as miscellaneous receipts: *And provided further*,

R.S., sec. 3709; U.S.C., p. 1309.

Printing and binding.

Honorarium of neutral umpire.

Provisos.
Expenditures to become first charge upon moneys received.

That the Secretary of State, in distributing to the respective claimants the balance of the amounts received from the Turkish Government, as provided by Act of Congress approved February 27, 1896 (29 Stat. 32), shall apportion the amount withheld, as above provided, in such a manner as to constitute a uniform percentage of deduction from the amount found to be due each claimant.

Apportionment of amounts among claimants.
Vol. 29, p. 32.

Approved, June 18, 1934.

[CHAPTER 608.]

JOINT RESOLUTION

June 18, 1934.
[H.J.Res., 325.]
[Pub. Res., No. 38.]

Extending for two years the time within which American claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the Mixed Claims Commission and the Tripartite Claims Commission, and extending until March 10, 1936, the time within which Hungarian claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the War Claims Arbiter.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (g) of section 2 and subsection (f) of section 5 of the Settlement of War Claims Act of 1928, as amended by Public Resolution Numbered 11, Seventy-third Congress, approved June 12, 1933, are further amended, respectively, by striking out the words "six years" wherever such words appear therein and inserting in lieu thereof the words "eight years".

Settlement of War Claims Act.
Vol. 45, p. 254; Vol. 47, p. 318.

Ante, p. 125.
Time for making application for payment by American claimants.

SEC. 2. The first sentence of subsection (h) of section 6 of the Settlement of War Claims Act of 1928 is amended to read as follows:

Vol. 45, p. 264.

"No payment shall be made under this section unless application therefor is made by March 10, 1936, in accordance with such regulations as the Secretary of the Treasury may prescribe."

Payments.

Approved, June 18, 1934.

[CHAPTER 609.]

JOINT RESOLUTION

June 18, 1934.
[H.J.Res. 341.]
[Pub. Res., No. 39.]

Authorizing an appropriation for the participation of the United States in the International Celebration at Fort Niagara, New York.

Whereas the Federal Government, through the War Department, desires to cooperate with the representatives of the Canadian, British, and French Governments, and the State of New York, in the International Celebration to commemorate the fourth centenary of Jacques Cartier, the ratification of the Rush-Bagot Treaty in 1818, and the completion of the restoration of Old Fort Niagara, Niagara County, New York, as a historic and patriotic shrine symbolizing the history of the common interest of these nations in the evolution of the early American struggle and strife to a lasting peace of vast international significance: Therefore be it

International Celebration at Fort Niagara, N.Y.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated the sum of $6,000, or so much thereof as may be necessary, to pay the expenses of the participation of certain units of the Army of the United States in the events and ceremonies incident to the International Celebration at Fort Niagara, New York, under such regulations as the Secretary of War may prescribe.

Appropriation authorized for participation.

Approved, June 18, 1934.

[CHAPTER 610.]

JOINT RESOLUTION

June 18, 1934.
[H.J.Res. 370.]
[Pub. Res., No. 40.]

To protect the revenue by regulation of the traffic in containers of distilled spirits.

Traffic in containers of distilled spirits.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever in his judgment such action is necessary to protect the revenue, the Secretary of the Treasury is authorized, by the regulations prescribed by him, and permits issued thereunder if required by him (1) to

Regulation of, authorized.

regulate the size, branding, marking, sale, resale, possession, use, and re-use of containers (of a capacity of less than five wine-gallons) designed or intended for use for the sale at retail of distilled spirits (within the meaning of such term as it is used in title II of

Requirements of manufacturers, persons dealing in, etc., containers.

the Liquor Taxing Act of 1934) for other than industrial use, and (2) to require, of persons manufacturing, dealing in, or using any such containers, the submission to such inspection, the keeping of such records, and the filing of such reports as may be deemed by

Penalty provisions.

him reasonably necessary in connection therewith. Whoever willfully violates the provisions of any regulation prescribed, or the terms or conditions of any permit issued, pursuant to the authorization contained in this joint resolution, and any officer, director, or agent of any corporation who knowingly participates in such violation, shall, upon conviction, be fined not more than $1,000 or be imprisoned for not more than two years, or both; and, notwithstanding any criminal conviction, the containers involved in such violation shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for forfeitures, seizures, and condemnations for violations of the internal-revenue laws, and any such containers so seized and condemned shall

Requirements imposed to be additional.

be destroyed and not sold. Any requirements imposed under this joint resolution shall be in addition to any other requirements imposed by, or pursuant to, existing law, and shall apply as well to persons not liable for tax under the internal-revenue laws as to persons so liable.

Approved, June 18, 1934.

[CHAPTER 611.]

JOINT RESOLUTION

June 18, 1934.
[H.J.Res., 373.]
[Pub. Res., No. 41.]

To protect the revenue by requiring information concerning the disposition of substances used in the manufacture of distilled spirits.

Distilled spirits, substances used in manufacture of.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That every person disposing of any substance of the character used in the manufacture of distilled spirits shall, when required by the Commissioner, render

Return showing disposition to be filed.

a correct return in such form and manner as the Commissioner, with the approval of the Secretary of the Treasury, may by rules and

Information to be contained.

regulations prescribe, showing the names and addresses of the persons to whom such disposition was made, with such details, as to the quantity so disposed of or other information which the Commissioner may require as to each such disposition, as will enable the Commissioner to determine whether all taxes due with respect to any distilled spirits manufactured from such substances have been

Penalty provisions.

paid. Any person who willfully violates any provision hereof, or of any such rules or regulations, and any officer, director, or agent of any such person who knowingly participates in such violation, shall upon conviction be fined not more than $500 or be imprisoned for

Definitions.

not more than one year, or both. As used in this joint resolution (a) the term "distilled spirits" has the same meaning as that in

which it is used in title II of the Liquor Taxing Act of 1934; (b) the term "person" includes individuals, corporations, partnerships, associations, trusts, and other incorporated and unincorporated organizations; (c) "Commissioner" means the Commissioner of Internal Revenue; and (d) the term "substance of the character used in the manufacture of distilled spirits" includes, but not by way of limitation, molasses, corn sugar, cane sugar, and malt sugar.

Approved, June 18, 1934.

[CHAPTER 648.]

AN ACT

June 19, 1934.
[H.R. 9830.]
[Public, No. 412.]

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, to provide supplemental general and emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, to provide supplemental general and emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes, namely:

Emergency Appropriation Act, fiscal year 1935.

TITLE I—GENERAL APPROPRIATIONS

General appropriations.

LEGISLATIVE ESTABLISHMENT

Legislative.

SENATE

Senate.

To pay to Eula W. Kendrick, widow of Honorable John B. Kendrick, late a Senator from the State of Wyoming, $8,500.

John B. Kendrick.
Pay to widow.

To pay to Augusta M. Dale, widow of Honorable Porter H. Dale, late a Senator from the State of Vermont, $8,500.

Porter H. Dale.
Pay to widow.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1935, $100,000: *Provided*, That no part of this appropriation shall be expended for services, personal, professional, or otherwise, in excess of the rate of $3,600 per annum: *Provided further*, That no part of this appropriation shall be expended for per diem and subsistence expenses except in accordance with the provisions of the Subsistence Expense Act of 1926, approved June 3, 1926, as amended.

Inquiries and investigations, expenses.

Provisos.
Restriction on payments for services.

Per diem and subsistence expenses.
Vol. 44, p. 688.

The unobligated balance of the appropriation for expenses of inquiries and investigations ordered by the Senate, contingent fund of the Senate, for the fiscal year 1934, is reappropriated and made available for the fiscal year 1935.

Balance reappropriated.
Vol. 47, p. 1354.

For miscellaneous items, exclusive of labor, for the following fiscal years:

Miscellaneous items.

For 1933, $14,305.35;

For 1934, $50,000.00.

The unobligated balance of the appropriation for folding speeches and pamphlets, at a rate not exceeding $1 per thousand, for the fiscal year 1934, is reappropriated and made available for the fiscal year 1935.

Folding speeches, etc.
Balance reappropriated.
Vol. 47, p. 1354.

Fiscal year for adjusting accounts fixed.

Hereafter the fiscal year for the adjustment of the accounts of the Secretary of the Senate for compensation and mileage of Senators shall extend from July 1 to June 30; and all laws and parts of laws inconsistent herewith are hereby repealed.

Compensation of Senators. When to commence.

Senators elected, whose term of office begins on the 3d day of January, and whose credentials in due form of law shall have been presented in the Senate, may receive their compensation monthly from the beginning of their term.

Salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified.

Salaries of Senators elected to fill such vacancies shall commence on the day they qualify.

When no appointments have been made the salaries of Senators elected to fill such vacancies shall commence on the day following their election.

When Senators have been elected during a sine die adjournment of the Senate to succeed appointees, the salaries of Senators so elected shall commence on the day following their election.

When Senators have been elected during a session to succeed appointees, but have not qualified, the salaries of Senators so elected shall commence on the day following the sine die adjournment of the Senate.

Appointment of clerical assistants.

A Senator entitled to receive his own salary may appoint the usual clerical assistants allowed Senators.

House of Representatives.

HOUSE OF REPRESENTATIVES

Edward B. Almon. Pay to widow.

For payment to the widow of Edward B. Almon, late a Representative from the State of Alabama, $8,500.

Charles H. Brand. Pay to daughters.

For payment in equal increments to Caroline Mell, Julia Sasnett, and Louelle Rawlston, daughters of Charles H. Brand, late a Representative from the State of Georgia, $8,500.

John D. Clarke. Pay to widow.

For payment to the widow of John D. Clarke, late a Representative from the State of New York, $8,500.

Joseph I. Hooper. Pay to widow.

For payment to widow of Joseph I. Hooper, late a Representative from the State of Michigan, $8,500.

Lynn S. Hornor. Pay to widow.

For payment to the widow of Lynn S. Hornor, late a Representative from the State of West Virginia, $8,500.

Bolivar E. Kemp. Pay to widow.

For payment to the widow of Bolivar E. Kemp, late a Representative from the State of Louisiana, $8,500.

James S. Parker. Pay to widow.

For payment to the widow of James S. Parker, late a Representative from the State of New York, $8,500.

Edward W. Pou. Pay to widow.

For payment to the widow of Edward W. Pou, late a Representative from the State of North Carolina, $8,500.

Henry W. Watson. Pay to widow.

For payment to the widow of Henry W. Watson, late a Representative from the State of Pennsylvania, $8,500.

George F. Brumm. Pay to sisters.

For payment to Susan I. Brumm and Joan L. Brumm, sisters of George F. Brumm, late a Representative from the State of Pennsylvania, $8,500.

Thomas C. Coffin. Pay to widow.

For payment to the widow of Thomas C. Coffin, late a Representative from the State of Idaho, $8,500.

The foregoing sums to be disbursed by the Sergeant at Arms of the House.

Contested-election expenses.

Contested-election expenses: For payments to contestants and contestees for expenses incurred in the contested-election cases of Lovette against Reece, Ellis against Thurston, and McAndrews against

Britten, as audited and recommended by the Committee on Elections Numbered One, respectively, as follows:

To O. B. Lovette, contestant, $1,993.61;
To B. Carroll Reece, contestee, $1,782.46;
To Lloyd Thurston, contestee, $2,000;
To Lloyd Ellis, contestant, $2,000;
To James McAndrews, contestant, $1,657.82;
To Fred A. Britten, contestee, $2,000;
In all, $11,433.89, to be disbursed by the Clerk of the House.

For payments to contestants and contestees for expenses incurred in the contested-election cases of Chandler against Burnham, Estep against Ellenbogen, and Gormley against Goss, as audited and recommended by the Committee on Elections Numbered Two, respectively, as follows:

To Claude Chandler, contestant, $2,000;
To George Burnham, contestee, $2,000;
To Henry Ellenbogen, contestee, $805.26;
To Edward W. Goss, contestee, $2,000;
To Martin E. Gormley, contestant, $2,000;
In all, $8,805.26, to be disbursed by the Clerk of the House.

For payments to contestants and contestees for expenses incurred in the contested-election cases of Sanders against Kemp, Fox against Higgins, Shanahan against Beck, Casey against Turpin, Brewster against Utterback, and Weber against Simpson, as audited and recommended by the Committee on Elections Numbered Three, respectively, as follows:

To J. Y. Sanders, Junior, contestant, $1,634.18;
To Mrs. Bolivar E. Kemp, contestee, $1,635.55;
To William C. Fox, contestant, $2,000;
To William L. Higgins, contestee, $1,743.20;
To James M. Beck, contestee, $1,339.82;
To John J. Shanahan, contestant, $817.75;
To John J. Casey, contestant, $2,000;
To C. Murray Turpin, contestee, $1,999;
To John G. Utterback, contestee, $2,000;
To Ralph O. Brewster, contestant, $1,970.17;
To Charles H. Weber, contestant, $2,000;
To James Simpson, Junior, contestee, $2,000;
In all, $21,139.67, to be disbursed by the Clerk of the House.

Compiling testimony in contested-election cases.

Compiling testimony in contested-election cases: For services in compiling, arranging for the printer, reading proof, indexing testimony, stenography and typewriting, supervision of the work, and expenses incurred in the contested-election cases of the following Congresses, as authorized by the Act entitled "An Act relating to contested elections", approved March 2, 1887 (U.S.C., title 2, secs. 201–226):

Vol. 24, p. 445. U.S.C., p. 14.

72d Congress.

For the Seventy-second Congress, $500;

73d Congress.

For the Seventy-third Congress, $1,125.

Committee on Revision of the Laws.

Committee on Revision of the Laws: For the employment of competent persons to assist in continuing the work of compiling, codifying, and revising the laws and treaties of the United States, fiscal years 1934 and 1935, $3,000.

Preparation and editing the laws, 1934.

For preparation and editing of the laws as authorized by the Act approved May 29, 1928 (U.S.C., Supp. VI, title 1, sec. 59), fiscal year 1934, $500, to be expended under the direction of the Committee on Revision of the Laws.

Vol. 45, p. 1007. U.S.C., Supp. VII p. 4.

United States Code, new edition. Vol. 45, p. 1541. U.S.C., Supp. VII, p. 2.

For the preparation and editing of a new edition of the United States Code as authorized by the Act approved May 29, 1928, as amended by the Act approved March 2, 1929 (U.S.C., Supp. VI, title 1, sec. 52d), $37,000, to remain available until expended.

Speaker's table. Parliamentarian and Assistant Parliamentarian. Salary of present incumbents increased. U.S.C., Supp. VII, p. 7.

Speaker's Table: Commencing July 1, 1934, and continuing during such periods as the present incumbents occupy the positions, respectively, of Parliamentarian and Assistant Parliamentarian of the House, the annual rates of compensation of such positions, as fixed by the Legislative Pay Act of 1929 (U.S.C., Supp. VI, title 2, sec. 60a), are hereby increased by the respective sums of $1,500 and $750; and such amounts are hereby appropriated for such purposes for the fiscal year 1935.

Telegraph and telephone service. *Proviso.* Deductions to be made for delinquencies.

Telegraph and telephone: For telegraph and telephone service, exclusive of personal services, fiscal year 1934, $67,000: *Provided*, That whenever a Representative, Delegate, or Resident Commissioner, or a United States Senator, shall fail to pay any sum or sums due from such person to the House of Representatives or Senate, respectively, the appropriate committee or officer of the House of Representatives or Senate, as the case may be, having jurisdiction of the activity under which such debt arose, shall certify such delinquent sum or sums to the Sergeant at Arms of the House in the case of an indebtedness to the House of Representatives and to the Secretary of the Senate in the case of an indebtedness to the Senate, and such latter officials are authorized and directed, respectively, to deduct from any salary, mileage, or expense money due to any such delinquent such certified amounts or so much thereof as the balance or balances due such delinquent may cover. Sums so deducted by the Secretary of the Senate shall be disposed of by him in accordance with existing law and sums so deducted by the Sergeant at Arms of the House shall be paid to the Clerk of the House and disposed of by him in accordance with existing law.

Disposition of.

Architect of the Capitol.

OFFICE OF ARCHITECT OF THE CAPITOL

Capitol Building. Relocating statues. Vol. 47, p. 1603.

Capitol Building: The unexpended balance of the appropriation of $2,500 for the removal and relocation of statues, contained in the Second Deficiency Act, fiscal year 1933, is hereby continued available for the same purposes during the fiscal year 1935.

Enlarging Capitol grounds. Vol. 45, p. 1694; Vol. 46, p. 1522; Vol. 47, p. 17.

Limit of cost increased.

Proviso. Removal of buildings. Vol. 47, p. 17.

Enlarging the Capitol Grounds: For an additional amount for completing the enlargement and improvement of the Capitol Grounds in accordance with the Act entitled "An Act to provide for the enlarging of the Capitol Grounds", approved March 4, 1929, (45 Stat. 1694), to be available until expended, $189,720.02; and the limit of cost fixed in such Act is increased by $105,587.02 to complete the acquisition of property: *Provided*, That the unexpended balance of the appropriation of $50,000 for the removal and demolition of structures in connection with the enlargement of the Capitol Grounds, contained in the First Deficiency Act, fiscal year 1932, is continued available until expended, for the same purposes and for the additional purposes of improvement and development.

Capitol Power Plant. Maintenance. Vol. 47, p. 1361.

Capitol Power Plant: For an additional amount for lighting, heating, and power for the Capitol, Senate, and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and so forth, including the same objects specified under this head in the Legislative Appropriation Act for the fiscal year 1934, $55,100.

Duplicate steam lines to new buildings. Balance available. Vol. 47, p. 1361.

The unexpended balance of the appropriation contained in the Legislative Appropriation Act for the fiscal year 1933 and continued available by the Legislative Appropriation Act for the fiscal year 1934 for the installation of duplicate steam lines to new buildings,

clean-water intake screens and auxiliaries, and high-tension switching equipment, and so forth, is hereby continued and made available, together with an additional amount of $25,000 for the same purposes, for the fiscal year 1935.

Senate Office Building: For an additional amount for maintenance, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1935, to provide for installation, replacement, and reconditioning of elevators, $200,000, to be immediately available.

Senate Office Building.
Maintenance, etc.

For an additional amount for maintenance, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1935, $29,536, of which $25,000 shall be expended for additional painting.

Additional.
Ante, p. 827.
Painting.

House Office Buildings: For an additional amount for maintenance, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1935, to provide for installation, replacement, and reconditioning of elevators, $190,000, to be immediately available.

House Office Buildings.
Maintenance.
Vol. 47, p. 1361.
Elevators.

House Office Buildings: For an additional amount for maintenance, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1935, $2,950, to be immediately available.

Additional.

Library building and grounds: For an additional amount for necessary expenditures for the Library Building under the jurisdiction of the Architect of the Capitol, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1935, to provide for installation, replacement, and reconditioning of elevators, $30,300, to be immediately available: *Provided*, That the Architect of the Capitol may continue the employment under his jurisdiction of Damon W. Harding, until June 30, 1936, notwithstanding any provision of the Act entitled "An Act for the retirement of employees in the classified civil service, and for other purposes", approved May 22, 1920, and any amendment thereof, prohibiting extensions of service after the age of retirement.

Library building and grounds.
Elevators.
Proviso.
Damon W. Harding, employment continued.
Vol. 47, p. 404.
U.S.C., Supp. VII, p. 46.

GOVERNMENT PRINTING OFFICE

Government Printing Office.

For payment to Samuel Robinson, William Madden, Preston L. George, and William S. Houston, messengers on night duty during the second session of the Seventy-third Congress, $900 each; in all, $3,600, to be paid from the appropriation for printing and binding for Congress for the fiscal year 1934.

Designated messengers on night duty.

INDEPENDENT OFFICES

Independent Offices.

AVIATION COMMISSION

Aviation Commission.
Salaries and expenses.
Ante, p. 933.

For five commissioners and for all other authorized expenditures for carrying into effect section 20 of the Act entitled "An Act to revise air-mail laws, and to establish a commission to make a report to the Congress recommending an aviation policy", approved June 12, 1934, to be available during the fiscal year 1935, $75,000.

CHICAGO WORLD'S FAIR CENTENNIAL CELEBRATION

Chicago World's Fair Centennial Celebration.
Participation, etc.
Vol. 47, pp. 39, 645, 703.

For the purpose of carrying into effect the provisions of the Act entitled "An Act to amend an Act entitled 'An Act providing for the participation of the United States in A Century of Progress (the Chicago World's Fair Centennial Celebration) to be held at Chicago, Illinois, in 1933, authorizing an appropriation therefor, and for other purposes', approved February 8, 1932, to provide for

Ante, p. 785.

participation in A Century of Progress in 1934, to authorize an appropriation therefor, and for other purposes", approved May 21, 1934, and for each and every object authorized by said Act, including travel expenses, and subsistence at not to exceed $5 per day, $175,000, together with the unexpended balance of the appropriation for the Chicago World's Fair Centennial Celebration held in 1933 as contained in the Act making appropriations for the Department of Agriculture for the fiscal year 1933, to remain available until June 30, 1935.

Travel and expenses.

Balance continued available.
Vol. 47, p. 645.

Civil Service Commission.

CIVIL SERVICE COMMISSION

Salaries and expenses.

Salaries and expenses: For an additional amount for personal services and other expenses, including the same objects specified under this head in the Independent Offices Appropriation Act, 1935, $300,000.

Printing and binding.

Printing and binding: For an additional amount for printing and binding, including the same objects specified under this head in the Independent Offices Appropriation Act, 1935, $34,000.

Federal Trade Commission.

FEDERAL TRADE COMMISSION

Additional, for dairy products investigations.
Ante, p. 513.

For an additional amount for the Federal Trade Commission, including the same objects specified under this caption in section 1, title I, Independent Offices Appropriation Act, 1935, to enable the Commission to comply with the provisions of H.Con.Res. 32 of the Seventy-third Congress, fiscal year 1935, $30,000.

General Accounting Office.

GENERAL ACCOUNTING OFFICE

Expenditures, etc., of governmental agencies.

To enable the General Accounting Office to employ personnel to examine and settle claims and to audit and settle the accounts of receipts and expenditures of governmental agencies, including governmental corporations created after March 3, 1933, and to make current the audit of Postal Money Order and Postal Savings Accounts, including rent in the District of Columbia, printing and binding, office equipment and supplies, traveling expenses and other necessary contingent and miscellaneous expenses, fiscal years 1934 and 1935, $1,000,000: *Provided*, That persons employed hereunder may be appointed for temporary service for a period not in excess of six months, without regard to civil service rules and regulations.

Audit of postal accounts.

Contingent expenses.

Proviso.
Temporary employees.

National Archives.

NATIONAL ARCHIVES

Administration, etc.
Post, p. 1122.

For carrying out the provisions of the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes", approved June , 1934, fiscal year 1935, $50,000.

Securities Exchange Commission.

SECURITIES EXCHANGE COMMISSION

Administration expenses.
Ante, p. 881.
Ante, p. 74.

For the purpose of administering the provisions of the Securities Exchange Act of 1934 and the Securities Act of 1933 (including, among other things, expenditures for personal services and rent at the seat of government and elsewhere, for law books and books of reference, newspapers and periodicals, and for paper, printing, and binding), fiscal year 1935, $300,000.

Smithsonian Institution.

SMITHSONIAN INSTITUTION

American Historical Association report.

For printing and binding two volumes of that portion of the Annual Report of the American Historical Association devoted to the bibliography, Writings on American History, in the same style and edition as the annual report volumes have heretofore been published, fiscal year 1935, $8,000, to be immediately available.

TARIFF COMMISSION

Tariff Commission.

Salaries and expenses: The unobligated balance of the appropriation of $785,000 for salaries and expenses of the United States Tariff Commission, 1934, contained in the Independent Offices Appropriation Act, 1934, is hereby continued available for the fiscal year 1935, and the limitation of $725,000 on the amount which may be expended for personal services in the District of Columbia, contained in the Independent Offices Appropriation Act, 1935, under this head, is hereby increased to $750,000.

Salaries and expenses.
Balance continued.
Ante, p. 297.

Amount for personal services increased.
Ante, p. 517.

Printing and binding: The unobligated balance of the appropriation of $15,000 for printing and binding for the Tariff Commission, 1934, contained in the Independent Offices Appropriation Act, 1934, is hereby continued available for the fiscal year, 1935.

Printing and binding.
Balance continued.
Ante, p. 297.

UNITED STATES SUPREME COURT BUILDING COMMISSION

Supreme Court Building Commission.

United States Supreme Court Building: The Architect of the Capitol, under the direction of the United States Supreme Court Building Commission, is hereby authorized to provide furnishings for the United States Supreme Court Building, and the appropriations heretofore made for construction and equipment of such building are hereby made available for the furnishing thereof.

Furnishings, etc.
Vol. 46, p. 51.
Ante, p. 297.

DISTRICT OF COLUMBIA

District of Columbia.

CONTINGENT AND MISCELLANEOUS EXPENSES

Judicial expenses: For an additional amount for judicial expenses, including witness fees, and expert services in District cases before the Supreme Court of said District, for the fiscal years that follow:

Judicial expenses.

For 1933, $1,583;

For 1934, $574.

General advertising: For an additional amount for general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, fiscal year 1932, $319.92.

Advertising.

General advertising: For an additional amount for general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, fiscal year 1934, $682: *Provided*, That this appropriation shall not be available for the payment of advertising in newspapers published outside of the District of Columbia, notwithstanding the requirement of such advertising provided by existing law.

Proviso.
Notices in local newspapers.

Advertising notice of taxes in arrears: For an additional amount for advertising notice of taxes in arrears July 1, 1933, as required to be given by the Act of February 28, 1898, as amended, to be reimbursed by a charge of 50 cents for each lot or piece of property advertised, fiscal year 1934, $7,895.14.

Taxes in arrears.
Vol. 30, p. 250.

PUBLIC SCHOOLS

Public schools.

Fuel, and so forth: For an additional amount for fuel, gas, and electric light and power, fiscal year 1934, $8,000.

Fuel, etc.

METROPOLITAN POLICE

Police.

Salaries: For an additional amount for the pay and allowances of officers and members of the Metropolitan Police Force, in accordance with the Act entitled "An Act to fix the salaries of the Metropolitan Police Force, the United States Park Police Force, and the fire department of the District of Columbia" (43 Stat., pp. 174–175), as

Salaries.
Vol. 43, p. 174; Vol. 46, p. 839.

Assistant property clerk.

amended by the Act of July 1, 1930 (46 Stat., pp. 839–841), including compensation at the rate of $2,100 per annum for the present assistant property clerk of the police department, fiscal year 1934, $55,000.

Health Department.

HEALTH DEPARTMENT

Garfield Hospital, isolating wards.

For additional amounts for isolating wards for minor contagious diseases at Garfield Memorial Hospital for the fiscal years that follow:

For 1933, $849.75;

For 1934, $11,000.

Courts and prisons.

COURTS AND PRISONS

Police Court.

Police court: For an additional amount for witness fees, fiscal year 1932, $6.75.

Municipal Court.

Municipal court: For an additional amount for compensation of jurors, fiscal year 1934, $125.

Supreme Court of District of Columbia.

Supreme Court, District of Columbia: For an additional amount for salaries, fiscal year 1934, $15,220.

Jurors and witnesses, fees.

R.S., sec. 850, p. 160.

Fees of jurors and witnesses: For an additional amount for mileage and per diem of jurors, for mileage and per diem of witnesses and for per diem in lieu of subsistence, and payment of the expenses of witnesses in said court as provided by section 850, Revised Statutes, fiscal year 1934, $8,000.

Court of Appeals.

Court of Appeals, District of Columbia: For an additional amount for salaries, fiscal year 1934, $9,900.

Lunacy writs. Expenses of executing.

Vol. 33, p. 740.

Writs of lunacy: For an additional amount for expenses attending the execution of writs de lunatico inquirendo and commitments thereunder in all cases of indigent insane persons committed or sought to be committeed[1] to Saint Elizabeths Hospital by order of the executive authority of the District of Columbia under the provisions of existing law, and expenses of commitments to the District Training School, including personal services, for the fiscal years that follow:

For 1932, $225;

For 1933, $1,931.83.

Public welfare.

PUBLIC WELFARE

National Training School for Boys.

National Training School for Boys: For an additional amount for care and maintenance of boys committee to the National Training School for Boys by the courts of the District of Columbia under a contract made by the Board of Public Welfare with the authorities of said National Training School for Boys, for the fiscal years that follow:

For 1932, $1,186.71;

For 1933, $5,936.72;

For 1934, $38,000.

Medical charities. Care, etc., of indigent patients at designated institutions.

Medical charities: For an additional amount for care and treatment of indigent patients under contracts made by the Board of Public Welfare with the following institutions for the following fiscal years and for not to exceed the following amounts, respectively:

Children's Hospital, 1933, $8,512; 1934, $25,000; in all, $33,512;

Central Dispensary and Emergency Hospital, 1934, $11,000.

Eastern Dispensary and Casualty Hospital, 1934, $12,000.

Deporting nonresident insane.

Vol. 30, p. 811.

Nonresident insane: For an additional amount for deportation of nonresident insane persons, in accordance with the Act of Congress entitled "An Act to change the proceedings for admission to

[1] So in original.

the Government Hospital for the Insane in certain cases, and for other purposes", approved January 31, 1899, including persons held in the psychopathic ward of the Gallinger Municipal Hospital, fiscal year 1934, $2,675.

Burial of ex-service men: For an additional amount for burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent Union ex-soldiers, ex-sailors, or ex-marines, of the United States service, either Regular or Volunteer, who have been honorably discharged or retired, and who died in the District of Columbia, to be disbursed by the Secretary of War at a cost not exceeding $45 for such burial expenses in each case, exclusive of cost of grave, fiscal year 1934, $225. Burial of indigent ex-service men.

WATER SERVICE

Water service.

For an additional amount for construction of a booster pumping plant at Dalecarlia Reservoir inlet, including equipment, fiscal years 1934 and 1935, $43,500, to be paid wholly out of the revenues of the Water Department of the District of Columbia. Booster pumping plant at Dalecarlia inlet.

SETTLEMENT OF CLAIMS

For the payment of claims approved by the Commissioners under and in accordance with the provisions of the Act entitled "An Act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia", approved February 11, 1929 (45 Stat., 1160), as amended by the Act approved June 5, 1930 (46 Stat., 500), and reported in Senate Document Numbered 184 and House Documents Numbered 329 and 366, Seventy-third Congress, $47,585.32. Settlement of claims and suits. Vol. 45, p. 1160; Vol. 46, p. 500.

REFUND OF ASSESSMENTS

For payment of refunds of assessments for paving streets, avenues, and roads, and laying curbs, as authorized by the provisions of section 11 of the Act entitled "An Act to provide for special assessments for the paving of roadways and the laying of curbs and gutters", approved February 20, 1931 (46 Stat., 1199), fiscal years 1934 and 1935, $7,164.65. Paying refunds of street, etc., assessments. Vol. 46, p. 1199.

JUDGMENTS

For the payment of final judgments, including costs, rendered against the District of Columbia, as set forth in House Document Numbered 359, Seventy-third Congress, $12,358.86, together with the further sum to pay the interest at not exceeding 4 per centum per annum on such judgments, as provided by law, from the date the same became due until the date of payment. Payment of judgments.

AUDITED CLAIMS

Audited claims.

For the payment of the following claims, certified to be due by the accounting officers of the District of Columbia, under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (U.S.C., title 31, sec. 713), being for the service of the fiscal year 1931 and prior fiscal years: Payment of. Vol. 18, p. 110. U.S.C., p. 1022.

For expenses, free public library, District of Columbia, 1931, maintenance, $2.50;

For contingent and miscellaneous expenses, District of Columbia, 1931, judicial expenses, $100;

For contingent and miscellaneous expenses, District of Columbia, 1931, general advertising, $10.50;

For motor vehicles, District of Columbia, 1931, maintenance, care, repair, and operation, $1.20;

For extension, and so forth, of streets and avenues, District of Columbia, 1931, $182.25;

For public schools, District of Columbia, 1931, science laboratories, $1.44;

For fees of witnesses, Supreme Court, District of Columbia, 1931, $6;

For miscellaneous expenses, Supreme Court, District of Columbia, 1931, $1,068.34;

For water department, District of Columbia, 1931, installing and repairing water meters, $31.30;

For extension, and so forth, of streets and avenues, District of Columbia, 1930, $297.81;

For collection and disposal of refuse, District of Columbia, 1930, $3.44;

For school building and playground sites, District of Columbia, 1930, $7.20;

For writs of lunacy, District of Columbia, 1930, $240;

For miscellaneous expenses, Supreme Court, District of Columbia, 1930, $420;

For support of prisoners, District of Columbia, 1930, $71.82;

For relief of the poor, District of Columbia, 1930, $38;

For public schools, District of Columbia, 1929 and 1930, contingent expenses, miscellaneous, $38.78;

For electrical department, District of Columbia, 1929, lighting, 65 cents;

For motor vehicles, District of Columbia, 1928, maintenance and repair, $25.30;

For extension, and so forth, of streets and avenues, District of Columbia, 1928, $15;

For expenses, trees and parkings, District of Columbia, 1928, $3.40;

For municipal court, District of Columbia, 1928, compensation of jurors, $28;

For miscellaneous expenses, Supreme Court, District of Columbia, 1927, $3,295;

For public schools, District of Columbia, 1926 and 1927, repairs to buildings, $3.60;

For policemen and firemen's relief funds, Act April 13, 1926, $66.50;

For Court of Appeals reports, District of Columbia, 1924, $71.50;

For streets, District of Columbia, 1923, $1.02;

In all, audited claims, $6,030.55.

Division of expenses.

DIVISION OF EXPENSES

From District revenues.

Fiscal years 1921–1924.

1925–1935.

The foregoing sums for the District of Columbia, unless otherwise therein specifically provided, shall be paid as follows: Such sums as relate to the fiscal years 1921 to 1924, inclusive, 60 per centum out of the revenues of the District of Columbia and 40 per centum out of the Treasury of the United States; and such sums as relate to the fiscal years 1925 to 1935, inclusive, jointly or severally, shall be paid out of the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed by the District of Columbia Appropriation Acts for such respective fiscal years.

DEPARTMENT OF AGRICULTURE

Department of Agriculture.

MISCELLANEOUS EXPENSES

Miscellaneous expenses.

Rent of buildings: For an additional amount for rent of buildings and parts of buildings in the District of Columbia, including the same objects specified under this head in the Agricultural Appropriation Act for the fiscal year 1934, $17,296.

Rent.

OFFICE OF EXPERIMENT STATIONS

Experiment Stations Office.

The unexpended balance of the amount appropriated by the Agricultural Appropriation Act for the fiscal year 1933, approved July 7, 1932, for salaries and general expenses, Office of Experiment Stations, including the salaries of employees appointed from the continental United States of the discontinued experiment stations in Alaska, Guam, and the Virgin Islands during such leave as might be granted them under the "leave" Acts cited in such Appropriation Act, is hereby made available for the payment of compensation in lieu of such leave to such designated employees as remained without Federal employment subsequent to the discontinuance of their stations for a period or periods aggregating at least a year.

Salaries and expenses. Balance continued available. Vol. 47, p. 613.

FOREST SERVICE

Forest Service.

Fighting forest fires: Not to exceed $412,000 of the unexpended balances of the appropriations for "Salaries and expenses", Forest Service, fiscal year 1934, may be transferred to the subappropriation "Salaries and expenses, Forest Service, fighting forest fires", fiscal year 1934, to meet obligations and expenditures incurred in fighting and preventing forest fires, including the same objects specified under this head in the Agricultural Appropriation Act for the fiscal year 1934.

Fighting forest fires. Vol. 47, p. 1446.

Fund available.

Forest-fire cooperation: For an additional amount for cooperation with the various States or other appropriate agencies in forest-fire prevention and suppression, including the same objects specified under this head in the Agricultural Department Appropriation Act of 1935, $225,000.

Cooperation in forest-fire prevention.

Ante, p. 483.

BUREAU OF BIOLOGICAL SURVEY

Biological Survey Bureau.

Administration and enforcement of Federal Hunting Stamp Act: For carrying into effect the provisions of subsections (b) and (c) of section 4 of the Act entitled "An Act to supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, for the protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes", approved March 16, 1934 (Public, Numbered 124, Seventy-third Congress), the Secretary of the Treasury shall, out of any money in the Treasury not otherwise appropriated, advance to the Secretary of Agriculture $150,000, to be immediately available, and to remain available until June 30, 1935, of which amount not to exceed $20,760 may be expended for personal services in the District of Columbia, and not to exceed $8,450 shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia: *Provided*, That the amount so advanced shall be reimbursed and covered into the Treasury as "miscellaneous receipts" from the first $150,000 of revenue accruing in the Migratory Bird Conservation Fund from the sale of stamps.

Federal Hunting Stamp Act, administration, etc.

Ante, p. 451.

Services in the District.

Motor vehicles.

Proviso.

Advances reimbursed and covered in.

Chemistry and Soils Bureau.

BUREAU OF CHEMISTRY AND SOILS

Chemical investigations.

Agricultural chemical investigations: For an additional amount for agricultural chemical investigations, fiscal year 1935, including the same objects specified under this head in the Agricultural Department Appropriation Act of 1935, $7,500.

Public Roads Bureau.

BUREAU OF PUBLIC ROADS

Thomas Jefferson Memorial Foundation, roadways.
Post, p. 1057.

For the construction of roads within the grounds of the Thomas Jefferson Memorial Foundation at Monticello, near Charlottesville, Virginia, fiscal year 1935, $30,000.

Agricultural Economics Bureau.

BUREAU OF AGRICULTURAL ECONOMICS

Collecting data for use in foreign trade promotion.
Ante, p. 943.

To enable the Secretary of Agriculture to collect and analyze economic data on agricultural products for use in carrying into effect the Act entitled "An Act to amend the Tariff Act of 1930", approved June 12, 1934 (Public, Numbered 316, Seventy-third Congress), including the employment of persons and means in the District of Columbia and elsewhere, printing, and other necessary expenses, fiscal year 1935, $47,670.

Department of Commerce.

DEPARTMENT OF COMMERCE

Secretary's office.

OFFICE OF THE SECRETARY

Contingent expenses.

Contingent expenses, Department of Commerce: For an additional amount for the same objects specified under this head in the Department of Commerce Appropriation Act, 1935, $2,000.

Aircraft in commerce.

AIRCRAFT IN COMMERCE

Air navigation facilities.

Air-navigation facilities: For an additional amount for air-navigation facilities, including the same objects specified under this head in the Department of Commerce Appropriation Act, 1935, $306,550.

Foreign and Domestic Commerce Bureau.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Foreign trade restrictions, investigations.

Investigation of foreign-trade restrictions: For an additional amount for salaries and expenses, including the same objects specified under this head in the Department of Commerce Appropriation Act, 1935, $45,210, of which amount not to exceed $44,712 may be expended for personal services in the District of Columbia.

Customs statistics.

Customs statistics: For an additional amount for salaries and expenses, including the same objects specified under this head in the Department of Commerce Appropriation Act, 1935, $11,580.

Allowance for quarters.

Allowance for quarters, Foreign Commerce Service: For an additional amount for the same purposes specified under this head in the Department of Commerce Appropriation Act, 1935, $57,060.

Lighthouses Bureau.

BUREAU OF LIGHTHOUSES

Retired pay.

Retired pay: For an additional amount for retired pay of officers and employees of the Lighthouse Service, including the same objects specified under this head in the Act making appropriations for the Department of Commerce for the fiscal year 1934, $7,500.

Fisheries Bureau.

BUREAU OF FISHERIES

Propagation of food fishes.
Columbia River Basin.

Propagation of food fishes: For an additional amount for the same objects specified under this head in the Department of Commerce Appropriation Act, 1935, to be expended in the Columbia River Basin, $9,650.

Inquiry respecting food fishes: For an additional amount for the same objects specified under this head in the Department of Commerce Appropriation Act, 1935, to be expended in the Columbia River Basin, of which amount not to exceed $11,615 may be expended for salaries of permanent employees, $24,140. Inquiry respecting.

DEPARTMENT OF THE INTERIOR

Department of Interior.

OFFICE OF THE SECRETARY

Secretary's office.

Division of Investigations: Not to exceed $5,000 of the appropriation "Salaries and expenses, Division of Investigations, Department of the Interior, 1935", shall be available to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Secretary of the Interior, who shall make a certificate of the amount of such expenditure as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended. Unforeseen emergencies. Appropriation available. *Ante*, p. 362.

BUREAU OF INDIAN AFFAIRS

Indian Affairs Bureau.

Purchase and transportation of Indian supplies: For an additional amount for expenses of purchase and transportation of goods and supplies for the Indian Service, fiscal year 1933, $117,500. Indian supplies.

Purchase of land for the Navajo Indians, Arizona, reimbursable: For the purchase of land, and improvements thereon, including water rights, for the Navajo Indians in Arizona, as authorized by and in conformity with the provisions of the Act of June 14, 1934 (Public Numbered 352, Seventy-third Congress), $481,879.38, reimbursable. Navajo Indians, Ariz. Purchase of land, etc. *Ante*, p. 960.

Middle Rio Grande conservancy district, New Mexico (reimbursable): To complete payment to the Middle Rio Grande conservancy district in accordance with the provisions of the Act entitled "An Act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, New Mexico, and for other purposes", approved March 13, 1928 (45 Stat., 312), fiscal years 1934 and 1935, $400,000, or so much thereof as may be necessary, reimbursable as provided in such Act. Middle Rio Grande conservancy district, N.Mex., expenses. Vol. 45, p. 312; Vol. 46, pp. 1128, 1567.

Irrigation system, Uintah Reservation, Utah (tribal funds): For an additional amount for continuing operation and maintenance and betterment of the irrigation system to irrigate allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, authorized under the Act of June 21, 1906 (34 Stat., 375), fiscal year 1934, $7,000, to be paid from tribal funds held by the United States in trust for said Indians and to be reimbursed to the tribal funds by the individuals benefited under such rules and regulations as may be prescribed by the Secretary of the Interior. Uintah Reservation, Utah. Irrigation system. Vol. 34, p. 375. From tribal funds.

Medical relief in Alaska: For an additional amount to meet outstanding obligations in excess of the appropriations for medical relief in Alaska for the fiscal years 1929 and 1930, $28. Medical relief in Alaska.

The Creek Nation: The appropriation of $144,106.01 contained in section 4, title I, of this Act for payment of a judgment rendered by the Court of Claims in favor of the Creek Nation shall be placed to the credit of the Creek Nation on the books of the Treasury Department and such sum is hereby appropriated and, after deducting the attorneys' fees and expenses allowed by the Court of Claims and the estimated expenses of making the roll and the payment herein provided for, shall be paid by the Secretary of the Interior Creek Nation. *Post*, p. 1046. Paying judgment.

per capita to the members of the Creek Tribe of Indians entitled thereto or their heirs, upon a roll made as of date of December 4, 1933, under the direction of and approved by the Secretary of the Interior.

Reclamation Service.

RECLAMATION SERVICE

Sun River project, Mont.
Refund of construction charges.

Refund of construction charges: For refund of construction charges heretofore paid on permanently unproductive land designated "Farm Unit F", in section 32, township 21 north, range 1 west, Sun River project in Montana, and excluded from said project in accordance with sections 42 and 44 of the Act approved May 25, 1926 (44 Stat. 636), $335.40, payable from the reclamation fund.

Vol. 44, p. 636.

North Platte project, Nebr.-Wyo.
Use of power revenues for Northport district.

North Platte project, Nebraska-Wyoming: Not to exceed $6,000 from power revenues allocated to the Northport Irrigation District under subsection I, section 4, of the Act of December 5, 1924 (43 Stat. 703), shall be available during the fiscal year 1935 for payment on behalf of the Northport Irrigation District, to the farmers' irrigation district for carriage of water for the Northport district under contract of August 10, 1915, between the United States and the farmers' irrigation district.

National Park Service.

NATIONAL PARK SERVICE

Public buildings outside the District.

Salaries and expenses, public buildings outside of the District of Columbia: For an additional amount for salaries and expenses for administration, protection, and maintenance of public buildings outside the District of Columbia, including personal services at rates of compensation not in excess of the rates current in the place where such services are employed, fiscal year 1934, $13,000.

Office of Education.

OFFICE OF EDUCATION

Federal Board for Vocational Education.

Federal Board for Vocational Education: For carrying out the provisions of section 1 of the Act entitled "An Act to provide for the further development of vocational education in the several States and Territories", approved May 21, 1934 (Public, Numbered 245, Seventy-third Congress), fiscal year 1935, $3,084,603;

Ante, p. 792.

Salaries and expenses.

Salaries and expenses: For carrying out the provisions of section 2 of the Act entitled "An Act to provide for the further development of vocational education in the several States and Territories", approved May 21, 1934 (Public, Numbered 245, Seventy-third Congress), fiscal year 1935, $60,000.

Government in the Territories.

GOVERNMENT IN THE TERRITORIES

Care of insane, Alaska, Vol. 47, p. 853.

Insane of Alaska: For an additional amount for care and custody of persons legally adjudged insane in Alaska, including the same objects and for the same services specified in the Interior Department Appropriation Act for the fiscal year 1934, $9,300.

Howard University.

HOWARD UNIVERSITY

General expenses. Vol. 47, p. 857.

For an additional amount for general expenses, Howard University, fiscal year 1932, including the same objects specified under this head in the Interior Department Appropriation Act, fiscal year 1932, $895.55, which sum shall be paid from any unexpended balance in the appropriation "Howard University, 1934."

DEPARTMENT OF JUSTICE

Department of Justice.

OFFICE OF THE ATTORNEY GENERAL

Salaries, Department of Justice: For an additional amount of salaries, Department of Justice, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, $250,000: *Provided*, That of this amount $160,000 shall be available only for transfer in addition to transfers authorized by existing law to any other appropriation or appropriations under the Department of Justice not to exceed 25 per centum of the appropriation to which transfer is made, when approved by the Director of the Budget.

Salaries.

Proviso. Transfers of appropriations.

Payment of rewards: For payment of rewards for the capture of anyone charged with violation of criminal laws of the United States or any State or the District of Columbia and/or for information leading to the arrest of any such person, as authorized by the Act approved June 6, 1934, fiscal year 1935, to be immediately available, $25,000.

Payment of rewards.

Ante, p. 910.

For an additional amount for traveling and miscellaneous expenses, Department of Justice, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, $25,000.

Travel and miscellaneous.

CONTINGENT EXPENSES, DEPARTMENT OF JUSTICE

For additional amounts for contingent expenses, Department of Justice, including the same objects specified under this head in the Acts making appropriations for the Department of Justice for the following fiscal years:

Contingent expenses.

For 1930, $1.79;

For 1932, $43.02.

For an additional amount for printing and binding for the Department of Justice and the courts of the United States, fiscal year 1930, $117.76.

Printing and binding.

For an additional amount for printing and binding for the Department of Justice and the courts of the United States, fiscal year 1932, $293.74.

For rent of buildings and parts of buildings in the District of Columbia, fiscal year 1935, $36,683.

Rent.

DIVISION OF INVESTIGATION

Investigation Division.

Salaries and expenses: Not to exceed $20,000 of the appropriation "Salaries and expenses, Division of Investigation, 1935", shall be available to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, who shall make a certificate of the amount of such expenditure as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

Salaries, etc.

Unforeseen emergencies.

For an additional amount for salaries and expenses, Division of Investigation, for the detection and prosecution of crimes, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, and including also the purchase at not to exceed $7,000 each, exchange, maintenance, upkeep, and operation of armored automobiles; purchase, exchange, maintenance, and upkeep of motor-propelled passenger-carrying vehicles, to be used only on official business; and not to exceed $80,000 for personal services in the District of Columbia; to be immediately available, $1,500,000.

Detection and prosecution of crimes.

Motor vehicles.

Accounts Division.

DIVISION OF ACCOUNTS

Salaries and expenses.

Salaries and expenses, Division of Accounts: For an additional amount for personal services, and expenses of the Division of Accounts in the District of Columbia, fiscal year 1935, $22,570.

Antitrust and kindred laws.

ENFORCEMENT OF ANTITRUST AND KINDRED LAWS

Enforcement of.

For an additional amount for enforcement of antitrust and kindred laws, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, and including also additional personal services in the District of Columbia, to be immediately available, $125,000.

United States Supreme Court.

UNITED STATES SUPREME COURT

Custody, etc., of building.

United States Supreme Court Building and Grounds: For custody and maintenance for the fiscal year ending June 30, 1935, as authorized by the Act entitled "An Act to provide for the custody and maintenance of the United States Supreme Court Building and the equipment and grounds thereof", approved May 7, 1934, as follows:

Ante, p. 668.

Domestic care, under the marshal.

Domestic care under the marshal: For personal services, exclusive of any librarian service, $25,830; for supplies and materials, uniforms and equipment for employees, telegraph and telephone, advertising, transportation, repairs, and such other miscellaneous and incidental expenses as may be necessary to the duties imposed upon the marshal by such Act, $15,000; in all, $40,830.

Mechanical care of building and care of grounds.

Structural and mechanical care of the building and care of the grounds under the Architect of the Capitol: For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by such Act, including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances, and personal and other services, $30,348.

United States courts.

MARSHALS, DISTRICT ATTORNEYS, CLERKS, AND OTHER EXPENSES OF UNITED STATES COURTS

Marshals.

Salaries, fees, and expenses of marshals: For an additional amount for salaries, fees, and expenses of marshals, United States courts, including the same objects specified under this head in the Act making appropriations for the Department of Justice for the fiscal year 1931, $6,537.81.

Additional.

For an additional amount for salaries, fees, and expenses of marshals, United States courts, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, $100,000.

Clerks.

Salaries and expenses of clerks, United States courts: For an additional amount for salaries and expenses of clerks, United States courts, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, $75,000.

Commissioners.

Fees of commissioners: For additional amounts for fees of commissioners, United States courts, including the same objects specified under this head in the Acts making appropriations for the Department of Justice for the following fiscal years:

For 1922, $5;
For 1925, $10;
For 1930, $4,105.75;
For 1931, $7,065.37;
For 1932, $14,258.52;
For 1933, $25,684.33.

Jurors and witnesses.

Fees of jurors and witnesses: For an additional amount for fees of jurors and witnesses, United States courts, including the same objects specified under this head in the Act making appropriations for the Department of Justice for the fiscal year 1931, $1,116.58.

Miscellaneous.

Miscellaneous expenses: For an additional amount for miscellaneous, expenses, United States courts, including the same objects specified under this head in the Act making appropriations for the Department of Justice for the fiscal year 1930, $465.99.

Supplies.

Supplies for United States courts: For additional amounts for supplies for United States courts, including the same objects specified under this head in the Acts making appropriations for the Department of Justice for the following fiscal years:

For 1931, $136.55;

For 1932, $180.63;

For 1935, $15,000.

Books for judicial officers.

Books for judicial officers: For an additional amount for books for judicial officers, including the same objects specified under this head in the Act making appropriations for the Department of Justice for the fiscal year 1931, $24.26.

Northern Pacific Railway Company.
One-half compensation of special master, in suit against.

Compensation of special master in case of United States against Northern Pacific Railway Company, and others: For payment of one half of the total compensation of the special master in the case of United States against Northern Pacific Railway Company, and others, in accordance with the order of the United States District Court for the Eastern District of Washington, dated January 25, 1934, $12,500.

Penal, etc., institutions.

PENAL AND CORRECTIONAL INSTITUTIONS

Support of prisoners.

Support of United States prisoners: For additional amounts for support of United States prisoners, including the same objects specified under this head in the Acts making appropriations for the Department of Justice for the following fiscal years:

For 1924, $978.58;

For 1929, $218.44;

For 1935, $75,000.

NAVY DEPARTMENT

Navy Department.

SECRETARY'S OFFICE

Secretary's office.

Damage claims.

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the Act entitled "An Act to amend the Act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels", approved December 28, 1922 (U.S.C., title 34, sec. 599), as fully set forth in Senate Document Numbered 214 and House Document Numbered 328, Seventy-third Congress, except item numbered 6, page 4, of such document in favor of the Panama Railroad Company, $15,126.33.

Vol. 42, p. 1066.
U.S.C., p. 1127.

Guam, care, etc., of lepers.

Naval station, island of Guam: For an additional amount for maintenance and care of lepers, and so forth, including the same objects specified under this head in the Act making appropriations for the Navy Department and the naval service for the fiscal year 1933, $808.67.

Bureau of Navigation.

BUREAU OF NAVIGATION

Transportation.

Transportation: For travel allowance, and so forth, including the same objects specified under this head in the Act making appropriations for the Navy Department and the naval service for the fiscal year 1923, $15.85.

Bureau of Supplies and Accounts.

BUREAU OF SUPPLIES AND ACCOUNTS

Pay, subsistence, and transportation. Limitation raised.

Pay, subsistence, and transportation, Navy: The limitation on expenditures for "transportation of dependents of officers and enlisted men of the Navy" under the appropriation "Pay, subsistence, and transportation, Navy", for the fiscal year 1933, is hereby increased from $450,000 to $500,000.

Anne E. Richardson. Vol. 47, p. 1740.

Relief of Anne E. Richardson: For payment to Anne E. Richardson, widow of Jack C. Richardson, of expenses incurred while traveling around the world on the German airship Graf Zeppelin, as authorized in the Act approved March 2, 1933, $143.04.

Elmo K. Gordon. Vol. 47, p. 1739.

Relief of Elmo K. Gordon: For payment to Elmo K. Gordon of one year's back pay as authorized in the Act approved March 2, 1933, $648.

Ruth McCarn. Vol. 47, p. 1736.

Payment to Ruth McCarn: For payment to Ruth McCarn of an amount equal to six months' pay of her son, the late John Bush Watson, seaman, United States Navy, as authorized in the Act approved March 1, 1933, $126.

Post Office Department.

POST OFFICE DEPARTMENT

Postal Service.

(Out of the postal revenues)

Chief Inspector's office.

OFFICE OF CHIEF INSPECTOR

Payment of rewards.

Rewards: For an additional amount for payment of rewards, including the same objects specified under this head in the Act making appropriations for the Post Office Department for the fiscal year 1933, $4,900.

Department of State.

DEPARTMENT OF STATE

Secretary's office.

OFFICE OF THE SECRETARY OF STATE

Salaries. *Ante*, p. 529.

Salaries: For an additional amount for salaries, Department of State, including the same objects specified under this head in the Department of State Appropriation Act, 1935, $94,720, to be expended by the Secretary of State without regard to the civil-service laws and regulations or the Classification Act of 1923, as amended.

Contingent expenses. *Ante*, p. 529.

Contingent expenses: For an additional amount for contingent expenses, Department of State, including the same objects specified under this head in the Department of State Appropriation Act, 1935, $4,000.

Promotion of foreign trade. *Ante*, p. 945.

Promotion of foreign trade: For the purpose of carrying into effect the provisions of section 4 of the Act entitled "An Act to amend the Tariff Act of 1930", approved June 12, 1934, including personal services, stenographic reporting services, by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5), contingent expenses, printing and binding, and such other expenses as the President may deem necessary, fiscal year 1935, $75,000.

R.S., sec. 3709, p. 733. U.S.C., p. 1309.

Foreign Service, instruction and transit pay.

Salaries, Foreign Service officers while receiving instructions and in transit: For an additional amount for salaries, Foreign Service officers while receiving instructions and in transit, including the same objects specified under this head in the Act making appropriations for the Department of State for the fiscal year 1934, $20,000.

Transportation.

Transportation of Foreign Service officers: For an additional amount for transportation of Foreign Service officers, including the same objects specified under this head in the Act making appropriations for the Department of State for the fiscal year 1934, fiscal years 1934 and 1935, $37,500.

Vol. 47, p. 1374. *Ante*, p. 531.

Allowance to widows or heirs of Foreign Service officers who die abroad: For additional amounts for allowance to widows or heirs of Foreign Service officers who die abroad, including the same objects specified under this head in the Acts making appropriations for the Department of State for the following fiscal years:

Allowances to widows or heirs.

For 1930, $44.43;

For 1933, $316.86.

Payment to Harriet C. Holoday: For payment to Harriet C. Holoday, widow of Ross E. Holoday, late American Consul at Manchester, England, of one year's salary of her deceased husband, who died while in the Foreign Service, as authorized by the Act approved May 21, 1934, $6,000.

Harriet C. Holoday. *Post*, p. 1360.

Reimbursement of Stelio Vassiliadis: For reimbursement of Stelio Vassiliadis for expenditures made by him as Vice Consul of Spain at Kiev, Russia, in representing the interests of the United States at that post from March 1, 1918, to the end of February 1920, as authorized by the Act approved June 6, 1934, $406.53.

Stelio Vassiliadis. *Post*, p. 1371.

Bringing home criminals: For an additional amount for bringing home criminals, including the same objects specified under this head in the Act making appropriations for the Department of State for the fiscal year 1933, $304.

Bringing home criminals. Vol. 47, p. 487.

Relief and protection of American seamen: For an additional amount for relief and protection of American seamen, including the same objects specified under this head in the Act making appropriations for the Department of State for the fiscal year 1934, $12,500.

Relief, etc., American seamen. Vol. 47, p. 1375.

Waterways Treaty, United States and Great Britain; International Joint Commission, United States and Great Britain: For completing necessary special or technical investigations in connection with matters which fall within the scope of the jurisdiction of the International Joint Commission, including the same objects specified under this head in the Department of State Appropriation Act, 1935, $17,555.

Waterways treaty, United States and Great Britain. Vol. 36, p. 2448.

Rainy Lake reference: For an additional amount for Rainy Lake reference, fiscal years 1929 and 1930, including the same objects specified under this head in the Second Deficiency Act, fiscal year 1929, $9.37.

Rainy Lake reference, 1929–1930. Vol. 45, p. 1651.

International Institute of Agriculture, Rome, Italy: For the expenses of participation by the United States in the International Institute of Agriculture at Rome, Italy, as authorized by the convention of June 7, 1905, including the salary of the American member of the permanent committee at not to exceed $7,500 per annum; compensation of subordinate employees without regard to the Classification Act of 1923, as amended; expenses for the maintenance of the office at Rome, including purchase of necessary books, maps, documents, and newspapers and periodicals (foreign and domestic); printing and binding; allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (U.S.C., Supp. VI, title 5, sec. 118a), for the use of the American member of the permanent committee; and traveling expenses; to be expended under the direction of the Secretary of State, fiscal year 1935, $11,935.

International Institute of Agriculture. Vol. 35, p. 1918. Vol. 46, p. 818. U.S.C. Supp. VII, p. 20.

Contribution.

For an additional amount for the payment of the contribution of the United States, including the Territory of Hawaii, and the dependencies of the Philippine Islands, Puerto Rico, and the Virgin Islands, toward the support of the International Institute of Agriculture at Rome, Italy, fiscal year 1935, $31,656, together with such additional sum due to increases in rates of exchange as may be necessary to pay in foreign currency the contribution required by the protocol to the convention between the United States and other powers for the creation of an International Institute of Agriculture.

International Prison Commission.

International Prison Commission: For subscription of the United States as an adhering member of the International Prison Commission, fiscal year 1934, $4,075.

Industrial Property Convention.

Vol. 47, p. 1789.

International Conference for Revising the Industrial Property Convention, London, England: For the expenses of participation by the United States in the International Conference for the Purpose of Revising the Industrial Property Convention signed at The Hague, November 6, 1925, to be held in London, England, in 1934, including personal services without reference to the Classification Act of 1923, as amended, in the District of Columbia and elsewhere; stenographic reporting and translating services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5); rent; traveling expenses; purchase of necessary books, documents, newspapers and periodicals; stationery; official cards; printing and binding; entertainment; hire, maintenance, and operation of motor-propelled, passenger-carrying vehicles; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of such expenditures as may have been made from other appropriations and expenditures incurred subsequent to March 31, 1934, for the purposes herein specified, fiscal years 1934 and 1935, $8,000.

R.S., sec. 3709, p. 733. U.S.C., p. 1309.

International Technical Consulting Committee on Radio Communications.

International Technical Consulting Committee on Radio Communications, Lisbon, Portugal: For the expenses of participation by the United States in the International Technical Consulting Committee on Radio Communications, to be held in Lisbon, Portugal, in 1934, including personal services without reference to the Classification Act of 1923, as amended, in the District of Columbia and elsewhere; stenographic reporting and translating services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5); rent; traveling expenses; purchase of necessary books, documents, newspapers, periodicals, and maps; stationery; official cards; printing and binding; entertainment; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, fiscal years 1934 and 1935, $16,000.

R.S., sec. 3709, p. 733. U.S.C., p. 1309.

Third Pan American Financial Conference.

Third Pan American Financial Conference, Santiago, Chile, and Commercial Conference, Buenos Aires, Argentina: For the expenses of participation by the United States in the Third Pan American Financial conference, at Santiago, Chile, and in the Commercial Conference, at Buenos Aires, Argentina, including personal services without reference to the Classification Act of 1923, as amended, in the District of Columbia and elsewhere; stenographic reporting and translating services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5); rent; traveling expenses (and by indirect routes if specifically authorized by the Secretary of State); purchase of books, documents, newspapers, and periodicals; stationery; official cards; printing and binding; entertainment; hire, maintenance, and operation of motor-propelled passenger-carrying vehicles and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, fiscal year 1935, $14.000, to be immediately available.

Panama General Claims Commission.

Vol. 47, p. 484.

General Claims Commission, United States and Panama: Not to exceed $166.67 of the appropriation "General Claims Commission, United States and Panama, 1933", contained in the Act making appropriations for the Department of State for the fiscal year 1933, is continued available for the same purposes until June 30, 1934.

General Disarmament Conference, Geneva, Switzerland: The unexpended balance of the appropriation "General Disarmament Conference, Geneva, Switzerland, 1933 and 1934", contained in the First-Deficiency Act, fiscal year 1933, is continued available for the same purposes until June 30, 1935.

Disarmament conference.
Balance reappropriated.
Vol. 47, p. 783.

International Monetary and Economic Conference: The unexpended balances of the appropriations "International Monetary and Economic Conference, 1933 and 1934", contained in the Second and Fourth Deficiency Acts, fiscal year 1933, are continued available for the same purposes until June 30, 1935.

International Monetary and Economic Conference.
Balances reappropriated.
Vol. 47, p. 538; *Ante*, p. 278.

Claims adjustment, United States and Turkey: For participation by the United States in the examination and settlement at Istanbul, Turkey, of claims as provided for by public resolution entitled "Joint resolution authorizing appropriation for expenses of representatives of United States to meet at Istanbul, Turkey, with representatives of Turkish Republic for purpose of examining claims of either Government against the other and for expense of proceedings before an umpire, if necessary", approved June , 1934, fiscal year 1934, $75,000, to remain available until June 30, 1935.

Adjustment of claims with Turkey.
Ante, p. 1018.

Mixed Claims Commission, United States and Germany: For expenses of determining the amounts of claims against Germany by the Mixed Claims Commission established under the agreement concluded between the United States and Germany on August 10, 1922, and subsequent agreement between those Governments, for the determination of the amount to be paid by Germany in satisfaction of the financial obligations of Germany under the treaty concluded between the Governments of the United States and Germany on August 25, 1921, including the expenses which under the terms of such agreement of August 10, 1922, are chargeable in part to the United States, and the preparation of a final report by the American Commissioner and the orderly arrangement for preservation and disposition of the records of the Commission; and the expenses of an agency of the United States to perform all necessary services in connection with the preparation of claims and the presentation thereof before said Mixed Claims Commission, and the preparation of a final report of the agent and the orderly arrangement for preservation of the records of the agency and the disposition of property jointly owned by the two Governments, including salaries of an agent and necessary counsel and other assistants and employees, rent in the District of Columbia, employment of special counsel, translators, and other technical experts, by contract, without regard to the provisions of any statute relative to employment, and for contract stenographic reporting services without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5), law books and books of reference, printing and binding, contingent expenses, traveling expenses, press-clipping service, for all necessary and appropriate expenses in connection with proceedings under the Act entitled "An Act to amend the Act approved July 3, 1930 (46 Stat., p. 1005), authorizing Commissioners or members of international tribunals to administer oaths, and so forth", approved June 7, 1933, including stenographic transcripts of the testimony of witnesses, and such other expenses in the United States and elsewhere as the President may deem proper, including payment for services rendered and reimbursement for expenditures incurred subsequent to December 31, 1933, fiscal year 1935, to be immediately available, $57,000.

Mixed Claims Commission, United States and Germany.
Vol. 42, p. 2200; Vol. 45, p. 2698.

Vol. 42, p. 1939.

Final report.

Employment of counsel, etc.

R.S., sec. 3709, p. 733.
U.S.C., p. 1309.

General and Special Claims Conventions, United States and Mexico: For the expenses of final and complete settlement and adjustment of claims of the citizens of each country against the other under a convention concluded September 8, 1923, as extended, and of citi-

Mexican Mixed Claims Commission.
Vol. 43, pp. 1722, 1730.

zens of the United States against Mexico under a convention concluded September 10, 1923, as extended, and the protocol and convention signed April 24, 1934, between the United States and Mexico, including the expenses which, under the terms of the above agreements, are chargeable in part to the United States, the expenses of an agency of the United States to perform all necessary services in connection with the preparation of American claims and the defense of the United States in cases presented by Mexico, and of a general claims commissioner to act as a joint appraiser in appraising the claims, and for the expenses of the joint committee in determining the proper classification of claims which have heretofore been filed as both general and special claims, as provided by the agreements of April 24, 1934, including salaries of an agent and necessary counsel and other assistants and employees and rent in the District of Columbia and elsewhere, law books and books of reference, printing and binding, contingent expenses, contract stenographic reporting services, without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5), the employment of special counsel, translators, and other technical experts, by contract, without regard to the provisions of any statute relative to employment, traveling expenses, the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, and such other expenses in the United States and elsewhere as the President may deem proper, fiscal year 1935, to be immediately available, $170,000.

Agency expenses.

Joint appraiser, etc.

Inter-American Highway.
Ante, p. 996.

Inter-American Highway: To meet such expenses as the President in his discretion may deem necessary to enable the United States to cooperate with the several Governments, members of the Pan American Union, in connection with the survey and construction of the proposed Inter-American Highway, $1,000,000, to remain available until expended. The expenditure of such sum shall be subject to the receipt of assurances satisfactory to the President from such governments of their cooperation in such survey and construction.

Treasury Department.

TREASURY DEPARTMENT

Secretary's office.

OFFICE OF THE SECRETARY

Recoinage of Danish West Indian coins for Virgin Islands.

Recoinage of Danish West Indian coins of Virgin Islands: To cover the expenses and loss in the recoinage into subsidiary and other coins of the United States of the Danish West Indian franc and fractional coins of the Virgin Islands of the United States in order to provide for the replacement thereof at the rate fixed by Executive Order Numbered 15 of August 8, 1920, of nineteen and three-tenths hundredths of a dollar for each Danish West Indian franc face amount of such coins, $25,000, to be expended under the direction of the Secretary of the Treasury and to remain available until expended.

Bookkeeping and Warrants Division.

DIVISION OF BOOKKEEPING AND WARRANTS

Contingent expenses, public moneys.

Contingent expenses, public moneys: The appropriations for contingent expenses, public moneys, for the fiscal years 1933 and 1934, shall be available in the amounts of $635.87 and $105.58, respectively, to enable reimbursement to the Federal Reserve Bank of Philadelphia, Pennsylvania, for the cost of shipments of cash by armored motor car from July 1, 1932, to August 31, 1933, under contract dated January 4, 1932.

Philadelphia Federal Reserve Bank, reimbursement.

PUBLIC DEBT SERVICE

Public Debt Service.

Distinctive paper for United States securities: For an additional amount for distinctive paper for United States securities during the fiscal year 1935, including the same objects specified under this head in the Treasury Department Appropriation Act, 1935, as amended by Public Resolution Numbered 23, Seventy-third Congress, approved May 7, 1934, $69,220.

Distinctive paper for securities.

BUREAU OF CUSTOMS

Customs Bureau.

The limitation on the amount which may be expended for the purchase of motor-propelled passenger-carrying vehicles from the appropriation "Collecting the revenue from customs, 1935", is increased from $25,000 to $75,000.

Motor vehicles.

Not to exceed $1,500 of the appropriation "Collecting the revenue from customs, 1935", shall be available for improving, repairing, maintaining, or preserving such buildings, inspection stations, office quarters, including living quarters for officers, sheds, and sites along the Canadian and Mexican borders as are authorized by the Act of June 26, 1930 (U.S.C., Supp. VII, title 19, sec. 68).

Buildings, improvements.

Border patrols. Vol. 46, p. 817. U.S.C. Supp. VII, p. 367.

BUREAU OF ENGRAVING AND PRINTING

Engraving and Printing Bureau.

The limitation in the Act making appropriations for the Treasury Department for the fiscal year 1934 as to the number of delivered sheets of internal-revenue stamps, including opium orders and special-tax stamps required under the Act of December 17, 1914 (U.S.C., title 26, sec. 211), is increased from ninety-three million six hundred seventy-five thousand four hundred and eighty-six to one hundred eight million six hundred seventy-five thousand four hundred and eighty-six.

Internal revenue, etc. stamps. Number of sheets increased.

U.S.C., p. 742.

PROCUREMENT DIVISION—PUBLIC WORKS BRANCH

Procurement Division—Public Works branch.

Rent of temporary quarters, public buildings: For rent of temporary quarters and alterations of same for the accommodation of Government officials and moving expenses incident thereto, and the Secretary of the Treasury is hereby authorized to enter into leases for this purpose for periods not exceeding three years, fiscal year 1935, $27,150.

Rent of temporary quarters.

Furniture and repairs of same for public buildings: For an additional amount for furniture and repairs of same for public buildings, including the same objects specified under this head in the Act making appropriations for the Treasury Department for the fiscal year 1932, $3,000.

Furniture, etc.

New York (New York) Federal Office Building (Vesey Street): The limit of cost fixed under the Second Deficiency Act, fiscal year 1933, approved March 4, 1933, for the acquisition by purchase, condemnation, or otherwise of the block bounded by Barclay, Vesey, and Church Streets and West Broadway, is hereby increased from $5,020,438 to not to exceed $5,056,246: *Provided*, That this increase of $35,808, being approximately the amount of the balance owing on the final judgment in excess of the amount deposited in court with the declaration of taking in condemnation proceedings plus interest on such balance from October 13, 1931, the date of the filing of the declaration to the date of payment at the rate of 6 per centum per annum, shall be charged against the $5,715,000 authorized under

New York Federal Office Building. Limit of cost increased. Vol. 47, p. 1613.

Provisos. Increase charged against emergency construction.

Vol. 47, p. 718.

Act approved July 21, 1932 (47 Stat. 718), as modified by the operation of the Legislative Appropriation Act approved June 30, 1932 (47 Stat. 412), and as further authorized under Act approved March 31, 1933 (48 Stat. 22), for the construction of a building on said site: *Provided further*, That the limit of cost herein fixed shall not be reduced by the operation of section 320 of the Legislative Appropriation Act approved June 30, 1932 (47 Stat. 412).

Vol. 47, p. 412.
Ante, p. 22.
Cost not affected by Economy Act.
Vol. 47, p. 412.

Union City, N.J.
Additional site.

Union City (New Jersey) Post Office: The Secretary of the Treasury is hereby authorized to acquire from the Port of New York Authority, upon such terms and conditions as he may deem to be to the best interest of the United States, as an addition to the present post-office site at Union City, New Jersey, acquired under authority of the Second Deficiency Act, fiscal year 1930, approved July 3, 1930 (46 Stat. 905), the land described as follows: "Beginning at point on the northerly side of Twenty-ninth Street, distant approximately two hundred feet west of the northwesterly intersection of Twenty-ninth Street and Palisade Avenue, said intersection being also the southeast corner of the present post-office site; running thence in a northerly direction and parallel with Palisade Avenue a distance approximately one hundred and twenty-four feet, thence in a westwardly direction a distance of approximately forty-eight feet to a point, thence in a southwardly direction a distance of approximately one hundred and thirty-seven feet to a point in the northerly line of Twenty-ninth Street, thence in an eastwardly direction along the northerly line of Twenty-ninth Street a distance of approximately fifty feet to the point of beginning", in exchange for that portion of the aforesaid site described as follows:

Vol. 46, p. 905.
Description.

Exchange of properties.

Beginning at a point formed by the southwesterly intersection of Thirty-second Street and Palisade Avenue, being also the northeast corner of the present post-office site; running thence in a northwesterly direction along the southerly line of Thirty-second Street a distance of approximately two hundred and thirty-eight feet to a point, thence in a southerly direction a distance of approximately one hundred and twenty-four feet, thence in an eastwardly direction a distance of approximately two hundred feet to the point of beginning: *Provided, however*, That the exchange of properties shall be without expense to the United States.

Proviso.
Exchange without Federal expense.

Minneapolis, Minn.
Appropriations available for approaches.
Vol. 46, p. 900; Vol. 47, p. 412.

Minneapolis (Minnesota) Post Office, and so forth: The Second Deficiency Act, fiscal year 1930, approved July 3, 1930 (46 Stat. 900), authorizing the acquisition of a site and construction of a building under a limit of cost of $4,075,000, as modified by the operation of section 320 of the Legislative Appropriation Act, approved June 30, 1932 (47 Stat. 412), is hereby amended so as to make not to exceed $25,000 of said amount also available, in the discretion of the Secretary of the Treasury, for necessary approaches outside the Government's lot lines to the loading platform of the building located on High Street.

Washington, D.C.
Central Heating Plant: furnishing heat to Corcoran Gallery.
Proviso.
Cost.

Washington, District of Columbia, Central Heating Plant: The Treasury Department is authorized to furnish heat from this plant to the Corcoran Gallery of Art: *Provided*, That the proper authority of such institution agrees (a) to pay for heat furnished at such rates, not less than cost, as may be determined by the Secretary of the Treasury, and (b) to connect such building with the Government mains in a manner satisfactory to the Public Works Branch, Procurement Division, Treasury Department.

WAR DEPARTMENT

War Department.

MILITARY ACTIVITIES

Military acitivities.

Rifle ranges, Fort Francis E. Warren: For the purchase of one thousand six hundred acres of land adjacent to Fort Francis E. Warren in the State of Wyoming for use of the United States Army for rifle-range purposes in accordance with the provisions of an Act entitled "An Act to authorize an appropriation for the purchase of land in Wyoming for use as rifle ranges for the Army of the United States", approved June 14, 1934, $16,000.

Fort Francis E. Warren, rifle ranges.
Ante, p. 955.

NONMILITARY ACTIVITIES

Nonmilitary activities.

Claims for damages by collision with river and harbor vessels: To pay claims for damages by collision with river and harbor vessels adjusted and determined by the War Department under the provisions of section 9 of the River and Harbor Act, approved June 5, 1920 (U.S.C., title 33, sec. 564), as set forth in House Document Numbered 316, Seventy-third Congress, $1,833.10.

Collision damages.

Vol. 41, p. 1015.
U.S.C., p. 1081.

JUDGMENTS AND AUTHORIZED CLAIMS

Judgments and authorized claims.

DAMAGE CLAIMS

Damage claims.

SECTION 2. For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent establishments under the provisions of the Act entitled "An Act to provide for a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case", approved December 28, 1922 (U.S.C., title 31, secs. 215–217), as fully set forth in Senate Documents Numbered 201, 203, and 213, and House Documents Numbered 319 and 332, Seventy-third Congress, as follows:

Settlement of, not in excess of $1,000.

Vol. 42, p. 1066.
U.S.C., p. 989.

Civil Works Administration, $2,113.97;
National Advisory Committee for Aeronautics, $81.85;
Veterans' Administration, $673.17;
Department of Agriculture, $2,381.42;
Department of Commerce, $1,066.85;
Department of the Interior, $2,025.64;
Department of Justice, $720.05;
Department of Labor, $207.30;
Navy Department, $4,390;
Post Office Department (out of postal revenues), $20,235.32;
Treasury Department, $3,714.91;
War Department, $15,209.32;
In all, $52,819.80.

JUDGMENTS, UNITED STATES COURTS

United States courts, judgments.

SEC. 3. For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the Act of March 3, 1887, entitled "An Act to provide for the bringing of suits against the Government of the United States" as amended by the Judicial Code, approved March 3, 1911 (U.S.C., title 28, sec. 41, par. 20; sec. 258; secs. 761–765), certified to the Seventy-third Congress in Senate Document Numbered 198 and House Docu-

Collecting erroneously assessed taxes.

Vol. 24, p. 505; Vol. 43, pp. 348, 941, 972.
U.S.C., p. 867.

ment Numbered 324 (★ print), under the following departments and establishments, namely:

Department of Commerce, $397.20;
Department of the Interior, $3,363.74;
Department of Labor, $2,005;
Department of State, $1,920;
Treasury Department, $5,029.40;
War Department, $23,868;

Interest.

In all, 36,583.34, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per centum from the date thereof until the time this appropriation is made.

Payment of, for suits in admiralty.
Vol. 43, p. 1112.
U.S.C., p. 1529.

For the payment of judgments, including costs of suits, rendered against the Government of the United States by United States District Courts under the provisions of an Act entitled "An Act authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to public vessels belonging to the United States and for other purposes", approved March 3, 1925 (U.S.C., title 46, secs. 781–789), certified to the Seventy-third Congress in Senate Document Numbered 198 and House Document Numbered 324 (★ print), under the following departments, namely:

Department of Commerce, $21,000;
Navy Department, $3,357.65;
Treasury Department, $6,275.77;
War Department, $2,635.93;

Interest.

In all, $33,269.35, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

Judgments, under special acts.
U.S.C., p. 1012.

For the payment of the judgments, including costs of suits, rendered against the Government by United States District Courts in special cases and under the provisions of certain special Acts and certified to the Seventy-third Congress in Senate Document Numbered 198 and House Document Numbered 324 (★ print), under the following departments, namely:

Department of Justice, $45,000;
Navy Department, $44,440.40;
War Department, $12,167.96;

Interest.

In all, $101,608.36, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

Time of payments.

None of the judgments contained under this caption shall be paid until the right of appeal shall have expired except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

Interest.

Payment of interest wherever provided for judgments contained in this Act shall not in any case continue for more than thirty days after the date of approval of the Act.

Judgments, Court of Claims.
Payment of.

JUDGMENTS, COURT OF CLAIMS

SEC. 4. For payment of the judgments rendered by the Court of Claims and reported to the Seventy-third Congress in Senate Documents Numbered 196, 206, and 212 and House Document Numbered 327, under the following departments and establishments, namely:

Architect of the Capitol, $4,347.13;
National Advisory Committee for Aeronautics, $7,715.01;
Railroad Administration, $69,671.13;
Department of the Interior, $144,106.01;
Department of Justice, $25.25;
Navy Department, $315,915.56;
Treasury Department, $18,652.59;
War Department, $854,722.14;

In all, $1,415,154.82, together with such additional sum as may be necessary to pay interest on certain of the judgments, including number M–183 in favor of the Federal Real Estate and Storage Company and Hugh J. Phillips, Senate Document Numbered 212, at the legal rate per annum as and where specified in such judgments.

Interest.

Federal Real Estate and Storage Company.

None of the judgments contained under this caption which have not been affirmed by the Supreme Court or otherwise become final and conclusive against the United States shall be paid until the expiration of the time within which application may be made for a writ of certiorari under subdivision (b) section 3, of the Act entitled "An Act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes", approved February 13, 1925 (U.S.C., title 28, sec. 288).

Time of payment.

Vol. 43, p. 939. U.S.C., p. 900.

AUDITED CLAIMS

Audited claims.

SEC. 5. (a) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (U.S.C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1931 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (U.S.C., title 5, sec. 266), as fully set forth in House Document Numbered 323, Seventy-third Congress, there is appropriated as follows.

Payment of.

Vol. 18, p. 110. U.S.C., p. 1022.

LEGISLATIVE ESTABLISHMENT

Legislative Establishment.

For saiaries, officers and employees, House of Representatives, $7.20.

INDEPENDENT OFFICES

Independent offices.

For operations under Mineral Act of October 5, 1918, $504,222.25.

For Interstate Commerce Commission, $143.67.

For traveling expenses, Civil Service Commission, $2.35.

For operation of projects, United States Housing Corporation, $38.75.

For salaries and expenses, vocational rehabilitation of persons disabled in industry, $4.

For Government contribution to American National Red Cross Building, $2,978.98.

For medical and hospital services, Veterans' Bureau, $17,115.51.

For military and naval compensation, Veterans' Administration, $1,858.57.

For military and naval insurance, Veterans' Bureau, $612.72.

For salaries and expenses, Veterans' Bureau, $174.41.

For vocational rehabilitation, Veterans' Bureau, $123.

For Army pensions, $297.27.

For Navy pensions, $12.50.

For fees of examining surgeons, pensions, $5.

For investigation of pension cases, Bureau of Pensions, $13.20.

For National Home for Disabled Volunteer Soldiers, Southern Branch, $141.80.

DEPARTMENT OF AGRICULTURE

Department of Agriculture.

For salaries and expenses, Bureau of Animal Industry, $838.67.

For salaries and expenses, Bureau of Dairy Industry, $1.75.

For salaries and expenses, Bureau of Plant Industry, $52.97.

For salaries and expenses, Forest Service, $44.65.

For salaries and expenses, Forest Service, emergency construction, $45.85.

For salaries and expenses, Bureau of Entomology, $4.06.

For salaries and expenses, Bureau of Agricultural Economics, $2.63.

For salaries and expenses, Plant Quarantine and Control Administration, $56.

For salaries and expenses, Bureau of Chemistry and Soils, $10.42.

Department of Commerce.

DEPARTMENT OF COMMERCE

For promoting commerce, Department of Commerce, $78.55.

For contingent expenses, Steamboat Inspection Service, $3.60.

For air navigation facilities, $38,918.75.

For general expenses, Lighthouse Service, $445.13.

For investigating mine accidents, $5.50.

For party expenses, Coast and Geodetic Survey, $400.

For protecting seal and salmon fisheries of Alaska, $90.

For pay, and so forth, of officers and men, vessels, Coast Survey, $1,040.65.

For transportation of families and effects of officers and employees, Bureau of Foreign and Domestic Commerce, $81.79.

Department of the Interior.

DEPARTMENT OF THE INTERIOR

For Geological Survey, $9.52.

For National Park Service, $930.21.

For general expenses, Bureau of Education, $5.33.

For education of natives of Alaska, $47.05.

For Howard University, $114.59.

For pay of Indian police, $16.88.

For Indian boarding schools, $250.20.

For industry among Indians, $2,002.88.

For conservation of health among Indians, $426.

For education of natives of Alaska, $9.82.

For Indian school support, $106.86.

For relieving distress and prevention, and so forth, of diseases among Indians, $310.

For suppressing contagious diseases among livestock of Indians, $125.

Department of Justice.

DEPARTMENT OF JUSTICE

For salaries and expenses, Bureau of Prohibition, $749.77.

For supplies for United States courts, $532.50.

For probation system, United States courts, $45.

For contingent expenses, Department of Justice, $5.

For books, Department of Justice, $77.

For books for judicial officers, $1,375.10.

For detection and prosecution of crimes, $159.33.

For examination of judicial officers, $4.50.

For printing and binding, Department of Justice and courts, $229.73.

For protecting interests of the United States in customs matters, $5,000.

For repairs to buildings, Court of Claims, $44.97.

For salaries of circuit, district, and retired judges, $194.44.

For salaries, fees, and expenses of marshals, United States courts, $2,951.09.

For salaries and expenses of district attorneys, United States courts, $991.64.

For fees of commissioners, United States courts, $5,424.48.

For fees of jurors, United States courts, $48.60.
For fees of jurors and witnesses, United States courts, $74.78.
For miscellaneous expenses, United States courts, $685.71.
For support of prisoners, United States courts, $834.30.
For support of United States prisoners, $1,254.87.
For United States penitentiary, Leavenworth, Kansas, $39.22.
For United States penitentiary, Atlanta, Georgia, $29.88.
For United States penitentiary, Atlanta, Georgia, infirmary and isolation buildings, $4.63.
For Federal Industrial Institution for Women, maintenance, $16.40.

Department of Labor.

DEPARTMENT OF LABOR

For expenses of regulating immigration, $1,028.63.

Navy Department.

NAVY DEPARTMENT

For increase of compensation, Naval Establishment, $9.09.
For pay, miscellaneous, $17.67.
For gunnery and engineering exercises, Bureau of Navigation, $10.
For organizing the Naval Reserve Force, $4.20.
For organizing the Naval Reserves, $96.89.
For engineering, Bureau of Engineering, $39,186.65.
For construction and repair, Bureau of Construction and Repair, $56.14.
For ordnance and ordnance stores, Bureau of Ordnance, $200.
For pay, subsistence, and transportation, Navy, $18,865.07.
For pay of the Navy, $2,154.79.
For transportation, Bureau of Navigation, $367.25.
For maintenance, Bureau of Supplies and Accounts, $261.35.
For aviation, Navy, $91,451.06.
For pay, Marine Corps, $2,532.61.
For general expenses, Marine Corps, $180.68.
For maintenance, Quartermaster's Department, Marine Corps, $233.34.
For reimbursement to certain persons for loss of Government securities while naval prisoners, $127.04.

Department of State.

DEPARTMENT OF STATE

For allowance for clerks at consulates, $315.06.
For allowance to widows or heirs of Foreign Service officers who die abroad, $316.68.
For contingent expenses, foreign missions, $662.71.
For contingent expenses, United States consulates, $35.16.
For expenses of Foreign Service inspectors, $5.32.
For salaries of ambassadors and ministers, $55.56.
For salaries, Foreign Service officers, $80.78.
For salaries, Foreign Service officers while receiving instructions and in transit, $501.74.
For transportation of Foreign Service officers, $7,208.04.
For transporting remains of diplomatic officers, consuls, and consular assistants, $101.

Treasury Department.

TREASURY DEPARTMENT

For increase of compensation, Treasury Department, $17.33.
For collecting the revenue from customs, $103.50.
For compensation in lieu of moieties, $356.
For collecting the internal revenue, $235.48.
For collecting the war revenue, $155.25.

For punishment for violation of internal-revenue laws, $442.65.
For refunding internal-revenue collections, $300.
For refunding taxes illegally collected, $323.97.
For enforcement of Narcotic and National Prohibition Acts, Internal Revenue, $1,599.45.
For salaries and expenses, Bureau of Narcotics, $4.50.
For salaries and expenses, Bureau of Industrial Alcohol, $2.25.
For Coast Guard, $4,853.83.
For pay and allowances, Coast Guard, $7,131.15.
For pay of crews, miscellaneous expenses, and so forth, Life Saving Service, $710.18.
For contingent expenses, Coast Guard, $277.94.
For Coast Guard station, Barataria, Louisiana, $300.
For rebuilding and repairing stations, and so forth, Coast Guard, $3.08.
For pay of personnel and maintenance of hospitals, Public Health Service, $986.84.
For pay of other employees, Public Health Service, $7.65.
For freight, transportation, and so forth, Public Health Service, $108.94.
For expenses, Division of Venereal Diseases, Public Health Service, $3.50.
For medical and hospital services, Public Health Service, $11.
For Quarantine Service, $7.96.
For studies of rural sanitation, Public Health Service, 20 cents.
For field investigations of public health, 45 cents.
For preventing the spread of epidemic diseases, $15.99.
For suppressing counterfeiting and other crimes, $2.
For general expenses of public buildings, $1.55.
For mechanical equipment for public buildings, $93.90.
For operating force for public buildings, $4.82.
For operating supplies for public buildings, $74.27.
For repairs and preservation of public buildings, $646.21.
For furniture and repairs of same for public buildings, $4.25.

War Department.

WAR DEPARTMENT

For registration and selection for military service, $14.10.
For registration and selection for military service, Act June 15, 1917, $8.
For pay, and so forth, of the Army (Longevity Act January 29, 1927), $1,488.84.
For pay, and so forth, of the Army, $65,318.35.
For pay of the Army, $7,335.
For pay, and so forth, of the Army, War with Spain, $228.36.
For arrears of pay, bounty, and so forth, $294.29.
For mileage of the Army, $102.95.
For increase of compensation, Military Establishment, $9,647.36.
For Army transportation, $3,119.78.
For clothing and equipage, $128.07.
For general appropriations, Quartermaster Corps, $6,882.03.
For incidental expenses of the Army, $42.
For horses for cavalry, artillery, engineers, and so forth, $22.
For subsistence of the Army, $283.80.
For supplies, services, and transportation, Quartermaster Corps, $622.68.
For replacing medical supplies, $136.07.
For replacing clothing and equipage, $3,784.33.
For replacing ordnance and ordnance stores, $417.16.

For Air Corps, Army, $74.42.
For medical and hospital department, $131.50.
For ordnance service and supplies, Army, $378.80.
For seacoast defenses, insular departments, ordnance, $1.13.
For seacoast defenses, insular departments, coast artillery, $105.
For armament of fortifications, $26,651.42.
For field-artillery armament, $62.14.
For Chemical Warfare Service, Army, $5.75.
For arming, equipping, and training the National Guard, $1,507.75.
For pay of National Guard for armory drills, $788.04.
For arms, uniforms, equipment, and so forth, for field service, National Guard, $58.91.
For Organized Reserves, $131.37.
For Reserve Officers' Training Corps, $234.
For citizens' military training camps, $6.02.
For headstones for graves of soldiers, $3.97.
For cemeterial expenses, War Department, $13.07.

POST OFFICE DEPARTMENT—POSTAL SERVICE

Post Office Department.
Postal Service.

(Out of the postal revenues)

For balances due foreign countries, $909.76.
For city delivery carriers, $1,348.81.
For clerks, first- and second-class post offices, $2,166.65.
For compensation to postmasters, $2,311.45.
For compensation to assistant postmasters, $100.
For freight, express, or motor transportation of equipment, and so forth, $44.58.
For indemnities, domestic mail, $1,464.51.
For indemnities, international mail, $445.85.
For labor-saving devices, $48.26.
For miscellaneous items, first- and second-class post offices, $564.68.
For railroad transportation and mail-messenger service, $10,253.12.
For Railway Mail Service, salaries, $19.38.
For rent, light, and fuel, $2,852.79.
For Rural Delivery Service, $70.08.
For salaries, Office of the Fourth Assistant Postmaster General, $14.67.
For separating mails, $120.
For special-delivery fees, $11.53.
For star route service, $44.76.
For vehicle service, $132.72.
For village delivery service, $300.37.
Total, audited claims, section 5 (a), $933,102.46, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

Additional claims, certified by General Accounting Office.
Vol. 18, p. 110.
Vol. 23, p. 254.
U.S.C., pp. 1022, 43.

(b) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (U.S.C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1931 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (U.S.C., title 5, sec. 266), as fully set forth in Senate Document Numbered 197, Seventy-third Congress, there is appropriated as follows:

Independent Offices.

INDEPENDENT OFFICES

For operations under Mineral Act of October 5, 1918, $77,714.26.
For Interstate Commerce Commission, $6.
For medical and hospital services, Veterans' Bureau, $140.28.
For medical and hospital services, Bureau of War Risk Insurance, $2.
For military and naval compensation, Veteran's Administration, $80.
For salaries and expenses, Veterans' Bureau, $163.28.
For Army pensions, $28.
For investigation of pension cases, Bureau of Pensions, $1.

Department of Agriculture.

DEPARTMENT OF AGRICULTURE

For eradication of sweetpotato weevil, $1.50.
For salaries and expenses, Bureau of Animal Industry, $11.67.
For salaries and expenses, Bureau of Plant Industry, $77.50.
For salaries and expenses, Bureau of Chemistry and Soils, $7.51.
For salaries and expenses, Food and Drug Administration, $35.52.

Department of Commerce.

DEPARTMENT OF COMMERCE

For contingent expenses, Department of Commerce, $12.21.
For air-navigation facilities, $9,548.06.
For general expenses, Lighthouse Service, $1.50.
For allowance for quarters, Foreign Commerce Service, $75.
For aircraft in commerce, $254.86.
For operating mine-rescue cars and stations, Bureau of Mines, $15.61.

District of Columbia.

DISTRICT OF COLUMBIA

For street and road improvement and repair, District of Columbia, $20.50, payable from the revenues of the District of Columbia.

Department of the Interior.

DEPARTMENT OF THE INTERIOR

For general expenses, Office of Education, $4.
For Indian school support, $5.47.
For Indian school buildings, $65.97.
For support of Indians and administration of Indian property, $49.75.
For conservation of health among Indians, $90.

Department of Justice.

DEPARTMENT OF JUSTICE

For miscellaneous expenses, United States courts, $118.07.
For salaries and expenses of district attorneys, United States courts, $12.09.
For salaries and expenses, Bureau of Prohibition, $142.05.
For salaries, fees, and expenses of marshals, United States courts, $542.89.
For detection and prosecution of crimes, $1.75.
For fees of jurors and witnesses, United States courts, $95.
For support of United States prisoners, $94.
For fees of witnesses, United States courts, $9.50.
For salaries and expenses of clerks, United States courts, $387.64.

Department of Labor.

DEPARTMENT OF LABOR

For expenses of regulating immigration, $19.35.

NAVY DEPARTMENT

Navy Department.

For pay, miscellaneous, $2.75.
For gunnery and engineering exercises, Bureau of Navigation, $5.
For maintenance, Bureau of Supplies and Accounts, $228.38.
For engineering, Bureau of Engineering, $4.30.
For pay of the Navy, $65.85.
For pay, subsistence, and transportation, Navy, $162.15.
For aviation, Navy, $74,778.56.
For pay, Marine Corps, $421.35.

DEPARTMENT OF STATE

Department of State.

For contingent expenses, foreign missions, $40.23.

TREASURY DEPARTMENT

Treasury Department.

For contingent expenses, Treasury Department, freight, telegrams, and so forth, 76 cents.
For collecting the revenue from customs, $30.38.
For collecting the internal revenue, $67.25.
For enforcement of Narcotic and National Prohibition Acts, internal revenue, $744.65.
For salaries and expenses, Bureau of Narcotics, $2.40.
For Coast Guard, $84.45.
For pay and allowances, Coast Guard, $24.33.
For repairs to Coast Guard vessels, $14.80.
For pay of personnel and maintenance of hospitals, Public Health Service, $77.25.

WAR DEPARTMENT

War Department.

For pay, and so forth, of the Army, $8,885.61.
For pay of the Army, $588.78.
For pay, and so forth, of the Army, War with Spain, 21 cents.
For mileage to officers and contract surgeons, $11.08.
For mileage of the Army, $13.25.
For increase of compensation, Military Establishment, $1,259.63.
For increase of compensation, War Department, $98.
For Army transportation, $443.38.
For clothing and equipage, $38.34.
For general appropriations, Quartermaster Corps, $10,107.
For horses for cavalry, artillery, engineers, and so forth, $2.
For regular supplies of the Army, $8.33.
For supplies, services, and transportation, Quartermaster Corps, $20,547.49.
For replacing ordnance and ordnance stores, $2.24.
For sites for military purposes, $100.
For Air Corps, Army, $505.
For Medical and Hospital Department, $5.88.
For seacoast defenses, ordnance, $26.03.
For armament of fortifications, $1,217.70.
For arming, equipping, and training the National Guard, $63.84.
For pay of National Guard for armory drills, $285.71.
For arms, uniforms, equipment, and so forth, for field service, National Guard, $213.44.
For Reserve Officers' Training Corps, $21.90.
For headstones for graves of soldiers, $2.12.
For Vicksburg National Military Park, $8.49.

Post Office Department.
Postal Service.

POST OFFICE DEPARTMENT—POSTAL SERVICE

(Out of the postal revenues)

For clerks, first- and second-class post offices, $549.35.
For freight, express, or motor transportation of equipment, etc., $4.48.
For indemnities, domestic mail, $286.52.
For indemnities, international mail, $71.23.
For labor-saving devices, 25 cents.
For post-office equipment and supplies, $2.50.
For railroad transportation and mail messenger service, $26.40.
For rent, light, and fuel, $10.70.
For special-delivery fees, $5.67.
Total, audited claims, section 5 (b), $212,001.18, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

Additional claims.

(c) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (U.S.C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1931 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (U.S.C., title 5, sec. 266), as fully set forth in Senate Document Numbered 205, Seventy-third Congress, there is appropriated as follows:

Vol. 18, p. 110.
U.S.C., p. 1022.

Vol. 23, p. 254.
U.S.C., p. 43.

Independent Offices.

INDEPENDENT OFFICES

For operations under Mineral Act of October 5, 1918, $7,294.62.
For medical and hospital services, Veterans' Bureau, $12.50.

Department of Commerce.

DEPARTMENT OF COMMERCE

For air-navigation facilities, $300.

Department of Justice.

DEPARTMENT OF JUSTICE

For salaries and expenses, Bureau of Prohibition, $11.33.

Navy Department.

NAVY DEPARTMENT

For pay, subsistence, and transportation, Navy $2,880.75.
For pay of the Navy, $3,162.07.
For transportation, Bureau of Navigation, $11.96.
For general expenses, Marine Corps, $67.85.

War Department.

WAR DEPARTMENT

For pay, and so forth, of the Army, $845.33.
For general appropriations, Quartermaster Corps, $167.39.
For increase of compensation, Military Establishment, $468.08.
For pay of Military Academy, $10.
Total, audited claims, section 5 (c), $15,231.88, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

Claims under private acts.

SEC. 6. Claims under certain private Acts: To pay claims allowed by the Comptroller General of the United States under the provisions of Private Act Numbered 20, Seventy-third Congress, approved

February 26, 1934, and certified to the Seventy-third Congress in House Document Numbered 317, under the War Department, as follows:

Post, p. 1303.

Vicksburg National Military Park, 1931, $356;

Vicksburg National Park.

Payments to claimants under Private Act Numbered 20, approved February 26, 1934, $7,890.

For the payment of a claim allowed by the General Accounting Office under the provisions of Private Act Numbered 486, Sixty-ninth Congress, approved March 3, 1927 (44 Stat., pt. 3, 1832), and certified to the Seventy-third Congress in House Document Numbered 318, under the War Department, $10.25.

Designated Army claims.
Vol. 44, p. 1832.

SEC. 7. Judgments against collectors of customs: For the payment of claims allowed by the General Accounting Office covering judgments rendered by United States District Courts against collectors of customs, where certificates of probable cause have been issued as provided for under section 989, Revised Statutes (U.S.C., title 28, sec. 842), and certified to the Seventy-third Congress in Senate Documents Numbered 194 and 207 and House Document Numbered 320, under the Department of Labor, $24,319.25.

Judgments against collectors of customs.

R. S., sec. 989, p. 185.
U.S.C. p. 943.

SEC. 8. Funds of deceased patients, Saint Elizabeths Hospital: For the payment of the claim of the estate of John C. Lederer, deceased, allowed by the General Accounting Office under the provisions of the Act of June 30, 1906 (U.S.C., title 24, sec. 177), and certified to the Seventy-third Congress in Senate Document Numbered 199 and House Document Numbered 325, under the Department of the Interior, $137.13.

John C. Lederer.
Payment to estate of.
U.S.C. p. 681.

SEC. 9. Interest withheld from claimants: For payment of interest on amounts withheld from claimants by the Comptroller General of the United States, Act March 3, 1875, as amended by section 13 of the Act of March 3, 1933 (47 Stat., 1516), as allowed by the General Accounting Office, and certified to the Seventy-third Congress in Senate Document Numbered 200 and House Document Numbered 326, under the Navy Department, $351.93, under the Treasury Department, $11,866.27, and under the War Department $11,041.10; in all, $23,259.30.

Set offs of judgments due.
Payments of withheld interest.
Vol. 47, p. 1516.

SEC. 10. This title may be cited as the "Deficiency Appropriation Act, fiscal year 1934."

Title.

TITLE II—EMERGENCY APPROPRIATIONS

Emergency appropriations.

EXECUTIVE

For an additional amount for carrying out the purposes of the Act entitled "An Act for the relief of unemployment through the performance of useful public work, and for other purposes", approved March 31, 1933 (48 Stat. 22); the Federal Emergency Relief Act of 1933, approved May 12, 1933 (48 Stat. 55); the Tennessee Valley Authority Act of 1933, approved May 18, 1933 (48 Stat. 58); and the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195); and including $325,000 for an addition to the Executive Office Building and for the furnishings and equipment thereof; $899,675,000, to be allocated by the President for further carrying out the purposes of the aforesaid Acts and to remain available until June 30, 1935: *Provided*, That not exceeding $500,000,000 in the aggregate of any savings or unobligated balances in funds of the Reconstruction Finance Corporation may, in the discretion of the President, be transferred and applied to the purposes of the Federal Emergency Relief Act of 1933 and/or title II of the National Industrial Recovery Act, and any unobligated balances in appropriations (including allocations of appropriations) of the Federal

Unemployment relief.
Ante, p. 22.

Federal Emergency Relief.
Ante, p. 55.
Tennessee Valley Authority Act.
Ante, p. 58.
Executive Office Building, addition.
National Industrial Recovery Act.
Ante, p. 210.
Provisos.
Transfer of funds for Federal emergency relief.

Maximum for public works, etc.

Emergency Administration of Public Works may, in the discretion of the President, be transferred and applied to the purposes of such Federal Emergency Relief Act of 1933: *Provided further*, That the amounts to be made available under the authority of this paragraph for public works under the National Industrial Recovery Act shall not exceed in the aggregate $500,000,000.

EMERGENCY RELIEF

Relief in stricken agricultural areas.
Amount available for.

To meet the emergency and necessity for relief in stricken agricultural areas, to remain available until June 30, 1935, $525,000,000, to be allocated by the President to supplement the appropriations heretofore made for emergency purposes and in addition thereto for (1) making loans to farmers for, and/or (2) the purchase, sale, gift, or other disposition of, seed, feed, freight, summer fallowing and similar purposes; expenditures hereunder and the manner in which they shall be incurred, allowed, and paid, shall be determined by the President, and may include expenditures for personal services and rent in the District of Columbia and elsewhere and for printing and binding and may be made without regard to the provisions of section 3709 of the Revised Statutes.

Expenditures.

Special rates and preferences of carriers.

If, during the present drought emergency, a carrier subject to the Interstate Commerce Act shall, at the request of any agent of the United States, authorized so to do, establish special rates for the benefit of drought sufferers such a carrier shall not be deemed to have violated the Interstate Commerce Act with reference to undue preference or unjust discrimination by reason of the fact that it applies such special rates only to those designated as drought sufferers by the authorized agents of the United States or of any State.

Reconstruction Finance Corporation to purchase securities from Federal Emergency Administration Public Works.
Sums acquired available for additional loans.

The Reconstruction Finance Corporation is hereby authorized to purchase marketable securities, satisfactory to said Corporation, acquired or to be acquired by the Federal Emergency Administration of Public Works, and any sums paid for such securities shall be available to said Federal Emergency Administration of Public Works for the making of additional loans (but not grants) under the provisions of title II of the National Industrial Recovery Act: *Provided*, That the amount that the Reconstruction Finance Corporation may have invested at any one time in such securities shall not exceed $250,000,000. The amount of notes, debentures, and bonds or other such obligations which the Reconstruction Finance Corporation is authorized and empowered to have outstanding at any one time pursuant to section 9 of the Reconstruction Finance Corporation Act, as amended, is hereby increased by the sums necessary for these purchases, not to exceed $250,000,000.

Proviso.
Maximum investments.
Limitation on outstanding obligations.
Vol. 47, p. 9.

Civilian Conservation Corps.
Ante, p. 23.

Application of employees Compensation Act to enrollees.
Vol. 39, p. 742, U.S.C. p. 80.

Section 3 of the Act entitled "An Act for the relief of unemployment through the performance of useful public work, and for other purposes", approved March 31, 1933 (48 Stat. 22), is hereby repealed, insofar as said Act applies to enrollees in the Civilian Conservation Corps, and in lieu thereof the provisions of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U.S.C., title 5, ch. 15), are hereby made applicable to such enrollees under the said Act of March 31, 1933, to the same extent and under the same conditions as is provided for employees of the Federal Civil Works Administration in the Act entitled "An Act making an additional appropriation to carry out the purposes of the Federal Emergency Relief Act of 1933, for continuation of the Civil Works program,

Ante, p. 351.

and for other purposes", approved February 15, 1934 (Public, Numbered 93, Seventy-third Congress): *Provided*, That so much of the sum appropriated in the first paragraph of title II of this Act as the United States Employees' Compensation Commission, with the approval of the Director of the Budget, estimates and certifies to the Secretary of the Treasury will be necessary for administrative expenses and for the payment of such compensation shall be set aside in a special fund to be administered by the Commission for such purposes; and after June 30, 1935, such special funds shall be available for these purposes annually in such amounts as may be specified therefor in the annual appropriation Acts.

Proviso. Special administrative fund to be set aside.

PETROLEUM ADMINISTRATION

Petroleum administration.

For administering and enforcing the provisions of section 9 (c) of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), and the Code of Fair Competition for the Petroleum Industry approved pursuant to the authority of said Act, and for other purposes relating to the regulation of commerce in petroleum, to be allocated by the President, and to include necessary personal services in the District of Columbia and elsewhere without regard to the civil-service laws and regulations, traveling expenses, rent, and not to exceed $2,750 for books and periodicals, not to exceed $48,000 for the purchase, hire, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, not to exceed $20,000 for the maintenance, operation, and repair of four motor boats, fiscal year 1935, $1,500,000.

Enforcing provisions regarding. *Ante*, p. 200.

Services in the District.

Motor vehicles.

DEPARTMENT OF AGRICULTURE

Department of Agriculture.

For the purpose of increasing employment by providing for emergency construction of public highways and other related projects, fiscal year 1935, $100,000,000, to remain available until expended, which sum shall be apportioned by the Secretary of Agriculture immediately upon the enactment of this Act under the provisions of section 204 of the National Industrial Recovery Act, approved June 16, 1933 (in addition to any sums heretofore allocated under such section), to the highway departments of the several States to be expended by such departments pursuant to the provisions of such section, and which sum is a part of the $200,000,000 authorized to be appropriated by section 1 of the Act entitled "An Act to increase employment by authorizing an appropriation to provide for emergency construction of public highways and related projects, and to amend the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, and for other purposes", approved June , 1934.

Emergency construction of highways.

Apportionment. *Ante*, p. 203.

Appropriation deemed part of emergency authorization. *Ante*, p. 993.

For the purpose of carrying out the provisions of section 23 of the Federal Highway Act, approved November 9, 1921, fiscal year 1935, $10,000,000 to remain available until expended in accordance with the provisions of such section 23.

Forest roads or trails. Vol. 42, p. 218.

For the purpose of carrying out the provisions of section 3 of the Federal Highway Act, approved November 9, 1921, as amended June 24, 1930 (46 Stat. 805), for the survey, construction, reconstruction, and maintenance of roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations, fiscal year 1935, $2,500,000; to remain available until expended.

Cooperative road construction through Federal reservations. Vol. 46, p. 805.

Interior Department.

DEPARTMENT OF THE INTERIOR

National Park Service. Improvements.

For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges in the national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, fiscal year 1935, $5,000,000, to remain available until expended.

Vol. 46, p. 1053.

Indian Reservation roads. Vol. 45, p. 750.

For the construction and improvement of Indian reservation roads under the provisions of the Act approved May 26, 1928 (45 Stat. 750), fiscal year 1935, $2,000,000 to remain available until expended: *Provided*, That the location, type, and design of all roads and bridges shall be approved by the Bureau of Public Roads before any expenditures are made thereon, and all such construction done by contract shall be under the general supervision of said Bureau.

Proviso. Approval required.

Alabama flood relief. Vol. 46, p. 99; Vol. 47, p. 635.

Road and bridge flood relief, State of Alabama: The unexpended balance of the appropriations contained in the First Deficiency Act, fiscal year, 1930, for carrying out the provisions of the Act entitled "An Act for the relief of the State of Alabama for damages to and destruction of roads and bridges by floods in 1929", approved March 12, 1930, shall remain available until June 30, 1935.

Agricultural Adjustment Act amendments.

AMENDMENTS TO AGRICULTURAL ADJUSTMENT ACT

Ante, p. 33.

Section 4 of the Agricultural Adjustment Act, as amended, is amended to read as follows:

Cotton in possession of Secretary; borrowing on.

"SEC. 4. (a) The Secretary of Agriculture shall have authority to borrow money upon all cotton in his possession or control and may, at his discretion, deposit as collateral for such loans the warehouse receipts for such cotton.

Advances by Secretary of Treasury.

"(b) The Secretary of the Treasury is authorized to advance, in his discretion, out of any money in the Treasury not otherwise appropriated, the sum of $100,000,000 to be available, until March 1, 1936, to the Secretary of Agriculture, for paying off any debt or debts which may have been or may be incurred by the Secretary of Agriculture and discharging any lien or liens which may have arisen or may arise pursuant to part 1 of this title, for protecting title to any cotton which may have been or may be acquired by the Secretary of Agriculture under authority of part 1 of this title, and for paying any expenses (including, but not limited to, warehouse charges, insurance, salaries, interest, costs, and commissions) incident to carrying, handling, insuring, and marketing of said cotton and for the purposes described in subsection (e) of this section.

Availability of advances.

"(c) The funds authorized by subsection (b) of this section shall be made available to the Secretary of Agriculture from time to time upon his request and with the approval of the Secretary of the Treasury. Each such request shall be accompanied by a statement showing by weight and average grade and staple the quantity of cotton held by the Secretary of Agriculture and the approximate aggregate market value thereof.

Statement to accompany request.

Purposes of subsections.

"(d) It is the purpose of subsections (b) and (c) to provide an alternative method to that provided by subsection (a), for enabling the Secretary of Agriculture to finance the acquisition, carrying, handling, insuring, and marketing of cotton acquired by him under authority of section 3 of this Act. The Secretary of Agriculture may at his discretion make use of either or both of the methods provided in this section for obtaining funds for the purposes hereinabove enumerated.

"(e) The Secretary of Agriculture is authorized to use in his discretion any funds obtained by him pursuant to the provisions of subsection (a) or (b) of this section or of section 5 for making advances to any agency which may have been or may be established by the Secretary of Agriculture for the handling, carrying, insuring, or marketing of any cotton acquired by the Secretary of Agriculture, to enable any such agency to perform, exercise, and discharge any of the duties, privileges, and functions which such agency may be authorized to perform, exercise, or discharge. Use of advances.

"(f) The proceeds derived from the sale of cotton shall be held for the Secretary of Agriculture by the Treasurer of the United States in a special deposit account and shall be used by the Secretary of Agriculture to discharge the obligations incurred under authority of part 1 of this title. Whenever any cotton shall be marketed the net proceeds (after discharge of other obligations incurred with respect thereto) derived from the sale thereof shall be used, to the extent required, to reimburse the Treasury for such portion of the funds hereby provided for as shall have been used, which shall be covered into the Treasury as a miscellaneous receipt. If when all of the cotton acquired by the Secretary of Agriculture shall have been marketed and all of the obligations incurred with respect to such cotton shall have been discharged, and the Treasury reimbursed for any and all sums which may have been advanced pursuant to subsection (b), there shall remain any balance in the hands of the Secretary of Agriculture, such balance shall be covered into the Treasury as miscellaneous receipts." Proceeds from cotton sale held in special deposit account. Use of. Reimbursement of treasury. Balance covered in.

Section 5 of the Agricultural Adjustment Act, as amended, is amended to read as follows: *Ante*, p. 33.

"SEC. 5. The Reconstruction Finance Corporation is hereby authorized and directed to advance money and to make loans to the Secretary of Agriculture for the purpose of providing funds with which to enable the Secretary of Agriculture to perform the duties and functions which he is directed or authorized to perform under the provisions of part 1 of this title, provided such advance of money or such loans shall not be for amounts in excess of the market value of the cotton, or the interest of the Secretary of Agriculture in the cotton, against which the advance or loan is to be made at the time such advance or loan may be applied for by the Secretary of Agriculture, plus costs, expenses, and commissions incurred incidental to handling, carrying, and marketing of such cotton. The Secretary of Agriculture shall not be required to pledge or deposit warehouse receipts or other evidences of title to cotton as security for any advance of money or loans made pursuant hereto, but it shall be sufficient if the Secretary shall give to the Reconstruction Finance Corporation a written statement showing the quantity of cotton by weight and the average grade and staple of the cotton against which the advance or loan is to be made. The amount of notes, bonds, debentures, and other obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions of this section." Reconstruction Finance Corporation. Loans by, for financing cotton. Limitation. Security. Bond, etc., issue, authorized.

TREASURY DEPARTMENT

Treasury Department.

OFFICE OF THE SECRETARY

Secretary's office.

Salaries, Office of the Secretary of the Treasury: For an additional amount for salaries, Office of the Secretary of the Treasury, under the authority contained in sections 512 and 513 of the Revenue Act of 1934, creating the Office of General Counsel for the Office of General Counsel. *Ante*, p. 758.

Assistants, experts, etc.

Department of the Treasury, and authorizing the Secretary of the Treasury to appoint and fix the compensation of five assistants at rates of compensation of not to exceed $10,000 per annum; including necessary traveling expenses, the temporary employment of experts, and the payment of actual transportation and subsistence expenses to any person whom the Secretary of the Treasury may from time to time invite to the city of Washington or elsewhere for conference and advisory purposes in furthering the work of the Department, fiscal year 1935, $100,000: *Provided*, That the unexpended balances of appropriations now available for expenditure by the Treasury Department, and the appropriations for such Department for the fiscal year 1935, to the extent applicable to the legal activities of the Department as constituted prior or subsequent to the enactment of the Revenue Act of 1934, shall be available, during the fiscal year for which appropriated, for expenditure, under the direction of the Secretary, to carry out the provisions of section 512 of said Act: *Provided further*, That, with the exception of any office the rate of compensation for which is specifically fixed by the terms of section 512, the lawful rate of compensation of any other office or position provided for by sections 512 and 513 of the Revenue Act of 1934 shall not be in excess of $10,000.

Provisos.
Funds available.

Rate of compensation.

Federal land banks.
Payments to, due to reduced interest rate on mortgages.

Payments to Federal land banks on account of reductions in interest rate on mortgages: To enable the Secretary of the Treasury to pay each Federal land bank such amount as the Farm Loan Commissioner certifies to the Secretary of the Treasury is equal to the amount by which interest payments on mortgages held by such bank have been reduced, in accordance with the provision of section 24 of the Emergency Farm Mortgage Act of 1933, approved May 12, 1933 (48 Stat. 31), fiscal year 1935, $7,950,000: *Provided*, That the unexpended balance of the appropriation of $15,000,000 made in the Fourth Deficiency Act, fiscal year 1933, approved June 16, 1933 (48 Stat. 274), for the purposes of said section 24, shall remain available until June 30, 1935.

Ante, p. 48.
Proviso.
Amount continued available.
Ante, p. 279.

Subscriptions.
Ante, p. 43.

Subscriptions to paid-in surplus of Federal land banks: For an additional amount to enable the Secretary of the Treasury to pay for subscriptions to the paid-in surplus of Federal land banks under section 23 of the Emergency Farm Mortgage Act of 1933, approved May 12, 1933 (48 Stat. 31), fiscal year 1935, $75,000,000, to be immediately available.

Banking and currency.
Expenses, under designated Acts, Proclamations, and Executive orders.
Ante, p. 1.
Ante, pp. 337, 341.

Expenses, Emergency Banking Act of 1933, Gold Reserve Act of 1934, and Silver Purchase Act of 1934: For any purpose in connection with the carrying out of the provisions of any Executive orders and proclamations regarding the bank holiday, any regulations issued thereunder, and the provisions of the Emergency Banking Act, approved March 9, 1933 (48 Stat. 1), the Gold Reserve Act of 1934, approved January 30, 1934 (Public, Numbered 87, Seventy-third Congress), and section 3653 of the Revised Statutes, including costs of transportation, insurance, and protection of gold coin, gold bullion, and gold certificates transferred to Federal Reserve banks and branches, United States mints and assay offices, and the Treasury, after March 9, 1933; losses sustained by Federal Reserve banks due to abrasion of gold coin, and reimbursement to Federal Reserve banks and branches for expenses incurred by them in carrying out instructions issued by the Secretary of the Treasury after March 4, 1933; and to cover any deficiency in the accounts of the Treasurer of the United States, including interest, as authorized by the Act of March 26, 1934 (Public, Numbered 129, Seventy-third Congress), arising out of the arrangement approved by the President on July

R.S., sec. 3653, p. 719, U.S.C., p. 1010.
Federal Reserve banks, expenses.

Deficiencies in Treasurer's accounts.
Ante, pp. 466, 834.

27, 1933; for any purpose in connection with carrying out the Silver Purchase Act of 1934, fiscal year 1935, $4,500,000, to be expended under the direction and in the discretion of the President and to be immediately available.

Silver Purchase Act of 1934.
Post, p. 1178.

Losses in melting gold: There is hereby appropriated, out of the receipts to be covered into the Treasury under section 7 of the Gold Reserve Act of 1934, approved January 30, 1934 (Public, Numbered 87, Seventy-third Congress), by reason of the reduction of the weight of the gold dollar by the Proclamation of the President of January 31, 1934, an amount sufficient to cover the difference between the value of gold as carried in the general account of the Treasurer of the United States and the value of such gold after melting and refining thereof pursuant to the provisions of the Gold Reserve Act of 1934.

Losses in melting gold.
Ante, p. 341.

BUREAU OF INTERNAL REVENUE

Internal Revenue Bureau.

Collecting the internal revenue: For an additional amount for expenses of assessing and collecting the internal-revenue taxes, including the same objects specified under this head, and under the head "Salaries and expenses, Bureau of Industrial Alcohol", in the Treasury Department Appropriation Act, 1935, and including so much as may be necessary for the compensation of one additional deputy commissioner, to be immediately available, $10,000,000; of which not to exceed $800,000 may be expended for personal services in the District of Columbia, and not to exceed $71,250 for the purchase of passenger-carrying automobiles to be used on official business: *Provided*, That after December 1, 1934, no part of the appropriation made herein or heretofore made for the fiscal year 1935 shall be used to pay the salary of any person formerly employed as investigator, special agent, senior warehouseman, deputy prohibition administrator, agent, assistant attorney, assistant prohibition administrator, senior investigator, deputy production administrator, storekeeper or gauger, or any other position in the Prohibition Bureau or Alcoholic Beverage Unit, Department of Justice, who was separated from the service of such Bureau or Unit between June 10, 1933, and December 31, 1933, while in any such position in the Treasury Department, unless and until such person shall be appointed thereto as a result of an open, competitive examination to be hereafter held by the Civil Service Commission.

Collections.
Ante, p. 429.

Additional deputy commissioner.

Services in the District.

Proviso.
Competitive appointment of personnel.

SECRET SERVICE DIVISION

Secret Service Division.

Suppressing counterfeiting and other crimes: For an additional amount for suppressing counterfeiting and other crimes, fiscal year 1935, including the same objects specified under this head in the Treasury Department Appropriation Act, 1935, $45,000.

Counterfeiting, etc.

PROCUREMENT DIVISION, PUBLIC WORKS BRANCH

Procurement Division, Public Works Branch.

Public buildings: For emergency construction of public-building projects outside of the District of Columbia (including the acquisition, where necessary, by purchase, condemnation, exchange, or otherwise of sites and additional land for such buildings; the demolition of old buildings where necessary and the construction, remodeling, or extension of buildings; rental of temporary quarters during construction, including moving expenses; purchase of necessary equipment for buildings and such additional administrative expenses and salaries as may be required solely for the purpose of carrying out the provisions of this paragraph), $65,000,000; such projects, including

Public building emergency construction.

the sites therefor, to be selected by the Secretary of the Treasury and the Postmaster General, acting jointly, from the public-building projects specified in Statements Numbered 2 and 3 incorporated in House Report Numbered 1879, Seventy-third Congress, pages 24 to 40, inclusive, and projects selected shall be carried out within the respective estimated or proposed limits of cost specified in such statements except as such limits are authorized to be modified by the provisions of the next paragraph: *Provided*, That with a view to relieving country-wide unemployment the Secretary of the Treasury and the Postmaster General, in the selection of towns or cities in which buildings are to be constructed, shall endeavor to distribute the projects equitably throughout the country so far as may be consistent with the needs of the public service; and the Secretary of the Treasury and the Postmaster General may also select for prosecution under this appropriation such projects not included in such report as in their judgment are economically sound and advantageous to the public service: *Provided further*, That the Secretary of the Treasury is authorized to direct the preparation of all sketches, estimates, plans, and specifications (including supervision and inspection thereof), and to enter into all contracts, necessary for carrying out the purposes of this paragraph, and he is hereby authorized, when deemed by him desirable and advantageous, to employ, by contract or otherwise, temporary professional, technical, or nontechnical employees, firms or corporations, to such extent as may be required to carry out the purposes of this paragraph, without reference to civil-service laws, rules, and regulations, or to the Classification Act of 1923, as amended, or to section 3709 of the Revised Statutes of the United States: *Provided further*, That in the acquisition of any land or sites for the purposes of Federal public buildings and in the construction of such buildings provided for in this paragraph, the provisions of sections 305 and 306 of the Emergency Relief and Construction Act of 1932, as amended, shall apply.

Projects to be within estimate, etc.

Provisos.
Equitable distribution, for relieving unemployment.

Preparation of plans, etc.

Temporary technical, etc., services.

Acquiring sites for emergency construction; use of standard plans, etc.
Vol. 47, pp. 722, 724.

Contracts for public buildings.

In order to permit the Secretary of the Treasury to enter into contracts when the bid of the lowest responsible bidder received in response to public advertisement exceeds the amount available for any project selected under the preceding paragraph and/or for projects for which allotment has been heretofore, or may hereafter be, made to the Treasury Department for public buildings construction by the Federal Emergency Administration of Public Works (which allotments shall remain available for the execution of the projects concerned unless released by the Secretary of the Treasury), there shall be made available by the Federal Emergency Administration of Public Works an additional sum of $2,500,000 out of any unobligated funds under the control of such Administration, which total sum shall be transferred immediately upon the enactment of this Act to the Treasury Department and, when approved by the President, may be used in the discretion of the Secretary of the Treasury to enter into contracts for public buildings in an amount not exceeding, in any one case, 10 per centum in excess of the amount available therefor: *Provided further*, That not exceeding $30,000 of the sum herein appropriated shall be expended for construction of a retaining wall and/or improvement of grounds of Federal Building at Reno, Nevada.

Execution where bids exceed available sums.

Appropriation for.

Proviso.
Reno, Nev., retaining wall.

Citation of title.

SEC. 2. This title may be cited as the "Emergency Appropriation Act, fiscal year 1935."

Approved, June 19, 1934.

[CHAPTER 649.]

AN ACT

June 19, 1934.
[S. 504.]
[Public, No. 413.]

To authorize the Secretary of the Navy to make a long-term contract for the supply of water to the United States naval station at Guantanamo Bay, Cuba.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized and empowered, at his discretion, to negotiate and enter into a long-term contract without regard to fiscal year, with the lowest responsible and capable bidder, to be determined by the Secretary of the Navy, for supplying the United States naval station at Guantanamo Bay, Cuba, with an adequate and satisfactory supply of water, suitable for all purposes, delivered into the water-storage reservoirs within said naval station, in such an amount as he shall deem adequate for the present and future needs of the station, and at such annual cost or rental as in his judgment may be for the best interests of the Government. Any contract entered into pursuant to the provisions of this Act shall contain a provision authorizing the Secretary of the Navy within a reasonable period of time prior to the expiration of such contract to extend the contract for such additional period and on such terms as in his judgment may be for the best interests of the Government but in no event at a higher cost to the Government than under the existing contract, and said Secretary is hereby authorized to enter into such extension.

U.S. naval station, Guantanamo Bay, Cuba.
Contracts for water supply authorized.

Contract provision.

Extension authorized.

SEC. 2. This Act shall become effective immediately upon its passage and approval.

Effective date of Act.

Approved, June 19, 1934.

CHAPTER 650.]

AN ACT

June 19, 1934.
[S. 822.]
[Public, No. 414.]

To amend the Act entitled "An Act to amend section 217, as amended, of the Act entitled 'An Act to codify, revise, and amend the penal laws of the United States', approved March 4, 1909", approved January 11, 1929, with respect to the use of the mails for the shipment of certain drugs and medicines to cosmetologists and barbers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first proviso in the first sentence of the Act entitled "An Act to amend section 217, as amended, of the Act entitled 'An Act to codify, revise, and amend the penal laws of the United States', approved March 4, 1909", approved January 11, 1929, is amended to read as follows: "*Provided*, That the transmission in the mails of poisonous drugs and medicines may be limited by the Postmaster General to shipments of such articles from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians, under such rules and regulations as he shall prescribe:"

Criminal Code.
Vol. 35, p. 1131; Vol. 45, p. 1072.
U.S.C., p. 487; Supp. VII, p. 350.

Restriction on transmission of poisonous drugs in mails.

Approved, June 19, 1934.

[CHAPTER 651.]

June 19, 1934.
[S. 3040.]
[Public, No. 415.]

AN ACT

To give the Supreme Court of the United States authority to make and publish rules in actions at law.

Supreme Court of United States.
Power to prescribe rules in civil actions at law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Supreme Court of the United States shall have the power to prescribe, by general rules, for the district courts of the United States and for the courts of the District of Columbia, the forms of process, writs, pleadings, and motions, and the practice and procedure in civil actions at law. Said rules shall neither abridge, enlarge, nor modify the substantive rights of any litigant. They shall take effect six months after their promulgation, and thereafter all laws in conflict therewith shall be of no further force or effect.

Rights of litigant.
Effective date.

Rules in equity and law may be united.

SEC. 2. The court may at any time unite the general rules prescribed by it for cases in equity with those in actions at law so as to secure one form of civil action and procedure for both: *Provided, however*, That in such union of rules the right of trial by jury as at common law and declared by the seventh amendment to the Constitution shall be preserved to the parties inviolate. Such united rules shall not take effect until they shall have been reported to Congress by the Attorney General at the beginning of a regular session thereof and until after the close of such session.

Proviso.
Right of trial by jury.

Effective date of united rules.

Approved, June 19, 1934.

[CHAPTER 652.]

June 19, 1934.
[S. 3285.]
[Public, No. 416.]

AN ACT

To provide for the regulation of interstate and foreign communication by wire or radio, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Communications Act of 1934.

TITLE I—GENERAL PROVISIONS

Purposes of Act.

PURPOSES OF ACT; CREATION OF FEDERAL COMMUNICATIONS COMMISSION

SECTION 1. For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication, there is hereby created a commission to be known as the "Federal Communications Commission", which shall be constituted as hereinafter provided, and which shall execute and enforce the provisions of this Act.

Federal Communications Commission created.

Application of Act.

APPLICATION OF ACT

To interstate and foreign communications; transmission of energy by radio.

SEC. 2. (a) The provisions of this Act shall apply to all interstate and foreign communication by wire or radio and all interstate and foreign transmission of energy by radio, which originates and/or is received within the United States, and to all persons engaged within the United States in such communication or such transmission of energy by radio, and to the licensing and regulating of all

Persons to whom applicable.

radio stations as hereinafter provided; but it shall not apply to persons engaged in wire or radio communication or transmission in the Philippine Islands or the Canal Zone, or to wire or radio communication or transmission wholly within the Philippine Islands or the Canal Zone. Exception.

(b) Subject to the provisions of section 301, nothing in this Act shall be construed to apply or to give the Commission jurisdiction with respect to (1) charges, classifications, practices, services, facilities, or regulations for or in connection with intrastate communication service of any carrier, or (2) any carrier engaged in interstate or foreign communication solely through physical connection with the facilities of another carrier not directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carrier; except that sections 201 to 205 of this Act, both inclusive, shall, except as otherwise provided therein, apply to carriers described in clause (2). Limitation on jurisdiction of Commission.

Post, p. 1081.

Post, p. 1070.

DEFINITIONS

Definitions.

SEC. 3. For the purposes of this Act, unless the context otherwise requires—

(a) "Wire communication" or "communication by wire" means the transmission of writing, signs, signals, pictures, and sounds of all kinds by aid of wire, cable, or other like connection between the points of origin and reception of such transmission, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission. "Wire communication"; "communication by wire."

(b) "Radio communication" or "communication by radio" means the transmission by radio of writing, signs, signals, pictures, and sounds of all kinds, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission. "Radio communication"; "communication by radio."

(c) "Licensee" means the holder of a radio station license granted or continued in force under authority of this Act. "Licensee."

(d) "Transmission of energy by radio" or "radio transmission of energy" includes both such transmission and all instrumentalities, facilities, and services incidental to such transmission. "Transmission of energy by radio"; "radio transmission of energy."

(e) "Interstate communication" or "interstate transmission" means communication or transmission (1) from any State, Territory, or possession of the United States (other than the Philippine Islands and the Canal Zone), or the District of Columbia, to any other State, Territory, or possession of the United States (other than the Philippine Islands and the Canal Zone), or the District of Columbia, (2) from or to the United States to or from the Philippine Islands or the Canal Zone, insofar as such communication or transmission takes place within the United States, or (3) between points within the United States but through a foreign country; but shall not include wire communication between points within the same State, Territory, or possession of the United States, or the District of Columbia, through any place outside thereof, if such communication is regulated by a State commission. "Interstate communication"; "interstate transmission."

(f) "Foreign communication" or "foreign transmission" means communication or transmission from or to any place in the United States to or from a foreign country, or between a station in the United States and a mobile station located outside the United States. "Foreign communication"; "foreign transmission."

(g) "United States" means the several States and Territories, the District of Columbia, and the possessions of the United States, but does not include the Philippine Islands or the Canal Zone. "United States."

"Common carrier"; "carrier."

(h) "Common carrier" or "carrier" means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to this Act; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

"Person."

(i) "Person" includes an individual, partnership, association, joint-stock company, trust, or corporation.

"Corporation."

(j) "Corporation" includes any corporation, joint-stock company, or association.

"Radio station"; "station."

(k) "Radio station" or "station" means a station equipped to engage in radio communication or radio transmission of energy.

"Mobile station."

(l) "Mobile station" means a radio-communication station capable of being moved and which ordinarily does move.

"Land stations."

(m) "Land station" means a station, other than a mobile station, used for radio communication with mobile stations.

"Mobile service."

(n) "Mobile service" means the radio-communication service carried on between mobile stations and land stations, and by mobile stations communicating among themselves.

"Broadcasting."

(o) "Broadcasting" means the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations.

"Chain broadcasting."

(p) "Chain broadcasting" means simultaneous broadcasting of an identical program by two or more connected stations.

"Amateur station."

(q) "Amateur station" means a radio station operated by a duly authorized person interested in radio technique solely with a personal aim and without pecuniary interest.

"Telephone exchange service."

(r) "Telephone exchange service" means service within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, and which is covered by the exchange service charge.

"Telephone toll service."

(s) "Telephone toll service" means telephone service between stations in different exchange areas for which there is made a separate charge not included in contracts with subscribers for exchange service.

"State commission."

(t) "State commission" means the commission, board, or official (by whatever name designated) which under the laws of any State has regulatory jurisdiction with respect to intrastate operations of carriers.

"Connecting carrier."

(u) "Connecting carrier" means a carrier described in clause (2) of section 2 (b).

"State."

(v) "State" includes the District of Columbia and the Territories and possessions.

PROVISIONS RELATING TO THE COMMISSION

Federal Communications Commission. Composition; appointment.

SEC. 4. (a) The Federal Communications Commission (in this Act referred to as the "Commission") shall be composed of seven commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as chairman.

Qualifications. Citizenship. Financial interests denied.

(b) Each member of the Commission shall be a citizen of the United States. No member of the Commission or person in its employ shall be financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication by wire or radio or in radio transmission of

energy; in any company furnishing services or such apparatus to any company engaged in communication by wire or radio or to any company manufacturing or selling apparatus used for communication by wire or radio; or in any company owning stocks, bonds, or other securities of any such company; nor be in the employ of or hold any official relation to any person subject to any of the provisions of this Act, nor own stocks, bonds, or other securities of any corporation subject to any of the provisions of this Act. Such commissioners shall not engage in any other business, vocation, or employment. Not more than four commissioners shall be members of the same political party.

Political affiliations.

(c) The commissioners first appointed under this Act shall continue in office for the terms of one, two, three, four, five, six, and seven years, respectively, from the date of the taking effect of this Act, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years; except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds. No vacancy in the Commission shall impair the right of the remaining commissioners to exercise all the powers of the Commission.

Terms of office.

Successors.

Vacancies.

Effect of.

(d) Each commissioner shall receive an annual salary of $10,000, payable in monthly installments.

Compensation.

(e) The principal office of the Commission shall be in the District of Columbia, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the Commission may hold special sessions in any part of the United States.

Principal office.

(f) Without regard to the civil-service laws or the Classification Act of 1923, as amended, (1) the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a director for each division, a chief engineer and not more than three assistants, a general counsel and not more than three assistants, and temporary counsel designated by the Commission for the performance of special services, and (2) each commissioner may appoint and prescribe the duties of a secretary at an annual salary not to exceed $4,000. The general counsel and the chief engineer shall each receive an annual salary of not to exceed $9,000; the secretary shall receive an annual salary of not to exceed $7,500; the director of each division shall receive an annual salary of not to exceed $7,500; and no assistant shall receive an annual salary in excess of $7,500. The Commission shall have authority, subject to the provisions of the civil-service laws and the Classification Act of 1923, as amended, to appoint such other officers, engineers, inspectors, attorneys, examiners, and other employees as are necessary in the execution of its functions.

Appointments by Commission.

Secretary, division director, chief engineer and assistants.

Salaries.

(g) The Commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for office supplies, law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the Commission and as from time to time may be appropriated for by Congress. All expenditures of the Commission, including all necessary expenses for transportation incurred by the commissioners or by their employees, under their orders, in making any investigation or upon any official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the Commission or by such other member or officer thereof as may be designated by the Commission for that purpose.

Expenditures authorized.

Quorum.
Seal.

(h) Four members of the Commission shall constitute a quorum thereof. The Commission shall have an official seal which shall be judicially noticed.

Rules and regulations.

(i) The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions.

Proceedings of Commission.

(j) The Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. No commissioner shall participate in any hearing or proceeding in which he has a pecuniary interest. Any party may appear before the Commission and be heard in person or by attorney. Every vote and official act of the Commission shall be entered of record, and its proceedings shall be public upon the request of any party interested. The Commission is authorized to withhold publication of records or proceedings containing secret information affecting the national defense.

Records.

Annual report to Congress.

(k) The Commission shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such report shall contain such information and data collected by the Commission as may be considered of value in the determination of questions connected with the regulation of interstate and foreign wire and radio communication and radio transmission of energy, together with such recommendations as to additional legislation relating thereto as the Commission may deem necessary: *Provided*, That the Commission shall make a special report not later than February 1, 1935, recommending such amendments to this Act as it deems desirable in the public interest.

Information to contain.

Proviso.
Special report, February 1, 1935.

Reports of investigations.

(l) All reports of investigations made by the Commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier or licensee that may have been complained of.

Publication of.

(m) The Commission shall provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the Commission therein contained in all courts of the United States and of the several States without any further proof or authentication thereof.

Rates of compensation; deductions.

(n) Rates of compensation of persons appointed under this section shall be subject to the reduction applicable to officers and employees of the Federal Government generally.

Divisions of Commission.

DIVISIONS OF THE COMMISSION

Number authorized.

SEC. 5. (a) The Commission is hereby authorized by its order to divide the members thereof into not more than three divisions, each to consist of not less than three members. Any commissioner may be assigned to and may serve upon such division or divisions as the Commission may direct, and each division shall choose its own chairman. In case of a vacancy in any division, or of absence or inability to serve thereon of any commissioner thereto assigned, the chairman of the Commission or any commissioner designated by him for that purpose may temporarily serve on said division until the Commission shall otherwise order.

Assignment of Commissioners.

Vacancies.

Assignment of work to division.

(b) The Commission may by order direct that any of its work, business, or functions arising under this Act, or under any other Act of Congress, or in respect of any matter which has been or may be referred to the Commission by Congress or by either branch thereof, be assigned or referred to any of said divisions for action thereon, and may by order at any time amend, modify, supple-

ment, or rescind any such direction. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the Commission.

Assignment orders.

(c) In conformity with and subject to the order or orders of the Commission in the premises, each division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it for action by the Commission, and in respect thereof the division shall have all the jurisdiction and powers now or then conferred by law upon the Commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any of said divisions in respect of any matters so assigned or referred to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made, or taken by the Commission, subject to rehearing by the Commission as provided in section 405 of this Act for rehearing cases decided by the Commission. The secretary and seal of the Commission shall be the secretary and seal of each division thereof.

Jurisdiction and power of division in executing assigned work.

Rehearing.
Post, p. 1095.

(d) Nothing in this section contained, or done pursuant thereto, shall be deemed to divest the Commission of any of its powers.

(e) The Commission is hereby authorized by its order to assign or refer any portion of its work, business, or functions arising under this or any other Act of Congress or referred to it by Congress, or either branch thereof, to an individual commissioner, or to a board composed of an employee or employees of the Commission, to be designated by such order, for action thereon, and by its order at any time to amend, modify, supplement, or rescind any such assignment or reference: *Provided, however*, That this authority shall not extend to investigations instituted upon the Commission's own motion or, without the consent of the parties thereto, to contested proceedings involving the taking of testimony at public hearings, or to investigations specifically required by this Act. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the Commission. In case of the absence or inability for any other reason to act of any such individual commissioner or employee designated to serve upon any such board, the chairman of the Commission may designate another commissioner or employee, as the case may be, to serve temporarily until the Commission shall otherwise order. In conformity with and subject to the order or orders of the Commission in the premises, any such individual commissioner, or board acting by a majority thereof, shall have power and authority to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to him or it for action by the Commission and in respect thereof shall have all the jurisdiction and powers now or then conferred by law upon the Commission and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any such individual commissioner or board in respect of any matters so assigned or referred shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made or taken by the Commission. Any party affected by any order, decision, or report of any such individual commissioner or board may file a petition for rehearing by the Commission or a division thereof and every such petition shall be passed upon by the Commission or a division thereof. Any action by a division upon such a petition shall itself be subject to rehearing by the Commission, as provided in section 405 of this Act and in subsection (c).

Assignment of work to Commissioner.

Proviso.
Restriction in case of investigations or contested proceedings.

Assignment orders, effectiveness.

Vacancies.

Power of Commissioner in executing assigned work.

Petition for rehearing by affected party.

Rehearing on action by a division.
Post, p. 1095.

Rules governing conduct of proceedings.

The Commission may make and amend rules for the conduct of proceedings before such individual commissioner or board and for the rehearing of such action before a division of the Commission or the Commission. The secretary and seal of the Commission shall be the secretary and seal of such individual commissioner or board.

Common Carriers.

TITLE II—COMMON CARRIERS

Service and charges.

SERVICE AND CHARGES

Duty of common carrier to furnish.

SECTION 201. (a) It shall be the duty of every common carrier engaged in interstate or foreign communication by wire or radio to furnish such communication service upon reasonable request therefor; and, in accordance with the orders of the Commission, in cases where the Commission, after opportunity for hearing, finds such action necessary or desirable in the public interest, to establish physical connections with other carriers, to establish through routes and charges applicable thereto and the divisions of such charges, and to establish and provide facilities and regulations for operating such through routes.

To establish physical connections with other carriers.

Charges, etc., for communication services.

(b) All charges, practices, classifications, and regulations for and in connection with such communication service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is hereby declared to be unlawful: *Provided*, That communications by wire or radio subject to this Act may be classified into day, night, repeated, unrepeated, letter, commercial, press, Government, and such other classes as the Commission may decide to be just and reasonable, and different charges may be made for the different classes of communications: *Provided further*, That nothing in this Act or in any other provision of law shall be construed to prevent a common carrier subject to this Act from entering into or operating under any contract with any common carrier not subject to this Act, for the exchange of their services, if the Commission is of the opinion that such contract is not contrary to the public interest.

Proviso. Classification of communications.

Different charges authorized.

Common carrier contracts for exchange of services permitted.

Discrimination and preferences.

DISCRIMINATION AND PREFERENCES

Unlawful to make in charges, services, etc.

SEC. 202. (a) It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.

Charges or services, construed.

(b) Charges or services, whenever referred to in this Act, include charges for, or services in connection with, the use of wires in chain broadcasting or incidental to radio communication of any kind.

Penalty for violation.

(c) Any carrier who knowingly violates the provisions of this section shall forfeit to the United States the sum of $500 for each such offense and $25 for each and every day of the continuance of such offense.

Schedules of charges.

SCHEDULES OF CHARGES

Filing with Commission.

SEC. 203. (a) Every common carrier, except connecting carriers, shall, within such reasonable time as the Commission shall designate, file with the Commission and print and keep open for public inspection schedules showing all charges for itself and its connecting

Information to contain.

carriers for interstate and foreign wire or radio communication between the different points on its own system, and between points on its own system and points on the system of its connecting carriers or points on the system of any other carrier subject to this Act when a through route has been established, whether such charges are joint or separate, and showing the classifications, practices, and regulations affecting such charges. Such schedules shall contain such other information, and be printed in such form, and be posted and kept open for public inspection in such places, as the Commission may by regulation require, and each such schedule shall give notice of its effective date; and such common carrier shall furnish such schedules to each of its connecting carriers, and such connecting carriers shall keep such schedules open for inspection in such public places as the Commission may require.

Regulations.

Schedules to be furnished connecting carriers.

(b) No change shall be made in the charges, classifications, regulations, or practices which have been so filed and published except after thirty days' notice to the Commission and to the public, which shall be published in such form and contain such information as the Commission may by regulations prescribe; but the Commission may, in its discretion and for good cause shown, modify the requirements made by or under authority of this section in particular instances or by a general order applicable to special circumstances or conditions.

Filing and publication of notice to change charges, etc.

Modification of requirements.

(c) No carrier, unless otherwise provided by or under authority of this Act, shall engage or participate in such communication unless schedules have been filed and published in accordance with the provisions of this Act and with the regulations made thereunder; and no carrier shall (1) charge, demand, collect, or receive a greater or less or different compensation for such communication, or for any service in connection therewith, between the points named in any such schedule than the charges specified in the schedule then in effect, or (2) refund or remit by any means or device any portion of the charges so specified, or (3) extend to any person any privileges or facilities in such communication, or employ or enforce any classifications, regulations, or practices affecting such charges, except as specified in such schedule.

Prohibited acts.

(d) The Commission may reject and refuse to file any schedule entered for filing which does not provide and give lawful notice of its effective date. Any schedule so rejected by the Commission shall be void and its use shall be unlawful.

Rejection of schedule.

(e) In case of failure or refusal on the part of any carrier to comply with the provisions of this section or of any regulation or order made by the Commission thereunder, such carrier shall forfeit to the United States the sum of $500 for each such offense, and $25 for each and every day of the continuance of such offense.

Penalty provision.

HEARING AS TO LAWFULNESS OF NEW CHARGES; SUSPENSION

New charges.

SEC. 204. Whenever there is filed with the Commission any new charge, classification, regulation, or practice, the Commission may either upon complaint or upon its own initiative without complaint, upon reasonable notice, enter upon a hearing concerning the lawfulness thereof; and pending such hearing and the decision thereon the Commission, upon delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such charge, classification, regulation, or practice, but not for a longer period than three months beyond the time when it would otherwise go into effect; and after full hearing the Commission may make such order with reference thereto as

Hearing upon lawfulness.

Notice.

Temporary suspension of charges.

Effectiveness of change if order not issued during suspension period.

would be proper in a proceeding initiated after it had become effective. If the proceeding has not been concluded and an order made within the period of the suspension, the proposed change of charge, classification, regulation, or practice shall go into effect at the end of such period; but in case of a proposed increased charge, the Commission may by order require the interested carrier or carriers to keep accurate account of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision may by further order require the interested carrier or carriers to refund, with interest, to the persons in whose behalf such amounts were paid, such portion of such increased charges as by its decision shall be found not justified. At any hearing involving a charge increased, or sought to be increased, after the organization of the Commission, the burden of proof to show that the increased charge, or proposed increased charge, is just and reasonable shall be upon the carrier, and the Commission shall give to the hearing and decision of such questions preference over all other questions pending before it and decide the same as speedily as possible.

Account of amounts received in case of increased charge.

Burden of proof in justifying increased charge.

Charges.

COMMISSION AUTHORIZED TO PRESCRIBE JUST AND REASONABLE CHARGES

Determination of reasonable charges by Commission.

SEC. 205. (a) Whenever, after full opportunity for hearing, upon a complaint or under an order for investigation and hearing made by the Commission on its own initiative, the Commission shall be of opinion that any charge, classification, regulation, or practice of any carrier or carriers is or will be in violation of any of the provisions of this Act, the Commission is authorized and empowered to determine and prescribe what will be the just and reasonable charge or the maximum or minimum, or maximum and minimum, charge or charges to be thereafter observed, and what classification, regulation, or practice is or will be just, fair, and reasonable, to be thereafter followed, and to make an order that the carrier or carriers shall cease and desist from such violation to the extent that the Commission finds that the same does or will exist, and shall not thereafter publish, demand, or collect any charge other than the charge so prescribed, or in excess of the maximum or less than the minimum so prescribed, as the case may be, and shall adopt the classification and shall conform to and observe the regulation or practice so prescribed.

Cease and desist orders.

Penalty provision.

(b) Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of this section shall forfeit to the United States the sum of $1,000 for each offense. Every distinct violation shall be a separate offense, and in case of continuing violation each day shall be deemed a separate offense.

Liability of carriers for damages.

LIABILITY OF CARRIERS FOR DAMAGES

SEC. 206. In case any common carrier shall do, or cause or permit to be done, any act, matter, or thing in this Act prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this Act required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this Act, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case.

Amount.

RECOVERY OF DAMAGES

Recovery of damages.

SEC. 207. Any person claiming to be damaged by any common carrier subject to the provisions of this Act may either make complaint to the Commission as hereinafter provided for, or may bring suit for the recovery of the damages for which such common carrier may be liable under the provisions of this Act, in any district court of the United States of competent jurisdiction; but such person shall not have the right to pursue both such remedies.

Complaint to Commission.

Jurisdiction of district courts.

COMPLAINTS TO THE COMMISSION

Complaints to Commission.

SEC. 208. Any person, any body politic or municipal organization, or State commission, complaining of anything done or omitted to be done by any common carrier subject to this Act, in contravention of the provisions thereof, may apply to said Commission by petition which shall briefly state the facts, whereupon a statement of the complaint thus made shall be forwarded by the Commission to such common carrier, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time to be specified by the Commission. If such common carrier within the time specified shall make reparation for the injury alleged to have been caused, the common carrier shall be relieved of liability to the complainant only for the particular violation of law thus complained of. If such carrier or carriers shall not satisfy the complaint within the time specified or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the Commission to investigate the matters complained of in such manner and by such means as it shall deem proper. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

Statement of complaint.

Commission to forward to carrier.

Answer to be filed within time specified.

Carrier relieved if reparation made.

Investigation of complaint by Commission.

ORDERS FOR PAYMENT OF MONEY

Orders for payment of money.

SEC. 209. If, after hearing on a complaint, the Commission shall determine that any party complainant is entitled to an award of damages under the provisions of this Act, the Commission shall make an order directing the carrier to pay to the complainant the sum to which he is entitled on or before a day named.

Commission to make, when finding for complainant.

FRANKS AND PASSES

Franks and passes.

SEC. 210. Nothing in this Act or in any other provision of law shall be construed to prohibit common carriers from issuing or giving franks to, or exchanging franks with each other for the use of, their officers, agents, employees, and their families, or, subject to such rules as the Commission may prescribe, from issuing, giving, or exchanging franks and passes to or with other common carriers not subject to the provisions of this Act, for the use of their officers, agents, employees, and their families. The term "employees", as used in this section, shall include furloughed, pensioned, and superannuated employees.

Right of carriers to exchange.

"Employees", construed.

COPIES OF CONTRACTS TO BE FILED

Contracts, agreements, and arrangements between carriers.

SEC. 211. (a) Every carrier subject to this Act shall file with the Commission copies of all contracts, agreements, or arrangements with other carriers, or with common carriers not subject to the provisions of this Act, in relation to any traffic affected by the provisions of this Act to which it may be a party.

Copies filed with Commission.

Other contracts of carrier.

(b) The Commission shall have authority to require the filing of any other contracts of any carrier, and shall also have authority to exempt any carrier from submitting copies of such minor contracts as the Commission may determine.

Interlocking directorates.

INTERLOCKING DIRECTORATES—OFFICIALS DEALING IN SECURITIES

Unlawful, unless Commission authorizes.

SEC. 212. After sixty days from the enactment of this Act it shall be unlawful for any person to hold the position of officer or director of more than one carrier subject to this Act, unless such holding shall have been authorized by order of the Commission, upon due showing in form and manner prescribed by the Commission, that neither public nor private interests will be adversely affected thereby. After this section takes effect it shall be unlawful for any officer or director of any such carrier to receive for his own benefit, directly or indirectly, any money or thing of value in respect of negotiation, hypothecation, or sale of any securities issued or to be issued by such carrier, or to share in any of the proceeds thereof, or to participate in the making or paying of any dividends of such carrier from any funds properly included in capital account.

Unlawful dealing in securities by officials.

Carrier property.

VALUATION OF CARRIER PROPERTY

Valuation of, by Commission.

SEC. 213. (a) The Commission may from time to time, as may be necessary for the proper administration of this Act, and after opportunity for hearing, make a valuation of all or of any part of the property owned or used by any carrier subject to this Act, as of such date as the Commission may fix.

Inventories.

(b) The Commission may at any time require any such carrier to file with the Commission an inventory of all or of any part of the property owned or used by said carrier, which inventory shall show the units of said property classified in such detail, and in such manner, as the Commission shall direct, and shall show the estimated cost of reproduction new of said units, and their reproduction cost new less depreciation, as of such date as the Commission may direct; and such carrier shall file such inventory within such reasonable time as the Commission by order shall require.

Information to contain.

Statement of original cost.

(c) The Commission may at any time require any such carrier to file with the Commission a statement showing the original cost at the time of dedication to the public use of all or of any part of the property owned or used by said carrier. For the showing of such original cost said property shall be classified, and the original cost shall be defined, in such manner as the Commission may prescribe; and if any part of such cost cannot be determined from accounting or other records, the portion of the property for which such cost cannot be determined shall be reported to the Commission; and, if the Commission shall so direct, the original cost thereof shall be estimated in such manner as the Commission may prescribe. If the carrier owning the property at the time such original cost is reported shall have paid more or less than the original cost to acquire the same, the amount of such cost of acquisition, and any facts which the Commission may require in connection therewith, shall be reported with such original cost. The report made by a carrier under this paragraph shall show the source or sources from which the original cost reported was obtained, and such other information as to the manner in which the report was prepared, as the Commission shall require.

Classification of property.

Report when original cost cannot be determined.

Estimates.

Report when purchase price greater than original cost.

Sources of original cost report to be shown.

Expense of obtaining easement, license, or franchise.

(d) Nothing shall be included in the original cost reported for the property of any carrier under paragraph (c) of this section on account of any easement, license, or franchise granted by the United

States or by any State or political subdivision thereof, beyond the reasonable necessary expense lawfully incurred in obtaining such easement, license, or franchise from the public authority aforesaid, which expense shall be reported separately from all other costs in such detail as the Commission may require; and nothing shall be included in any valuation of the property of any carrier made by the Commission on account of any such easement, license, or franchise, beyond such reasonable necessary expense lawfully incurred as aforesaid.

New construction, extensions, etc., Commission to keep informed.

(e) The Commission shall keep itself informed of all new construction, extensions, improvements, retirements, or other changes in the condition, quantity, use, and classification of the property of common carriers, and of the cost of all additions and betterments thereto and of all changes in the investment therein, and may keep itself informed of current changes in costs and values of carrier properties.

Carrier to furnish information regarding valuation of property.

(f) For the purpose of enabling the Commission to make a valuation of any of the property of any such carrier, or to find the original cost of such property, or to find any other facts concerning the same which are required for use by the Commission, it shall be the duty of each such carrier to furnish to the Commission, within such reasonable time as the Commission may order, any information with respect thereto which the Commission may by order require, including copies of maps, contracts, reports of engineers, and other data, records, and papers, and to grant to all agents of the Commission free access to its property and its accounts, records, and memoranda whenever and wherever requested by any such duly authorized agent, and to cooperate with and aid the Commission in the work of making any such valuation or finding in such manner and to such extent as the Commission may require and direct, and all rules and regulations made by the Commission for the purpose of administering this section shall have the full force and effect of law. Unless otherwise ordered by the Commission, with the reasons therefor, the records and data of the Commission shall be open to the inspection and examination of the public. The Commission, in making any such valuation, shall be free to adopt any method of valuation which shall be lawful.

Copies of maps, contracts, reports, etc.

Records and data open to public inspection.

Method of valuation.

Interstate Commerce Commission. Valuation of properties by.

(g) Notwithstanding any provision of this Act the Interstate Commerce Commission, if requested to do so by the Commission, shall complete, at the earliest practicable date, such valuations of properties of carriers subject to this Act as are now in progress, and shall thereafter transfer to the Commission the records relating thereto.

Powers of State commissions.

(h) Nothing in this section shall impair or diminish the powers of any State commission.

Extension of lines.

EXTENSION OF LINES

Certificate authorizing required.

SEC. 214. (a) No carrier shall undertake the construction of a new line or of an extension of any line, or shall acquire or operate any line, or extension thereof, or shall engage in transmission over or by means of such additional or extended line, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended line: *Provided*, That no such certificate shall be required under this section for the construction, acquisition, operation, or extension of (1) a line within a single State unless said line constitutes part of an interstate line, (2) local, branch, or terminal lines not exceeding ten miles in length, or (3) any lines

Provisos. When certificate not required.

Temporary or emergency service authorized.

acquired under section 221 of this Act: *Provided further*, That the Commission may, upon appropriate request being made, authorize temporary or emergency service, or the supplementing of existing facilities, without regard to the provisions of this section.

Application for certificate.
Notice and copy to Governor of affected State.

(b) Upon receipt of an application for any such certificate the Commission shall cause notice thereof to be given to and a copy filed with the Governor of each State in which such additional or extended line is proposed to be constructed or operated, with the right to be heard as provided with respect to the hearing of complaints; and the Commission may require such published notice as it shall determine.

Issue of certificate.

(c) The Commission shall have power to issue such certificate as prayed for, or to refuse to issue it, or to issue it for a portion or portions of a line, or extension thereof, described in the application, or for the partial exercise only of such right or privilege, and may attach to the issuance of the certificate such terms and conditions as in its judgment the public convenience and necessity may require.

Terms and conditions imposed.

Compliance with, required.

After issuance of such certificate, and not before, the carrier may, without securing approval other than such certificate, comply with the terms and conditions contained in or attached to the issuance of such certificate and proceed with the construction, acquisition, operation, or extension covered thereby.

Injunction to restrain unauthorized construction.

Any construction, acquisition, operation, or extension contrary to the provisions of this section may be enjoined by any court of competent jurisdiction at the suit of the United States, the Commission, the State commission, any State affected, or any party in interest.

Carrier to provide adequate facilities upon order.

(d) The Commission may, after full opportunity for hearing, in a proceeding upon complaint or upon its own initiative without complaint, authorize or require by order any carrier, party to such proceeding, to provide itself with adequate facilities for performing its service as a common carrier and to extend its line; but no such authorization or order shall be made unless the Commission finds, as to such extension, that it is reasonably required in the interest of public convenience and necessity, or as to such extension or facilities that the expense involved therein will not impair the ability of the carrier to perform its duty to the public.

Penalty provision, refusal to comply.

Any carrier which refuses or neglects to comply with any order of the Commission made in pursuance of this paragraph shall forfeit to the United States $100 for each day during which such refusal or neglect continues.

TRANSACTIONS RELATING TO SERVICES, EQUIPMENT, AND SO FORTH

Transactions relating to services, equipment, etc.
Examination of, by Commission.

SEC. 215. (a) The Commission shall examine into transactions entered into by any common carrier which relate to the furnishing of equipment, supplies, research, services, finances, credit, or personnel to such carrier and/or which may affect the charges made or to be made and/or the services rendered or to be rendered by such carrier, in wire or radio communication subject to this Act, and shall report to the Congress whether any such transactions have affected or are likely to affect adversely the ability of the carrier to render adequate service to the public, or may result in any undue or unreasonable increase in charges or in the maintenance of undue or unreasonable charges for such service; and in order to fully examine into such transactions the Commission shall have access to and the right of inspection and examination of all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, of persons furnishing such equipment, supplies, research, services, finances, credit, or personnel. The Commission shall include in its report its recommendations for necessary legislation in connection with such transactions, and shall report specifically

Report to Congress.

Inspection of carrier's accounts, records, etc.

Report of recommendation for legislation affecting transactions.

whether in its opinion legislation should be enacted (1) authorizing the Commission to declare any such transactions void or to permit such transactions to be carried out subject to such modification of their terms and conditions as the Commission shall deem desirable in the public interest; and/or (2) subjecting such transactions to the approval of the Commission where the person furnishing or seeking to furnish the equipment, supplies, research, services, finances, credit, or personnel is a person directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carrier; and/or (3) authorizing the Commission to require that all or any transactions of carriers involving the furnishing of equipment, supplies, research, services, finances, credit, or personnel to such carrier be upon competitive bids on such terms and conditions and subject to such regulations as it shall prescribe as necessary in the public interest.

Report of findings regarding services of wire telephone and telegraph companies.

(b) The Commission shall investigate the methods by which and the extent to which wire telephone companies are furnishing wire telegraph service and wire telegraph companies are furnishing wire telephone service, and shall report its findings to Congress, together with its recommendations as to whether additional legislation on this subject is desirable.

Report of restrictive contracts of carriers.

(c) The Commission shall examine all contracts of common carriers subject to this Act which prevent the other party thereto from dealing with another common carrier subject to this Act, and shall report its findings to Congress, together with its recommendations as to whether additional legislation on this subject is desirable.

Application of act to receivers and trustees.

APPLICATION OF ACT TO RECEIVERS AND TRUSTEES

SEC. 216. The provisions of this Act shall apply to all receivers and operating trustees of carriers subject to this Act to the same extent that it applies to carriers.

Liability of carrier for acts and omissions of agents.

LIABILITY OF CARRIER FOR ACTS AND OMISSIONS OF AGENTS

SEC. 217. In construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier or user, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such carrier or user as well as that of the person.

Inquiries into management.

INQUIRIES INTO MANAGEMENT

Authority of Commission to make.

SEC. 218. The Commission may inquire into the management of the business of all carriers subject to this Act, and shall keep itself informed as to the manner and method in which the same is conducted and as to technical developments and improvements in wire and radio communication and radio transmission of energy to the end that the benefits of new inventions and developments may be made available to the people of the United States. The Commission may obtain from such carriers and from persons directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created.

Information from carriers.

Reports.

ANNUAL AND OTHER REPORTS

Requirement from carriers.

SEC. 219. (a) The Commission is authorized to require annual reports under oath from all carriers subject to this Act, and from persons directly or indirectly controlling or controlled by, or under

Manner to be made.

Information to contain.

Capital stock issued.

Dividend payments; surplus fund.

Number of stockholders.

Debts.

Valuation of property.

Employees and salaries.

Officers, etc.

Improvement expenditures.

Earnings and receipts.

Profit and loss balance.

Exhibit of financial operations.

Charges or regulations.

direct or indirect common control with, any such carrier, to prescribe the manner in which such reports shall be made, and to require from such persons specific answers to all questions upon which the Commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amount and privileges of each class of stock, the amounts paid therefor, and the manner of payment for the same; the dividends paid and the surplus fund, if any; the number of stockholders (and the names of the thirty largest holders of each class of stock and the amount held by each); the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipments; the number of employees and the salaries paid each class; the names of all officers and directors, and the amount of salary, bonus, and all other compensation paid to each; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain such information in relation to charges or regulations concerning charges, or agreements, arrangements, or contracts affecting the same, as the Commission may require.

Period of time reports to comprise.

Filing.

Penalty for failure.

(b) Such reports shall be for such twelve months' period as the Commission shall designate and shall be filed with the Commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time is granted in any case by the Commission; and if any person subject to the provisions of this section shall fail to make and file said annual reports within the time above specified, or within the time extended by the Commission, for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within thirty days from the time it is lawfully required so to do, such person shall forfeit to the United States the sum of $100 for each and every day it shall continue to be in default with respect thereto.

Monthly reports of earnings and expenses.

The Commission may by general or special orders require any such carriers to file monthly reports of earnings and expenses and to file periodical and/or special reports concerning any matters with respect to which the Commission is authorized or required by law to act; and such periodical or special reports shall be under oath whenever the Commission so requires. If any such carrier shall fail to make and file any such periodical or special report within the time fixed by the Commission, it shall be subject to the forfeitures above provided.

Accounts, records, and memoranda.

ACCOUNTS, RECORDS, AND MEMORANDA; DEPRECIATION CHARGES

Form.

SEC. 220. (a) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to this Act, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys.

Depreciation charges. Classification of property for which may be included.

(b) The Commission shall, as soon as practicable, prescribe for such carriers the classes of property for which depreciation charges may be properly included under operating expenses, and the percentages of depreciation which shall be charged with respect to each of such classes of property, classifying the carriers as it may deem proper for this purpose. The Commission may, when it deems necessary, modify the classes and percentages so prescribed. Such

Modifications.

carriers shall not, after the Commission has prescribed the clasess [1] of property for which depreciation charges may be included, charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or, after the Commission has prescribed percentages of depreciation, charge with respect to any class of property a percentage of depreciation other than that prescribed therefor by the Commission. No such carrier shall in any case include in any form under its operating or other expenses any depreciation or other charge or expenditure included elsewhere as a depreciation charge or otherwise under its operating or other expenses.

Unauthorized charging to operating expenses forbidden.

Duplicating depreciation charges, etc., forbidden.

(c) The Commission shall at all times have access to and the right of inspection and examination of all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by such carriers, and the provisions of this section respecting the preservation and destruction of books, papers, and documents shall apply thereto. The burden of proof to justify every accounting entry questioned by the Commission shall be on the person making, authorizing, or requiring such entry and the Commission may suspend a charge or credit pending submission of proof by such person. Any provision of law prohibiting the disclosure of the contents of messages or communications shall not be deemed to prohibit the disclosure of any matter in accordance with the provisions of this section.

Records, accounts, etc., of carriers.
Inspection of, by Commission.

Burden of proof in justifying questioned accounting entry.

Disclosure of contents of messages.

Penalty for failure to keep accounts, etc.

(d) In case of failure or refusal on the part of any such carrier to keep such accounts, records, and memoranda on the books and in the manner prescribed by the Commission, or to submit such accounts, records, memoranda, documents, papers, and correspondence as are kept to the inspection of the Commission or any of its authorized agents, such carrier shall forfeit to the United States the sum of $500 for each day of the continuance of each such offense.

For false entry.
For destroying records.

(e) Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by any such carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, shall be deemed guilty of a misdemeanor, and shall be subject, upon conviction, to a fine of not less than $1,000 nor more than $5,000 or imprisonment for a term of not less than one year nor more than three years, or both such fine and imprisonment: *Provided*, That the Commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, or documents which may, after a reasonable time, be destroyed, and prescribing the length of time such books, papers, or documents shall be preserved.

Proviso.
Authorized destruction of records.

Unauthorized disclosure of information forbidden.

(f) No member, officer, or employee of the Commission shall divulge any fact or information which may come to his knowledge during the course of examination of books or other accounts, as hereinbefore provided, except insofar as he may be directed by the Commission or by a court.

Keeping unauthorized accounts, records, etc., forbidden.

(g) After the Commission has prescribed the forms and manner of keeping of accounts, records, and memoranda to be kept by any person as herein provided, it shall be unlawful for such person to keep any other accounts, records, or memoranda than those so prescribed or such as may be approved by the Commission or to keep

[1] So in original.

the accounts in any other manner than that prescribed or approved by the Commission. Notice of alterations by the Commission in the required manner or form of keeping accounts shall be given to such persons by the Commission at least six months before the same are to take effect.

Classification of carriers.
Requirements to be prescribed for classes.

(h) The Commission may classify carriers subject to this Act and prescribe different requirements under this section for different classes of carriers, and may, if it deems such action consistent with the public interest, except the carriers of any particular class or classes in any State from any of the requirements under this section in cases where such carriers are subject to State commission regulation with respect to matters to which this section relates.

Prior notification to State commissions.

(i) The Commission, before prescribing any requirements as to accounts, records, or memoranda, shall notify each State commission having jurisdiction with respect to any carrier involved, and shall give reasonable opportunity to each such commission to present its views, and shall receive and consider such views and recommendations.

Report to Congress.

(j) The Commission shall investigate and report to Congress as to the need for legislation to define further or harmonize the powers of the Commission and of State commissions with respect to matters to which this section relates.

Telephone companies.

SPECIAL PROVISIONS RELATING TO TELEPHONE COMPANIES

Application for authority to consolidate.

SEC. 221. (a) Upon application of one or more telephone companies for authority to consolidate their properties or a part thereof into a single company, or for authority for one or more such companies to acquire the whole or any part of the property of another telephone company or other telephone companies or the control thereof by the purchase of securities or by lease or in any other like manner, when such consolidated company would be subject to this Act, the Commission shall fix a time and place for a public hearing upon such application and shall thereupon give reasonable notice in writing to the Governor of each of the States in which the physical property affected, or any part thereof, is situated, and to the State commission having jurisdiction over telephone companies, and to such other persons as it may deem advisable. After such public hearing, if the Commission finds that the proposed consolidation, acquisition, or control will be of advantage to the persons to whom service is to be rendered and in the public interest, it shall certify to that effect; and thereupon any Act or Acts of Congress making the proposed transaction unlawful shall not apply. Nothing in this subsection shall be construed as in anywise limiting or restricting the powers of the several States to control and regulate telephone companies.

Hearing.
Notice.
Certification of Commission's findings.
Effect.
Powers of States not restricted.

Telephone exchange service subject to State regulation.
Jurisdiction of Commission.

(b) Nothing in this Act shall be construed to apply, or to give the Commission jurisdiction, with respect to charges, classifications, practices, services, facilities, or regulations for or in connection with wire telephone exchange service, even though a portion of such exchange service constitutes interstate or foreign communication, in any case where such matters are subject to regulation by a State commission or by local governmental authority.

Classification of carriers.

(c) For the purpose of administering this Act as to carriers engaged in wire telephone communication, the Commission may classify the property of any such carrier used for wire telephone communication, and determine what property of said carrier shall be considered as used in interstate or foreign telephone toll service.

Such classification shall be made after hearing, upon notice to the carrier, the State commission (or the Governor, if the State has no State commission) of any State in which the property of said carrier is located, and such other persons as the Commission may prescribe. Hearing and notice.

(d) In making a valuation of the property of any wire telephone carrier the Commission, after making the classification authorized in this section, may in its discretion value only that part of the property of such carrier determined to be used in interstate or foreign telephone toll service. Valuation of property used only in interstate, etc., service.

TITLE III—SPECIAL PROVISIONS RELATING TO RADIO

Special provisions relating to radio.

LICENSE FOR RADIO COMMUNICATION OR TRANSMISSION OF ENERGY

License for radio communication or transmission of energy.

SECTION 301. It is the purpose of this Act, among other things, to maintain the control of the United States over all the channels of interstate and foreign radio transmission; and to provide for the use of such channels, but not the ownership thereof, by persons for limited periods of time, under licenses granted by Federal authority, and no such license shall be construed to create any right, beyond the terms, conditions, and periods of the license. No person shall use or operate any apparatus for the transmission of energy or communications or signals by radio (a) from one place in any Territory or possession of the United States or in the District of Columbia to another place in the same Territory, possession, or District; or (b) from any State, Territory, or possession of the United States, or from the District of Columbia to any other State, Territory, or possession of the United States; or (c) from any place in any State, Territory, or possession of the United States, or in the District of Columbia, to any place in any foreign country or to any vessel; or (d) within any State when the effects of such use extend beyond the borders of said State, or when interference is caused by such use or operation with the transmission of such energy, communications, or signals from within said State to any place beyond its borders, or from any place beyond its borders to any place within said State, or with the transmission or reception of such energy, communications, or signals from and/or to places beyond the borders of said State; or (e) upon any vessel or aircraft of the United States; or (f) upon any other mobile stations within the jurisdiction of the United States, except under and in accordance with this Act and with a license in that behalf granted under the provisions of this Act. Purpose of title. Operation of apparatus for radio communication or transmission of energy without license, forbidden.

ZONES

Zones.

SEC. 302. (a) For the purposes of this title the United States is divided into five zones, as follows: The first zone shall embrace the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, and the District of Columbia; the second zone shall embrace the States of Pennsylvania, Virginia, West Virginia, Ohio, Michigan, and Kentucky; the third zone shall embrace the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma; the fourth zone shall embrace the States of Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri; and the fifth zone shall embrace the States of Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California. Division of United States into.

Territories and insular possessions.

(b) The Virgin Islands, Puerto Rico, Alaska, Guam, American Samoa, and the Territory of Hawaii are expressly excluded from the zones herein established.

General powers of Commission.

GENERAL POWERS OF COMMISSION

SEC. 303. Except as otherwise provided in this Act, the Commission from time to time, as public convenience, interest, or necessity requires, shall—

Classify radio stations.

(a) Classify radio stations;

Prescribe nature of services.

(b) Prescribe the nature of the service to be rendered by each class of licensed stations and each station within any class;

Assign frequency bands.

(c) Assign bands of frequencies to the various classes of stations, and assign frequencies for each individual station and determine the power which each station shall use and the time during which it may operate;

Determine locations.

(d) Determine the location of classes of stations or individual stations;

Regulate transmitting apparatus.

(e) Regulate the kind of apparatus to be used with respect to its external effects and the purity and sharpness of the emissions from each station and from the apparatus therein;

Prevent interferences.

(f) Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this Act: *Provided, however*, That changes in the frequencies, authorized power, or in the times of operation of any station, shall not be made without the consent of the station licensee unless, after a public hearing, the Commission shall determine that such changes will promote public convenience or interest or will serve public necessity, or the provisions of this Act will be more fully complied with;

Proviso.
Consent of station licenses to changes of frequencies.

Study new radio uses.

(g) Study new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest;

Establish zones.

(h) Have authority to establish areas or zones to be served by any station;

Regulate chain broadcasting.

(i) Have authority to make special regulations applicable to radio stations engaged in chain broadcasting;

Regulate keeping of station records.

(j) Have authority to make general rules and regulations requiring stations to keep such records of programs, transmissions of energy, communications, or signals as it may deem desirable;

Make exclusions from requirements.

(k) Have authority to exclude from the requirements of any regulations in whole or in part any radio station upon railroad rolling stock, or to modify such regulations in its discretion;

Prescribe station operator qualifications.

(l) Have authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States as the Commission finds qualified;

Suspend license of operator.

(m) Have authority to suspend the license of any operator for a period not exceeding two years upon proof sufficient to satisfy the Commission that the licensee (1) has violated any provision of any Act or treaty binding on the United States which the Commission is authorized by this Act to administer or any regulation made by the Commission under any such Act or treaty; or (2) has failed to carry out the lawful orders of the master of the vessel on which he is employed; or (3) has willfully damaged or permitted radio apparatus to be damaged; or (4) has transmitted superfluous radio communications or signals or radio communications containing profane or obscene words or language; or (5) has willfully or maliciously interfered with any other radio communications or signals;

(n) Have authority to inspect all transmitting apparatus to ascertain whether in construction and operation it conforms to the requirements of this Act, the rules and regulations of the Commission, and the license under which it is constructed or operated; Inspect transmitting apparatus.

(o) Have authority to designate call letters of all stations; Designate call letters.

(p) Have authority to cause to be published such call letters and such other announcements and data as in the judgment of the Commission may be required for the efficient operation of radio stations subject to the jurisdiction of the United States and for the proper enforcement of this Act; Cause publication of call letters.

(q) Have authority to require the painting and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a menace to air navigation. Require lighting of radio towers.

WAIVER BY LICENSEE

Waiver by licensee.

SEC. 304. No station license shall be granted by the Commission until the applicant therefor shall have signed a waiver of any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise. Claim to use of particular frequency.

GOVERNMENT-OWNED STATIONS

Government-owned stations.

SEC. 305. (a) Radio stations belonging to and operated by the United States shall not be subject to the provisions of sections 301 and 303 of this Act. All such Government stations shall use such frequencies as shall be assigned to each or to each class by the President. All such stations, except stations on board naval and other Government vessels while at sea or beyond the limits of the continental United States, when transmitting any radio communication or signal other than a communication or signal relating to Government business, shall conform to such rules and regulations designed to prevent interference with other radio stations and the rights of others as the Commission may prescribe. Exemption from designated provisions. *Ante*, p. 1082. Assignment of frequencies to. Requirement to conform to regulations to prevent interference.

(b) Radio stations on board vessels of the United States Shipping Board Bureau or the United States Shipping Board Merchant Fleet Corporation or the Inland and Coastwise Waterways Service shall be subject to the provisions of this title. Regulation of stations aboard United States vessels.

(c) All stations owned and operated by the United States, except mobile stations of the Army of the United States, and all other stations on land and sea, shall have special call letters designated by the Commission. Call letters of Federal stations.

FOREIGN SHIPS

Foreign ships.

SEC. 306. Section 301 of this Act shall not apply to any person sending radio communications or signals on a foreign ship while the same is within the jurisdiction of the United States, but such communications or signals shall be transmitted only in accordance with such regulations designed to prevent interference as may be promulgated under the authority of this Act. Regulations governing signals on, within U.S. jurisdiction.

ALLOCATION OF FACILITIES; TERM OF LICENSES

Allocation of facilities.

SEC. 307. (a) The Commission, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act. Station license, granting authorized.

Allocation of broadcasting licenses.

(b) It is hereby declared that the people of all the zones established by this title are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the Commission shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency, of periods of time for operation, and of station power, to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitable allocation of licenses, frequencies, time for operation, and station power to each of the States and the District of Columbia, within each zone, according to population. The Commission shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: *Provided*, That if and when there is a lack of applications from any zone for the proportionate share of licenses, frequencies, time of operation, or station power to which such zone is entitled, the Commission may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of ninety days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State or District wherein the studio of the station is located and not where the transmitter is located: *Provided further*, That the Commission may also grant applications for additional licenses for stations not exceeding one hundred watts of power if the Commission finds that such stations will serve the public convenience, interest, or necessity, and that their operation will not interfere with the fair and efficient radio service of stations licensed under the provisions of this section.

Of frequencies, time of operation, and station power.
Modifications to effect equality within zones, authorized.

Provisos.
When lack of applications for available facilities within zone.

Issue of temporary licenses to applicants from other zones.

Charging of allocations to States.

Proviso.
Applications for additional licenses.

Allocation of fixed percentages of radio facilities.
Commission to study proposal.

(c) The Commission shall study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular types or kinds of non-profit radio programs or to persons identified with particular types or kinds of non-profit activities, and shall report to Congress, not later than February 1, 1935, its recommendations together with the reasons for the same.

License, term of.

(d) No license granted for the operation of a broadcasting station shall be for a longer term than three years and no license so granted for any other class of station shall be for a longer term than five years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed three years in the case of broadcasting licenses and not to exceed five years in the case of other licenses, but action of the Commission with reference to the granting of such application for the renewal of a license shall be limited to and governed by the same considerations and practice which affect the granting of original applications.

Renewals.

Granting of.

(e) No renewal of an existing station license shall be granted more than thirty days prior to the expiration of the original license.

Licenses.

APPLICATIONS FOR LICENSES; CONDITIONS IN LICENSE FOR FOREIGN COMMUNICATION

Applications for.

SEC. 308. (a) The Commission may grant licenses, renewal of licenses, and modification of licenses only upon written application therefor received by it: *Provided, however*, That in cases of emergency found by the Commission, licenses, renewals of licenses, and modifications of licenses, for stations on vessels or aircraft of the United States, may be issued under such conditions as the Com-

Provisos.
Emergency granting for Federal stations on vessels or aircraft.

mission may impose, without such formal application. Such licenses, however, shall in no case be for a longer term than three months: *Provided further*, That the Commission may issue by cable, telegraph, or radio a permit for the operation of a station on a vessel of the United States at sea, effective in lieu of a license until said vessel shall return to a port of the continental United States.

Term of.

Issue of.

(b) All such applications shall set forth such facts as the Commission by regulation may prescribe as to the citizenship, character, and financial, technical, and other qualifications of the applicant to operate the station; the ownership and location of the proposed station and of the stations, if any, with which it is proposed to communicate; the frequencies and the power desired to be used; the hours of the day or other periods of time during which it is proposed to operate the station; the purposes for which the station is to be used; and such other information as it may require. The Commission, at any time after the filing of such original application and during the term of any such license, may require from an applicant or licensee further written statements of fact to enable it to determine whether such original application should be granted or denied or such license revoked. Such application and/or such statement of fact shall be signed by the applicant and/or licensee under oath or affirmation.

Information in applications.

(c) The Commission in granting any license for a station intended or used for commercial communication between the United States or any Territory or possession, continental or insular, subject to the jurisdiction of the United States, and any foreign country, may impose any terms, conditions, or restrictions authorized to be imposed with respect to submarine-cable licenses by section 2 of an Act entitled "An Act relating to the landing and the operation of submarine cables in the United States", approved May 24, 1921.

License for foreign communication.

Terms, conditions, etc., in.

Vol. 42, p. 8.

HEARINGS ON APPLICATIONS FOR LICENSES; FORM OF LICENSES; CONDITIONS ATTACHED TO LICENSES

Examination of application.

SEC. 309. (a) If upon examination of any application for a station license or for the renewal or modification of a station license the Commission shall determine that public interest, convenience, or necessity would be served by the granting thereof, it shall authorize the issuance, renewal, or modification thereof in accordance with said finding. In the event the Commission upon examination of any such application does not reach such decision with respect thereto, it shall notify the applicant thereof, shall fix and give notice of a time and place for hearing thereon, and shall afford such applicant an opportunity to be heard under such rules and regulations as it may prescribe.

Hearing if decision of Commission adverse.

Form of license.

(b) Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject:

Conditions.

(1) The station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein.

(2) Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this Act.

(3) Every license issued under this Act shall be subject in terms to the right of use or control conferred by section 606 hereof.

LIMITATION ON HOLDING AND TRANSFER OF LICENSES

Limitation on holding and transfer of licenses.

SEC. 310. (a) The station license required hereby shall not be granted to or held by—

Aliens.

(1) Any alien or the representative of any alien;

Foreign governments.

(2) Any foreign government or the representative thereof;

Foreign corporations.

(3) Any corporation organized under the laws of any foreign government;

Corporation having alien officer.

(4) Any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country;

Corporation controlled by other corporation having alien officers.

(5) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record or voted, after June 1, 1935, by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or the revocation of such license.

Limitations not applicable, Federal vessels, aircraft, etc.

Nothing in this subsection shall prevent the licensing of radio apparatus on board any vessel, aircraft, or other mobile station of the United States when the installation and use of such apparatus is required by Act of Congress or any treaty to which the United States is a party.

Rights, etc., of licensee not transferable.

(b) The station license required hereby, the frequencies authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such license, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing.

Refusal of licenses and permits.

REFUSAL OF LICENSES AND PERMITS IN CERTAIN CASES

Grounds for.

SEC. 311. The Commission is hereby directed to refuse a station license and/or the permit hereinafter required for the construction of a station to any person (or to any person directly or indirectly controlled by such person) whose license has been revoked by a court under section 313, and is hereby authorized to refuse such station license and/or permit to any other person (or to any person directly or indirectly controlled by such person) which has been finally adjudged guilty by a Federal court of unlawfully monopolizing or attempting unlawfully to monopolize, radio communication, directly or indirectly, through the control of the manufacture or sale of radio apparatus, through exclusive traffic arrangements, or by any other means, or to have been using unfair methods of competition. The granting of a license shall not estop the United States or any person aggrieved from proceeding against such person for violating the law against unfair methods of competition or for a violation of the law against unlawful restraints and monopolies and/or combinations, contracts, or agreements in restraint of trade, or from instituting proceedings for the dissolution of such corporation.

Post, p. 1087.

Granting of license not to estop aggrieved person.

Revocation of license.

REVOCATION OF LICENSES

Grounds for.

SEC. 312. (a) Any station license may be revoked for false statements either in the application or in the statement of fact which may be required by section 308 hereof, or because of conditions

Ante, p. 1084.

revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, or for violation of or failure to observe any of the restrictions and conditions of this Act or of any regulation of the Commission authorized by this Act or by a treaty ratified by the United States: *Provided, however*, That no such order of revocation shall take effect until fifteen days' notice in writing thereof, stating the cause for the proposed revocation, has been given to the licensee. Such licensee may make written application to the Commission at any time within said fifteen days for a hearing upon such order, and upon the filing of such written application said order of revocation shall stand suspended until the conclusion of the hearing conducted under such rules as the Commission may prescribe. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of revocation.

Proviso. Revocation order, when effective.

Application for hearing.

Temporary suspension of order.

Final decision.

(b) Any station license hereafter granted under the provisions of this Act or the construction permit required hereby and hereafter issued, may be modified by the Commission either for a limited time or for the duration of the term thereof, if in the judgment of the Commission such action will promote the public interest, convenience, and necessity, or the provisions of this Act or of any treaty ratified by the United States will be more fully complied with: *Provided, however*, That no such order of modification shall become final until the holder of such outstanding license or permit shall have been notified in writing of the proposed action and the grounds or reasons therefor and shall have been given reasonable opportunity to show cause why such an order of modification should not issue.

Modification of license or permit.

Proviso. Notice to holder required.

APPLICATION OF ANTITRUST LAWS

Antitrust laws.

SEC. 313. All laws of the United States relating to unlawful restraints and monopolies and to combinations, contracts, or agreements in restraint of trade are hereby declared to be applicable to the manufacture and sale of and to trade in radio apparatus and devices entering into or affecting interstate or foreign commerce and to interstate or foreign radio communications. Whenever in any suit, action, or proceeding, civil or criminal, brought under the provisions of any of said laws or in any proceedings brought to enforce or to review findings and orders of the Federal Trade Commission or other governmental agency in respect of any matters as to which said Commission or other governmental agency is by law authorized to act, any licensee shall be found guilty of the violation of the provisions of such laws or any of them, the court, in addition to the penalties imposed by said laws, may adjudge, order, and/or decree that the license of such licensee shall, as of the date the decree or judgment becomes finally effective or as of such other date as the said decree shall fix, be revoked and that all rights under such license shall thereupon cease: *Provided, however*, That such licensee shall have the same right of appeal or review as is provided by law in respect of other decrees and judgments of said court.

Application of.

Penalties for violations.

License revocation.

Proviso. Appeals.

PRESERVATION OF COMPETITION IN COMMERCE

Preservation of competition in commerce.

SEC. 314. After the effective date of this Act no person engaged directly, or indirectly through any person directly or indirectly controlling or controlled by, or under direct or indirect common control with, such person, or through an agent, or otherwise, in the business of transmitting and/or receiving for hire energy, communications, or signals by radio in accordance with the terms of the license issued under this Act, shall by purchase, lease, construction,

Limitation on ownership of communication facilities.

On ownership of stock.

or otherwise, directly or indirectly, acquire, own, control, or operate any cable or wire telegraph or telephone line or system between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share or any interest in the physical property and/or other assets of any such cable, wire, telegraph, or telephone line or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States, or in the District of Columbia, and any place in any foreign country, or unlawfully to create monopoly in any line of commerce; nor shall any person engaged directly, or indirectly through any person directly or indirectly controlling or controlled by, or under direct or indirect common control with, such person, or through an agent, or otherwise, in the business of transmitting and/or receiving for hire messages by any cable, wire, telegraph, or telephone line or system (a) between any place in any State, Territory, or possession of the United States, or in the District of Columbia, and any place in any other State, Territory, or possession of the United States; or (b) between any place in any State, Territory, or possession of the United States, or the District of Columbia, and any place in any foreign country, by purchase, lease, construction, or otherwise, directly or indirectly acquire, own, control, or operate any station or the apparatus therein, or any system for transmitting and/or receiving radio communications or signals between any place in any State, Territory, or possession of the United States, or in the District of Columbia, and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share or any interest in the physical property and/or other assets of any such radio station, apparatus, or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States, or in the District of Columbia, and any place in any foreign country, or unlawfully to create monopoly in any line of commerce.

By person engaged in transmitting for hire interstate or foreign messages.

Facilities for candidates for public office.

FACILITIES FOR CANDIDATES FOR PUBLIC OFFICE

Equal opportunity required.

SEC. 315. If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, and the Commission shall make rules and regulations to carry this provision into effect: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate.

Rules.

Proviso.
Limitation on licensee power of censorship.

Lotteries and similar schemes.

LOTTERIES AND OTHER SIMILAR SCHEMES

Broadcasting prohibited.

SEC. 316. No person shall broadcast by means of any radio station for which a license is required by any law of the United States, and no person operating any such station shall knowingly permit the broadcasting of, any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes. Any person violating any provision of this section shall,

Penalty provision.

upon conviction thereof, be fined not more than $1,000 or imprisoned not more than one year, or both, for each and every day during which such offense occurs.

ANNOUNCEMENT THAT MATTER IS PAID FOR

Announcement that broadcast is paid for.

SEC. 317. All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person.

OPERATION OF TRANSMITTING APPARATUS

Operation of transmitting apparatus.

SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued hereunder. No person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission.

Requirement of qualified operator.

CONSTRUCTION PERMITS

Construction permits.

SEC. 319. (a) No license shall be issued under the authority of this Act for the operation of any station the construction of which is begun or is continued after this Act takes effect, unless a permit for its construction has been granted by the Commission upon written application therefor. The Commission may grant such permit if public convenience, interest, or necessity will be served by the construction of the station. This application shall set forth such facts as the Commission by regulation may prescribe as to the citizenship, character, and the financial, technical, and other ability of the applicant to construct and operate the station, the ownership and location of the proposed station and of the station or stations with which it is proposed to communicate, the frequencies desired to be used, the hours of the day or other periods of time during which it is proposed to operate the station, the purpose for which the station is to be used, the type of transmitting apparatus to be used, the power to be used, the date upon which the station is expected to be completed and in operation, and such other information as the Commission may require. Such application shall be signed by the applicant under oath or affirmation.

Requirement.

Granting by Commission.

Application for.

Contents.

Signature.

(b) Such permit for construction shall show specifically the earliest and latest dates between which the actual operation of such station is expected to begin, and shall provide that said permit will be automatically forfeited if the station is not ready for operation within the time specified or within such further time as the Commission may allow, unless prevented by causes not under the control of the grantee. The rights under any such permit shall not be assigned or otherwise transferred to any person without the approval of the Commission. A permit for construction shall not be required for Government stations, amateur stations, or stations upon mobile vessels, railroad rolling stock, or aircraft. Upon the completion of any station for the construction or continued construction of which a permit has been granted, and upon it being made to appear to the Commission that all the terms, conditions, and obligations set forth in the application and permit have been fully met, and that no cause or circumstance arising or first coming to the knowledge of the Commission since the granting of the permit would, in the judgment of

Dates of station operation to be specified.

Automatic forfeiture if not met.

Exception.

Assignment of rights prohibited.

Limitation on requirement of permits.

License for operation to issue when conditions met.

Nature of license.

the Commission, make the operation of such station against the public interest, the Commission shall issue a license to the lawful holder of said permit for the operation of said station. Said license shall conform generally to the terms of said permit.

Stations liable to interfere with distress signals.
Designation of.

DESIGNATION OF STATIONS LIABLE TO INTERFERE WITH DISTRESS SIGNALS

SEC. 320. The Commission is authorized to designate from time to time radio stations the communications or signals of which, in its opinion, are liable to interfere with the transmission or reception of distress signals of ships. Such stations are required to keep a licensed radio operator listening in on the frequencies designated for signals of distress and radio communications relating thereto during the entire period the transmitter of such station is in operation.

Requirement during operation.

Distress signals and communications.

DISTRESS SIGNALS AND COMMUNICATIONS

Transmission of; requirement.

SEC. 321. (a) Every radio station on shipboard shall be equipped to transmit radio communications or signals of distress on the frequency specified by the Commission, with apparatus capable of transmitting and receiving messages over a distance of at least one hundred miles by day or night. When sending radio communications or signals of distress and radio communications relating thereto the transmitting set may be adjusted in such a manner as to produce a maximum of radiation irrespective of the amount of interference which may thus be caused.

Adjustment of transmitting set.

Absolute priority of.

(b) All radio stations, including Government stations and stations on board foreign vessels when within the territorial waters of the United States, shall give absolute priority to radio communications or signals relating to ships in distress; shall cease all sending on frequencies which will interfere with hearing a radio communication or signal of distress, and, except when engaged in answering or aiding the ship in distress, shall refrain from sending any radio communications or signals until there is assurance that no interference will be caused with the radio communications or signals relating thereto, and shall assist the vessel in distress, so far as possible, by complying with its instructions.

Interfering signals to cease.

Intercommunication in mobile service.

INTERCOMMUNICATION IN MOBILE SERVICE

Requirement.

SEC. 322. Every land station open to general public service between the coast and vessels at sea shall be bound to exchange radio communications or signals with any ship station without distinction as to radio systems or instruments adopted by such stations, respectively, and each station on shipboard shall be bound to exchange radio communications or signals with any other station on shipboard without distinction as to radio systems or instruments adopted by each station.

Interference between Government and commercial stations.
Division of time.

INTERFERENCE BETWEEN GOVERNMENT AND COMMERCIAL STATIONS

SEC. 323. (a) At all places where Government and private or commercial radio stations on land operate in such close proximity that interference with the work of Government stations cannot be avoided when they are operating simultaneously, such private or commercial stations as do interfere with the transmission or reception of radio communications or signals by the Government stations concerned shall not use their transmitters during the first fifteen minutes of each hour, local standard time.

(b) The Government stations for which the above-mentioned division of time is established shall transmit radio communications or signals only during the first fifteen minutes of each hour, local standard time, except in case of signals or radio communications relating to vessels in distress and vessel requests for information as to course, location, or compass direction.

Time for operating Government station.

Exception, when distress signals.

USE OF MINIMUM POWER

Use of minimum power.

SEC. 324. In all circumstances, except in case of radio communications or signals relating to vessels in distress, all radio stations, including those owned and operated by the United States, shall use the minimum amount of power necessary to carry out the communication desired.

Requirement.

FALSE DISTRESS SIGNALS; REBROADCASTING; STUDIOS OF FOREIGN STATIONS

False distress signals.

SEC. 325. (a) No person within the jurisdiction of the United States shall knowingly utter or transmit, or cause to be uttered or transmitted, any false or fraudulent signal of distress, or communication relating thereto, nor shall any broadcasting station rebroadcast the program or any part thereof of another broadcasting station without the express authority of the originating station.

Prohibition on transmitting.

On unauthorized rebroadcasting.

(b) No person shall be permitted to locate, use, or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there having a power output of sufficient intensity and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor.

Studios of foreign stations.

Permits required.

(c) Such application shall contain such information as the Commission may by regulation prescribe, and the granting or refusal thereof shall be subject to the requirements of section 309 hereof with respect to applications for station licenses or renewal or modification thereof, and the license or permission so granted shall be revocable for false statements in the application so required or when the Commission, after hearings, shall find its continuation no longer in the public interest.

Application therefor.

Ante, p. 1085.

CENSORSHIP; INDECENT LANGUAGE

SEC. 326. Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication. No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication.

Power of censorship denied Commission.

Indecent language.

USE OF NAVAL STATIONS FOR COMMERCIAL MESSAGES

Naval stations for commercial messages.

SEC. 327. The Secretary of the Navy is hereby authorized, unless restrained by international agreement, under the terms and conditions and at rates prescribed by him, which rates shall be just and reasonable, and which, upon complaint, shall be subject to review and revision by the Commisison,[1] to use all radio stations and apparatus, wherever located, owned by the United States and under the

Secretary of Navy authorized to use.

Rates.

[1] So in original.

control of the Navy Department, (a) for the reception and transmission of press messages offered by any newspaper published in the United States, its Territories or possessions, or published by citizens of the United States in foreign countries, or by any press association of the United States, and (b) for the reception and transmission of private commercial messages between ships, between ship and shore, between localities in Alaska and between Alaska and the continental United States: *Provided*, That the rates fixed for the reception and transmission of all such messages, other than press messages between the Pacific coast of the United States, Hawaii, Alaska, Guam, American Samoa, the Philippine Islands, and the Orient, and between the United States and the Virgin Islands, shall not be less than the rates charged by privately owned and operated stations for like messages and service: *Provided further*, That the right to use such stations for any of the purposes named in this section shall terminate and cease as between any countries or localities or between any locality and privately operated ships whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately operated ships, and the Commission shall have notified the Secretary of the Navy thereof.

Proviso. Minimum rates.

When right to use naval stations terminates.

Special provision as to Philippine Islands and Canal Zone.

SPECIAL PROVISION AS TO PHILIPPINE ISLANDS AND CANAL ZONE

SEC. 328. This title shall not apply to the Philippine Islands or to the Canal Zone. In international radio matters the Philippine Islands and the Canal Zone shall be represented by the Secretary of State.

Radio laws in territories and possessions.

ADMINISTRATION OF RADIO LAWS IN TERRITORIES AND POSSESSIONS

Administration of. Designation of officer.

SEC. 329. The Commission is authorized to designate any officer or employee of any other department of the Government on duty in any Territory or possession of the United States other than the Philippine Islands and the Canal Zone, to render therein such services in connection with the administration of the radio laws of the United States as the Commission may prescribe: *Provided*, That such designation shall be approved by the head of the department in which such person is employed.

Proviso. Approval required.

Procedural and administrative provisions.

TITLE IV—PROCEDURAL AND ADMINISTRATIVE PROVISIONS

Jurisdiction to enforce act and Commission orders.

JURISDICTION TO ENFORCE ACT AND ORDERS OF COMMISSION

District courts.

SECTION 401. (a) The district courts of the United States shall have jurisdiction, upon application of the Attorney General of the United States at the request of the Commission, alleging a failure to comply with or a violation of any of the provisions of this Act by any person, to issue a writ or writs of mandamus commanding such person to comply with the provisions of this Act.

Enforcement of Commission orders.

(b) If any person fails or neglects to obey any order of the Commission other than for the payment of money, while the same is in effect, the Commission or any party injured thereby, or the United States, by its Attorney General, may apply to the appropriate district court of the United States for the enforcement of such order. If, after hearing, that court determines that the order was regularly made and duly served, and that the person is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or other-

Process.

wise, to restrain such person or the officers, agents, or representatives of such person, from further disobedience of such order, or to enjoin upon it or them obedience to the same.

Institution of proceedings for punishing violations.

(c) Upon the request of the Commission it shall be the duty of any district attorney of the United States to whom the Commission may apply to institute in the proper court and to prosecute under the direction of the Attorney General of the United States all necessary proceedings for the enforcement of the provisions of this Act and for the punishment of all violations thereof, and the costs and expenses of such prosecutions shall be paid out of the appropriations for the expenses of the courts of the United States.

Costs.

Vol. 32, p. 823; Vol. 36, p. 1157.

(d) The provisions of the Expediting Act, approved February 11, 1903, as amended, and of section 238 (1) of the Judicial Code, as amended, shall be held to apply to any suit in equity arising under Title II of this Act, wherein the United States is complainant.

Commission orders.

PROCEEDINGS TO ENFORCE OR SET ASIDE THE COMMISSION'S ORDERS—APPEAL IN CERTAIN CASES

Enforcement of, provisions applicable. Vol. 38, p. 219.

SEC. 402. (a) The provisions of the Act of October 22, 1913 (38 Stat. 219), relating to the enforcing or setting aside of the orders of the Interstate Commerce Commission, are hereby made applicable to suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission under this Act (except any order of the Commission granting or refusing an application for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license), and such suits are hereby authorized to be brought as provided in that Act.

Orders excepted.

Appeals from.

(b) An appeal may be taken, in the manner hereinafter provided, from decisions of the Commission to the Court of Appeals of the District of Columbia in any of the following cases:

Who may take.

(1) By any applicant for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license, whose application is refused by the Commission.

(2) By any other person aggrieved or whose interests are adversely affected by any decision of the Commission granting or refusing any such application.

Filing of appeal; procedure.

(c) Such appeal shall be taken by filing with said court within twenty days after the decision complained of is effective, notice in writing of said appeal and a statement of the reasons therefor, together with proof of service of a true copy of said notice and statement upon the Commission. Unless a later date is specified by the Commission as part of its decision, the decision complained of shall be considered to be effective as of the date on which public announcement of the decision is made at the office of the Commission in the city of Washington. The Commission shall thereupon immediately, and in any event not later than five days from the date of such service upon it, mail or otherwise deliver a copy of said notice of appeal to each person shown by the records of the Commission to be interested in such appeal and to have a right to intervene therein under the provisions of this section, and shall at all times thereafter permit any such person to inspect and make copies of the appellant's statement of reasons for said appeal at the office of the Commission in the city of Washington. Within thirty days after the filing of said appeal the Commission shall file with the court the originals or certified copies of all papers and evidence presented to it upon the application involved, and also a like copy of its decision thereon, and shall within thirty days thereafter file a full state-

Effectiveness of decision complained of.

Notice of appeal; mailing.

Persons having right to intervene.

Certification and filing of evidence upon application by Commission.

ment in writing of the facts and grounds for its decision as found and given by it, and a list of all interested persons to whom it has mailed or otherwise delivered a copy of said notice of appeal.

Notice of intention to intervene.

(d) Within thirty days after the filing of said appeal any interested person may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said notice and statement, both upon appellant and upon the Commission. Any person who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the decision of the Commission complained of shall be considered an interested party.

Nature of interest to be stated.

Who considered interested party.

Determination of appeal.

(e) At the earliest convenient time the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the Commission, and in event the court shall render a decision and enter an order reversing the decision of the Commission, it shall remand the case to the Commission to carry out the judgment of the court: *Provided, however*, That the review by the court shall be limited to questions of law and that findings of fact by the Commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the Commission are arbitrary or capricious. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 240 of the Judicial Code, as amended, by appellant, by the Commission, or by any interested party intervening in the appeal.

Decision.

Proviso.
Nature of review.

Judgment final.

Writ of review.

Judgment for costs.

(f) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, and/or other interested parties intervening in said appeal, but not against the Commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof.

Inquiry by Commission.

INQUIRY BY COMMISSION ON ITS OWN MOTION

Authority to institute.

SEC. 403. The Commission shall have full authority and power at any time to institute an inquiry, on its own motion, in any case and as to any matter or thing concerning which complaint is authorized to be made, to or before the Commission by any provision of this Act, or concerning which any question may arise under any of the provisions of this Act, or relating to the enforcement of any of the provisions of this Act. The Commission shall have the same powers and authority to proceed with any inquiry instituted on its own motion as though it had been appealed to by complaint or petition under any of the provisions of this Act, including the power to make and enforce any order or orders in the case, or relating to the matter or thing concerning which the inquiry is had, excepting orders for the payment of money.

Power to proceed thereon.

Report of investigations.

REPORTS OF INVESTIGATIONS

Requirement.

SEC. 404. Whenever an investigation shall be made by the Commission it shall be its duty to make a report in writing in respect thereto, which shall state the conclusions of the Commission, together with its decision, order, or requirement in the premises; and in case damages are awarded such report shall include the findings of fact on which the award is made.

REHEARING BEFORE COMMISSION

Rehearing before Commission.

SEC. 405. After a decision, order, or requirement has been made by the Commission in any proceeding, any party thereto may at any time make application for rehearing of the same, or any matter determined therein, and it shall be lawful for the Commission in its discretion to grant such a rehearing if sufficient reason therefor be made to appear: *Provided, however*, That in the case of a decision, order, or requirement made under Title III, the time within which application for rehearing may be made shall be limited to twenty days after the effective date thereof, and such application may be made by any party or any person aggrieved or whose interests are adversely affected thereby. Applications for rehearing shall be governed by such general rules as the Commission may establish. No such application shall excuse any person from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof, without the special order of the Commission. In case a rehearing is granted, the proceedings thereupon shall conform as nearly as may be to the proceedings in an original hearing, except as the Commission may otherwise direct; and if, in its judgment, after such rehearing and the consideration of all facts, including those arising since the former hearing, it shall appear that the original decision, order, or requirement is in any respect unjust or unwarranted, the Commission may reverse, change, or modify the same accordingly. Any decision, order, or requirement made after such rehearing, reversing, changing, or modifying the original determination, shall be subject to the same provisions as an original order.

Application for.

Authority to grant.

Proviso.
Time within which application filed.

Rules governing rehearing.

Compliance with orders during pendency required.

Proceedings upon rehearing.

Modification of original decision.

MANDAMUS TO COMPEL FURNISHING OF FACILITIES

Mandamus to compel furnishing of facilities.

Jurisdiction of district courts to issue.

SEC. 406. The district courts of the United States shall have jurisdiction upon the relation of any person alleging any violation, by a carrier subject to this Act, of any of the provisions of this Act which prevent the relator from receiving service in interstate or foreign communication by wire or radio, or in interstate or foreign transmission of energy by radio, from said carrier at the same charges, or upon terms or conditions as favorable as those given by said carrier for like communication or transmission under similar conditions to any other person, to issue a writ or writs of mandamus against said carrier commanding such carrier to furnish facilities for such communication or transmission to the party applying for the writ: *Provided*, That if any question of fact as to the proper compensation to the carrier for the service to be enforced by the writ is raised by the pleadings, the writ of peremptory mandamus may issue, notwithstanding such question of fact is undetermined, upon such terms as to security, payment of money into the court, or otherwise, as the court may think proper pending the determination of the question of fact: *Provided further*, That the remedy hereby given by writ of mandamus shall be cumulative and shall not be held to exclude or interfere with other remedies provided by this Act.

Proviso.
Issue of preemptory mandamus when question of proper compensation.

Nature of remedy.

PETITION FOR ENFORCEMENT OF ORDER FOR PAYMENT OF MONEY

Petition for enforcement of order for payment of money.

Filing in district court.

SEC. 407. If a carrier does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may file in the district court of the United States for the district in which he resides or in which is located the principal operating office of the carrier, or through which the line of the carrier runs, or in any State court

of general jurisdiction having jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages, and the order of the Commission in the premises. Such suit in the district court of the United States shall proceed in all respects like other civil suits for damages, except that on the trial of such suits the findings and order of the Commission shall be prima facie evidence of the facts therein stated, except that the petitioner shall not be liable for costs in the district court nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the petitioner shall finally prevail, he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit.

Proceedings in suit.

Attorney's fees.

Orders not for payment of money.

ORDERS NOT FOR PAYMENT OF MONEY—WHEN EFFECTIVE

When effective.

SEC. 408. Except as otherwise provided in this Act, all orders of the Commission, other than orders for the payment of money, shall take effect within such reasonable time, not less than thirty days after service of the order, and shall continue in force until its further order, or for a specified period of time, according as shall be prescribed in the order, unless the same shall be suspended or modified or set aside by the Commission, or be suspended or set aside by a court of competent jurisdiction.

General provisions relating to proceedings.

GENERAL PROVISIONS RELATING TO PROCEEDINGS—WITNESSES AND DEPOSITIONS

Designation of officer to hold hearings.

SEC. 409. (a) Any member or examiner of the Commission, or the director of any division, when duly designated by the Commission for such purpose, may hold hearings, sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission; except that in the administration of Title III an examiner may not be authorized to exercise such powers with respect to a matter involving (1) a change of policy by the Commission, (2) the revocation of a station license, (3) new devices or developments in radio, or (4) a new kind of use of frequencies. In all cases heard by an examiner the Commission shall hear oral arguments on request of either party.

Limitations on powers.

Oral arguments before Commission.

Compulsion of testimony.

(b) For the purposes of this Act the Commission shall have the power to require by subpena the attendance and testimony of witnesses and the production of all books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation. Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

Witness fees.

Attendance at place of hearing.

(c) Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpena the Commission, or any party to a proceeding before the Commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

Order of district court requiring carrier to appear.

(d) Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any common carrier or licensee or other person, issue an order requiring such common carrier, licensee, or other person to appear before the Commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order

of the court may be punished by such court as a contempt thereof.

Depositions.

(e) The testimony of any witness may be taken, at the instance of a party, in any proceeding or investigation pending before the Commission, by deposition, at any time after a cause or proceeding is at issue on petition and answer. The Commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Such depositions may be taken before any judge of any court of the United States, or any United States commissioner, or any clerk of a district court, or any chancellor, justice, or judge of a supreme or superior court, mayor, or chief magistrate of a city, judge of a county court, or court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commission, as hereinbefore provided.

Notice of intention to take testimony.

(f) Every person deposing as herein provided shall be cautioned and sworn (or affirm, if he so request) to testify the whole truth, and shall be carefully examined. His testimony shall be reduced to writing by the magistrate taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

Oath of witness.

Subscribing by witness.

(g) If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken before an officer or person designated by the Commission, or agreed upon by the parties by stipulation in writing to be filed with the Commission. All depositions must be promptly filed with the Commission.

Witness in foreign country.

Depositions filed with Commission.

(h) Witnesses whose depositions are taken as authorized in this Act, and the magistrate or other officer taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

Witness fees.

(i) No person shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, and documents before the Commission, or in obedience to the subpena of the Commission, whether such subpena be signed or issued by one or more commissioners, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this Act, or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Production of books, records, etc.

Penalty provision.

(j) Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, schedules of charges, contracts, agreements, and documents, if in his power to do so, in obedience to the subpena or lawful requirement

of the Commission, shall be guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than $100 nor more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Joint boards—State Commissions.

USE OF JOINT BOARDS—COOPERATION WITH STATE COMMISSIONS

Reference of administrative matters to joint boards authorized.

Composition of board.

Powers, duties, liabilities.

Force of board's action.

Nomination of State membership.

Rejection of nominee.

Allowances.

SEC. 410. (a) The Commission may refer any matter arising in the administration of this Act to a joint board to be composed of a member, or of an equal number of members, as determined by the Commission, from each of the States in which the wire or radio communication affected by or involved in the proceeding takes place or is proposed, and any such board shall be vested with the same powers and be subject to the same duties and liabilities as in the case of a member of the Commission when designated by the Commission to hold a hearing as hereinbefore authorized. The action of a joint board shall have such force and effect and its proceedings shall be conducted in such manner as the Commission shall by regulations prescribe. The joint board member or members for each State shall be nominated by the State commission of the State or by the Governor if there is no State commission, and appointed by the Federal Communications Commission. The Commission shall have discretion to reject any nominee. Joint board members shall receive such allowances for expenses as the Commission shall provide.

State commission.

Commission conferences with.

Joint hearings.

Cooperation of State commission.

(b) The Commission may confer with any State commission having regulatory jurisdiction with respect to carriers, regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commission and of the Commission; and the Commission is authorized under such rules and regulations as it shall prescribe to hold joint hearings with any State commission in connection with any matter with respect to which the Commission is authorized to act. The Commission is authorized in the administration of this Act to avail itself of such cooperation, services, records, and facilities as may be afforded by any State commission.

Joinder of parties.

JOINDER OF PARTIES

Authority to join interested parties.

SEC. 411. (a) In any proceeding for the enforcement of the provisions of this Act, whether such proceeding be instituted before the Commission or be begun originally in any district court of the United States, it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the charge, regulation, or practice under consideration, and inquiries, investigations, orders, and decrees may be made with reference to and against such additional parties in the same manner, to the same extent, and subject to the same provisions as are or shall be authorized by law with respect to carriers.

Suits for enforcement of order for money payment.

(b) In any suit for the enforcement of an order for the payment of money all parties in whose favor the Commission may have made an award for damages by a single order may be joined as plaintiffs, and all of the carriers parties to such order awarding such damages may be joined as defendants, and such suit may be maintained by such joint plaintiffs and against such joint defendants in any district where any one of such joint plaintiffs could maintain such suit against any one of such joint defendants; and service of process against any one of such defendants as may not be found in the district where the suit is brought may be made in any district where

Process.

such defendant carrier has its principal operating office. In case of such joint suit, the recovery, if any, may be by judgment in favor of any one of such plaintiffs, against the defendant found to be liable to such plaintiff.

DOCUMENTS FILED TO BE PUBLIC RECORDS—USE IN PROCEEDINGS

Documents filed with Commission.

Preservation as public records.

Force as evidence in proceedings.

SEC. 412. The copies of schedules of charges, classifications, and of all contracts, agreements, and arrangements between common carriers filed with the Commission as herein provided, and the statistics, tables, and figures contained in the annual or other reports of carriers and other persons made to the Commission as required under the provisions of this Act shall be preserved as public records in the custody of the secretary of the Commission, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the Commission and in all judicial proceedings; and copies of and extracts from any of said schedules, classifications, contracts, agreements, arrangements, or reports, made public records as aforesaid, certified by the secretary, under the Commission's seal, shall be received in evidence with like effect as the originals: *Provided*, That the Commission may, if the public interest will be served thereby, keep confidential any contract, agreement, or arrangement relating to foreign wire or radio communication when the publication of such contract, agreement, or arrangement would place American communication companies at a disadvantage in meeting the competition of foreign communication companies.

Proviso.
Confidential nature of contracts, etc., relating to foreign communications.

DESIGNATION OF AGENT FOR SERVICE

Services of notice, process.

Agent to be designated by carrier.

Filing of designation.

Effect of service upon agent.

SEC. 413. It shall be the duty of every carrier subject to this Act, within sixty days after the taking effect of this Act, to designate in writing an agent in the District of Columbia, upon whom service of all notices and process and all orders, decisions, and requirements of the Commission may be made for and on behalf of said carrier in any proceeding or suit pending before the Commission, and to file such designation in the office of the secretary of the Commission, which designation may from time to time be changed by like writing similarly filed; and thereupon service of all notices and process and orders, decisions, and requirements of the Commission may be made upon such carrier by leaving a copy thereof with such designated agent at his office or usual place of residence in the District of Columbia, with like effect as if made personally upon such carrier, and in default of such designation of such agent, service of any notice or other process in any proceeding before said Commission, or of any order, decision, or requirement of the Commission, may be made by posting such notice, process, order, requirement, or decision in the office of the secretary of the Commission.

REMEDIES IN THIS ACT NOT EXCLUSIVE

Remedies in act not exclusive.

SEC. 414. Nothing in this Act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this Act are in addition to such remedies.

LIMITATIONS AS TO ACTIONS

Limitations as to actions.

Actions by carriers for recovery of charges.

SEC. 415. (a) All actions at law by carriers for recovery of their lawful charges, or any part thereof, shall be begun within one year from the time the cause of action accrues, and not after.

Complaints against carriers for damages.

(b) All complaints against carriers for the recovery of damages not based on overcharges shall be filed with the Commission within one year from the time the cause of action accrues, and not after, subject to subsection (d) of this section.

Actions for recovery of overcharges.

(c) For recovery of overcharges action at law shall be begun or complaint filed with the Commission against carriers within one year from the time the cause of action accrues, and not after, subject to subsection (d) of this section, except that if claim for the overcharge has been presented in writing to the carrier within the one-year period of limitation said period shall be extended to include one year from the time notice in writing is given by the carrier to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice.

Extension of limitation period.

(d) If on or before expiration of the period of limitation in subsection (b) or (c) a carrier begins action under subsection (a) for recovery of lawful charges in respect of the same service, or, without beginning action, collects charges in respect of that service, said period of limitation shall be extended to include ninety days from the time such action is begun or such charges are collected by the carrier.

Action respecting transmission of message.

(e) The cause of action in respect of the transmission of a message shall, for the purposes of this section, be deemed to accrue upon delivery or tender of delivery thereof by the carrier, and not after.

Petition for enforcement of order for money payment.

(f) A petition for the enforcement of an order of the Commission for the payment of money shall be filed in the district court or the State court within one year from the date of the order, and not after.

"Overcharges" construed.

(g) The term "overcharges" as used in this section shall be deemed to mean charges for services in excess of those applicable thereto under the schedules of charges lawfully on file with the Commission.

Orders of Commission.

PROVISIONS RELATING TO ORDERS

Service upon designated agent.

SEC. 416. (a) Every order of the Commission shall be forthwith served upon the designated agent of the carrier in the city of Washington or in such other manner as may be provided by law.

Modification of, upon notice given.

(b) Except as otherwise provided in this Act, the Commission is hereby authorized to suspend or modify its orders upon such notice and in such manner as it shall deem proper.

Compliance with, required.

(c) It shall be the duty of every person, its agents and employees, and any receiver or trustee thereof, to observe and comply with such orders so long as the same shall remain in effect.

Penal provisions.

TITLE V—PENAL PROVISIONS—FORFEITURES

General penalty.

GENERAL PENALTY

SECTION 501. Any person who willfully and knowingly does or causes or suffers to be done any act, matter, or thing, in this Act prohibited or declared to be unlawful, or who willfully and knowingly omits or fails to do any act, matter, or thing in this Act required to be done, or willfully and knowingly causes or suffers such omission or failure, shall, upon conviction thereof, be punished for such offense, for which no penalty (other than a forfeiture) is provided herein, by a fine of not more than $10,000 or by imprisonment for a term of not more than two years, or both.

Violations of rules, regulations.

VIOLATIONS OF RULES, REGULATIONS, AND SO FORTH

SEC. 502. Any person who willfully and knowingly violates any rule, regulation, restriction, or condition made or imposed by the Commission under authority of this Act, or any rule, regulation,

restriction, or condition made or imposed by any international radio or wire communications treaty or convention, or regulations annexed thereto, to which the United States is or may hereafter become a party, shall, in addition to any other penalties provided by law, be punished, upon conviction thereof, by a fine of not more than $500 for each and every day during which such offense occurs.

Rebates and offsets.

FORFEITURE IN CASES OF REBATES AND OFFSETS

Forfeiture for receiving.

SEC. 503. Any person who shall deliver messages for interstate or foreign transmission to any carrier, or for whom as sender or receiver, any such carrier shall transmit any interstate or foreign wire or radio communication, who shall knowingly by employee, agent, officer, or otherwise, directly or indirectly, by or through any means or device whatsoever, receive or accept from such common carrier any sum of money or any other valuable consideration as a rebate or offset against the regular charges for transmission of such messages as fixed by the schedules of charges provided for in this Act, shall in addition to any other penalty provided by this Act forfeit to the United States a sum of money three times the amount of money so received or accepted and three times the value of any other consideration so received or accepted, to be ascertained by the trial court; and in the trial of said action all such rebates or other considerations so received or accepted for a period of six years prior to the commencement of the action, may be included therein, and the amount recovered shall be three times the total amount of money, or three times the total value of such consideration, so received or accepted, or both, as the case may be.

Additional to other penalties provided.

Amount of forfeiture.

Forfeitures.

PROVISIONS RELATING TO FORFEITURES

Provisions relating to.

Payment of.

Recoverable in civil suit.

SEC. 504. The forfeitures provided for in this Act shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States, brought in the district where the person or carrier has its principal operating office, or in any district through which the line or system of the carrier runs. Such forfeitures shall be in addition to any other general or specific penalties herein provided. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures under this Act. The costs and expenses of such prosecutions shall be paid from the appropriation for the expenses of the courts of the United States.

Proceeding to recover.

Costs and expenses.

Venue of offenses.

VENUE OF OFFENSES

SEC. 505. The trial of any offense under this Act shall be in the district in which it is committed; or if the offense is committed upon the high seas, or out of the jurisdiction of any particular State or district, the trial shall be in the district where the offender may be found or into which he shall be first brought. Whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

Miscellaneous provisions.

TITLE VI—MISCELLANEOUS PROVISIONS

Transfer of duties, powers, and functions under existing law.

TRANSFER TO COMMISSION OF DUTIES, POWERS, AND FUNCTIONS UNDER EXISTING LAW

Of Interstate Commerce Commission.

Vol. 25, p. 382.

SECTION 601. (a) All duties, powers, and functions of the Interstate Commerce Commission under the Act of August 7, 1888 (25 Stat. 382), relating to operation of telegraph lines by railroad and

telegraph companies granted Government aid in the construction of their lines, are hereby imposed upon and vested in the Commission: *Provided*, That such transfer of duties, powers, and functions shall not be construed to affect the duties, powers, functions, or jurisdiction of the Interstate Commerce Commission under, or to interfere with or prevent the enforcement of, the Interstate Commerce Act and all Acts amendatory thereof or supplemental thereto.

Proviso. Not to interfere with enforcement of act.

(b) All duties, powers, and functions of the Postmaster General with respect to telegraph companies and telegraph lines under any existing provision of law are hereby imposed upon and vested in the Commission.

Functions of Postmaster General respecting telegraph companies.

REPEALS AND AMENDMENTS

Repeals and amendments.

SEC. 602. (a) The Radio Act of 1927, as amended, is hereby repealed.

Radio Act of 1927. Vol. 44, p. 1162.

(b) The provisions of the Interstate Commerce Act, as amended, insofar as they relate to communication by wire or wireless, or to telegraph, telephone, or cable companies operating by wire or wireless, except the last proviso of section 1 (5) and the provisions of section 1 (7), are hereby repealed.

Certain provisions of Interstate Commerce Act.

(c) The last sentence of section 2 of the Act entitled "An Act relating to the landing and operation of submarine cables in the United States", approved May 27, 1921, is amended to read as follows: "Nothing herein contained shall be construed to limit the power and jurisdiction of the Federal Communications Commission with respect to the transmission of messages."

Submarine cables. Vol. 42, p. 8.

Powers of Federal Communications Commission.

(d) The first paragraph of section 11 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, is amended to read as follows:

Anti-trust Act. Vol. 38, p. 730.

"SEC. 11. That authority to enforce compliance with sections 2, 3, 7, and 8 of this Act by the persons respectively subject thereto is hereby vested: In the Interstate Commerce Commission where applicable to common carriers subject to the Interstate Commerce Act, as amended; in the Federal Communications Commission where applicable to common carriers engaged in wire or radio communication or radio transmission of energy; in the Federal Reserve Board where applicable to banks, banking associations, and trust companies; and in the Federal Trade Commission where applicable to all other character of commerce, to be exercised as follows:"

Authority to enforce compliance with designated sections.

TRANSFER OF EMPLOYEES, RECORDS, PROPERTY, AND APPROPRIATIONS

Employees, records, property, and appropriations.

SEC. 603. (a) All officers and employees of the Federal Radio Commission (except the members thereof, whose offices are hereby abolished) whose services in the judgment of the Commission are necessary to the efficient operation of the Commission are hereby transferred to the Commission, without change in classification or compensation; except that the Commission may provide for the adjustment of such classification or compensation to conform to the duties to which such officers and employees may be assigned.

Transfer from Federal Radio Commission.

(b) There are hereby transferred to the jurisdiction and control of the Commission (1) all records and property (including office furniture and equipment, and including monitoring radio stations) under the jurisdiction of the Federal Radio Commission, and (2) all records under the jurisdiction of the Interstate Commerce Commission and of the Postmaster General relating to the duties, powers, and functions imposed upon and vested in the Commission by this Act.

From Interstate Commerce Commission.

From Postmaster General.

(c) All appropriations and unexpended balances of appropriations available for expenditure by the Federal Radio Commission shall be available for expenditure by the Commission for any and all objects of expenditure authorized by this Act in the discretion of the Commission, without regard to the requirement of apportionment under the Antideficiency Act of February 27, 1906.

Unexpended appropriations.

EFFECT OF TRANSFERS, REPEALS, AND AMENDMENTS

Transfers, repeals, and amendments.

SEC. 604. (a) All orders, determinations, rules, regulations, permits, contracts, licenses, and privileges which have been issued, made, or granted by the Interstate Commerce Commission, the Federal Radio Commission, or the Postmaster General, under any provision of law repealed or amended by this Act or in the exercise of duties, powers, or functions transferred to the Commission by this Act, and which are in effect at the time this section takes effect, shall continue in effect until modified, terminated, superseded, or repealed by the Commission or by operation of law.

Effectiveness of orders, etc., made under authority of repealed, etc., acts.

(b) Any proceeding, hearing, or investigation commenced or pending before the Federal Radio Commission, the Interstate Commerce Commission, or the Postmaster General, at the time of the organization of the Commission, shall be continued by the Commission in the same manner as though originally commenced before the Commission, if such proceeding, hearing, or investigation (1) involves the administration of duties, powers, and functions transferred to the Commission by this Act, or (2) involves the exercise of jurisdiction similar to that granted to the Commission under the provisions of this Act.

Continuation of pending proceeding, hearings, etc.

(c) All records transferred to the Commission under this Act shall be available for use by the Commission to the same extent as if such records were originally records of the Commission. All final valuations and determinations of depreciation charges by the Interstate Commerce Commission with respect to common carriers engaged in radio or wire communication, and all orders of the Interstate Commerce Commission with respect to such valuations and determinations, shall have the same force and effect as though made by the Commission under this Act.

Availability of transferred records.

Force of final valuations and determinations of Interstate Commerce Commission.

(d) The provisions of this Act shall not affect suits commenced prior to the date of the organization of the Commission; and all such suits shall be continued, proceedings therein had, appeals therein taken and judgments therein rendered, in the same manner and with the same effect as if this Act had not been passed. No suit, action, or other proceeding lawfully commenced by or against any agency or officer of the United States, in relation to the discharge of official duties, shall abate by reason of any transfer of authority, power, and duties from such agency or officer to the Commission under the provisions of this Act, but the court, upon motion or supplemental petition filed at any time within twelve months after such transfer, showing the necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the Commission.

Limitations.
Suits commenced prior to organization of Commission.

UNAUTHORIZED PUBLICATION OF COMMUNICATIONS

Unauthorized publication of communications.

SEC. 605. No person receiving or assisting in receiving, or transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purport, effect, or meaning thereof, except through authorized channels of transmission or reception, to any person other than the addressee, his agent, or attorney, or to a person employed or authorized to forward such

Prohibition on.

communication to its destination, or to proper accounting or distributing officers of the various communicating centers over which the communication may be passed, or to the master of a ship under whom he is serving, or in response to a subpena issued by a court of competent jurisdiction, or on demand of other lawful authority; and no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person; and no person not being entitled thereto shall receive or assist in receiving any interstate or foreign communication by wire or radio and use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto; and no person having received such intercepted communication or having become acquainted with the contents, substance, purport, effect, or meaning of the same or any part thereof, knowing that such information was so obtained, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of the same or any part thereof, or use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto: *Provided*, That this section shall not apply to the receiving, divulging, publishing, or utilizing the contents of any radio communication broadcast, or transmitted by amateurs or others for the use of the general public, or relating to ships in distress.

Intercepting communication prohibited.

Unauthorized use of information contained in communication.

Unauthorized publication of intercepted communication.

Proviso.
Limitation on application.

WAR EMERGENCY—POWERS OF PRESIDENT

Powers of President—War emergency.

Priority of communications essential to national defense.

Orders of President.

Carrier complying with priority orders; exemption from liabilities.

SEC. 606. (a) During the continuance of a war in which the United States is engaged, the President is authorized, if he finds it necessary for the national defense and security, to direct that such communications as in his judgment may be essential to the national defense and security shall have preference or priority with any carrier subject to this Act. He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them and for any such purpose he is hereby authorized to issue orders directly, or through such person or persons as he designates for the purpose, or through the Commission. Any carrier complying with any such order or direction for preference or priority herein authorized shall be exempt from any and all provisions in existing law imposing civil or criminal penalties, obligations, or liabilities upon carriers by reason of giving preference or priority in compliance with such order or direction.

Obstruction of communications; prohibited.

Employment of armed forces to prevent.

Proviso.
Sections of Antitrust Act not repealed.
Vol. 38, p. 730.

(b) It shall be unlawful for any person during any war in which the United States is engaged to knowingly or willfully, by physical force or intimidation by threats of physical force, obstruct or retard or aid in obstructing or retarding interstate or foreign communication by radio or wire. The President is hereby authorized, whenever in his judgment the public interest requires, to employ the armed forces of the United States to prevent any such obstruction or retardation of communication: *Provided*, That nothing in this section shall be construed to repeal, modify, or affect either section 6 or section 20 of an Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914.

Suspension of Commission regulations during national emergency.

(c) Upon proclamation by the President that there exists war or a threat of war or a state of public peril or disaster or other national emergency, or in order to preserve the neutrality of the United States, the President may suspend or amend, for such time as he may see fit, the rules and regulations applicable to any or all stations within the jurisdiction of the United States as prescribed

by the Commission, and may cause the closing of any station for radio communication and the removal therefrom of its apparatus and equipment, or he may authorize the use or control of any such station and/or its apparatus and equipment by any department of the Government under such regulations as he may prescribe, upon just compensation to the owners. Closing of station discretionary.

(d) The President shall ascertain the just compensation for such use or control and certify the amount ascertained to Congress for appropriation and payment to the person entitled thereto. If the amount so certified is unsatisfactory to the person entitled thereto, such person shall be paid only 75 per centum of the amount and shall be entitled to sue the United States to recover such further sum as added to such payment of 75 per centum will make such amount as will be just compensation for the use and control. Such suit shall be brought in the manner provided by paragraph 20 of section 24, or by section 145, of the Judicial Code, as amended. Award of compensation. Suit if award unsatisfactory.

EFFECTIVE DATE OF ACT

SEC. 607. This Act shall take effect upon the organization of the Commission, except that this section and sections 1 and 4 shall take effect July 1, 1934. The Commission shall be deemed to be organized upon such date as four members of the Commission have taken office. Effective date of act. *Ante*, p. 1064.

SEPARABILITY CLAUSE

SEC. 608. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby. Separability clause.

SHORT TITLE

SEC. 609. This Act may be cited as the "Communications Act of 1934." Short title.

Approved, June 19, 1934.

[CHAPTER 653.]

AN ACT

Relating to direct loans for industrial purposes by Federal Reserve banks, and for other purposes.

June 19, 1934.
[S. 3487.]
[Public, No. 417.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Reserve Act, as amended, is amended by adding after section 13a thereof a new section reading as follows: Federal Reserve Act, amendment. Vol. 38, p. 263; Vol. 42, p. 1479. U.S.C., p. 282.

"SEC. 13b. (a) In exceptional circumstances, when it appears to the satisfaction of a Federal Reserve bank that an established industrial or commercial business located in its district is unable to obtain requisite financial assistance on a reasonable basis from the usual sources, the Federal Reserve bank, pursuant to authority granted by the Federal Reserve Board, may make loans to, or purchase obligations of, such business, or may make commitments with respect thereto, on a reasonable and sound basis, for the purpose of providing it with working capital, but no obligation shall be acquired or commitment made hereunder with a maturity exceeding five years. Direct loans for industrial purposes by Reserve banks. To established industry needing financial assistance. Purchase of obligations thereof.

"(b) Each Federal Reserve bank shall also have power to discount for, or purchase from, any bank, trust company, mortgage company, credit corporation for industry, or other financing institution operating in its district, obligations having maturities not exceeding five years, entered into for the purpose of obtaining working Discount or purchase of obligation. Maturities.

Direct loans to financing institution.

Commitments respecting purchase of obligations.

Losses sustained on obligations acquired by banks; percentage.

Provisos.
Advance by institution in lieu.

Repayments.

Aggregate amount of credit extended; limitation.

Industrial Advisory Committee.
Establishment.

Appointment.

Composition.

Qualifications of members.

Service without compensation.

Application for loan subject approval of.

Payments to Reserve banks.

Proportion to bank based on par value of holdings of Federal Deposit Insurance corporation stock.
Agreement required.

capital for any such established industrial or commercial business; to make loans or advances direct to any such financing institution on the security of such obligations; and to make commitments with regard to such discount or purchase of obligations or with respect to such loans or advances on the security thereof, including commitments made in advance of the actual undertaking of such obligations. Each such financing institution shall obligate itself to the satisfaction of the Federal Reserve bank for at least 20 per centum of any loss which may be sustained by such bank upon any of the obligations acquired from such financing institution, the existence and amount of any such loss to be determined in accordance with regulations of the Federal Reserve Board: *Provided*, That in lieu of such obligation against loss any such financing institution may advance at least 20 per centum of such working capital for any established industrial or commercial business without obligating itself to the Federal Reserve bank against loss on the amount advanced by the Federal Reserve bank: *Provided, however*, That such advances by the financing institution and the Federal Reserve bank shall be considered as one advance, and repayment shall be made pro rata under such regulations as the Federal Reserve Board may prescribe.

"(c) The aggregate amount of loans, advances, and commitments of the Federal Reserve banks outstanding under this section at any one time, plus the amount of purchases and discounts under this section held at the same time, shall not exceed the combined surplus of the Federal Reserve banks as of July 1, 1934, plus all amounts paid to the Federal Reserve banks by the Secretary of the Treasury under subsection (e) of this section, and all operations of the Federal Reserve banks under this section shall be subject to such regulations as the Federal Reserve Board may prescribe.

"(d) For the purpose of aiding the Federal Reserve banks in carrying out the provisions of this section, there is hereby established in each Federal Reserve district an industrial advisory committee, to be appointed by the Federal Reserve bank subject to the approval and regulations of the Federal Reserve Board, and to be composed of not less than three nor more than five members as determined by the Federal Reserve Board. Each member of such committee shall be actively engaged in some industrial pursuit within the Federal Reserve district in which the committee is established, and each such member shall serve without compensation but shall be entitled to receive from the Federal Reserve bank of such district his necessary expenses while engaged in the business of the committee, or a per diem allowance in lieu thereof to be fixed by the Federal Reserve Board. Each application for any such loan, advance, purchase, discount, or commitment shall be submitted to the appropriate committee and, after an examination by it of the business with respect to which the application is made, the application shall be transmitted to the Federal Reserve bank, together with the recommendation of the committee.

"(e) In order to enable the Federal Reserve banks to make the loans, discounts, advances, purchases, and commitments provided for in this section, the Secretary of the Treasury, upon the date this section takes effect, is authorized, under such rules and regulations as he shall prescribe, to pay to each Federal Reserve bank not to exceed such portion of the sum of $139,299,557 as may be represented by the par value of the holdings of each Federal Reserve bank of Federal Deposit Insurance Corporation stock, upon the execution by each Federal Reserve bank of its agreement (to be endorsed on the certificate of such stock) to hold such stock unen-

cumbered and to pay to the United States all dividends, all payments on liquidation, and all other proceeds of such stock, for which dividends, payments, and proceeds the United States shall be secured by such stock itself up to the total amount paid to each Federal Reserve bank by the Secretary of the Treasury under this section. Each Federal Reserve bank, in addition, shall agree that, in the event such dividends, payments, and other proceeds in any calendar year do not aggregate 2 per centum of the total payment made by the Secretary of the Treasury, under this section, it will pay to the United States in such year such further amount, if any, up to 2 per centum of the said total payment, as shall be covered by the net earnings of the bank for that year derived from the use of the sum so paid by the Secretary of the Treasury, and that for said amount so due the United States shall have a first claim against such earnings and stock, and further that it will continue such payments until the final liquidation of said stock by the Federal Deposit Insurance Corporation. The sum so paid to each Federal Reserve bank by the Secretary of the Treasury shall become a part of the surplus fund of such Federal Reserve bank within the meaning of this section. All amounts required to be expended by the Secretary of the Treasury in order to carry out the provisions of this section shall be paid out of the miscellaneous receipts of the Treasury created by the increment resulting from the reduction of the weight of the gold dollar under the President's proclamation of January 31, 1934; and there is hereby appropriated, out of such receipts, such sum as shall be required for such purpose."

Agreement respecting minimum interest payments to United States.

Status of funds paid to Reserve banks.

Funds available to Treasury for payments.

SEC. 2. Section 5202 of the Revised Statutes of the United States, as amended, is hereby amended by adding at the end thereof the following new paragraph:

R.S. sec. 5202, p. 1006. U.S.C., p. 264.

"Tenth. Liabilities incurred under the provisions of section 13b of the Federal Reserve Act."

National Banks, limitation on indebtedness.

SEC. 3. Section 22 of the Federal Reserve Act is amended by adding at the end thereof the following new paragraphs:

Federal Reserve Act, amendment. Vol. 38, p. 272; U.S.C., p. 291.

"(h) Whoever makes any material statement, knowing it to be false, or whoever willfully overvalues any security, for the purpose of influencing in any way the action of a Federal Reserve bank upon any application, commitment, advance, discount, purchase, or loan, or any extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security therefor, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both.

Penalty provisions. False representation.

"(i) Whoever, being connected in any capacity with a Federal Reserve bank (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to it or pledged or otherwise entrusted to it, or (2) with intent to defraud any Federal Reserve bank, or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner, makes any false entry in any book, report, or statement of or to a Federal Reserve bank, or, without being duly authorized, draws any order or issues, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, mortgage, judgment, or decree shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

Embezzlement, etc.

"(j) The provisions of sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United States, insofar as applicable, are extended to apply to contracts or agreements of any Federal Reserve bank under this Act, which, for the purposes hereof, shall

Criminal Code. Sections applicable. Vol. 35, p. 1108; U.S.C. p. 474.

be held to include advances, loans, discounts, purchase, and repurchase agreements; extensions and renewals thereof; and acceptances, releases, and substitutions of security therefor.

Unlawful acts.

Fees for procuring, etc., loan.

"(k) It shall be unlawful for any person to stipulate for or give or receive, or consent or agree to give or receive, any fee, commission, bonus, or thing of value for procuring or endeavoring to procure from any Federal Reserve bank any advance, loan, or extension of credit or discount or purchase of any obligation or commitment with respect thereto, either directly from such Federal Reserve bank or indirectly through any financing institution unless such fee, commission, bonus, or thing of value and all material facts with respect to the arrangement or understanding therefor shall be disclosed in writing in the application or request for such advance, loan, extension of credit, discount, purchase, or commitment. Any violation of the provisions of this paragraph shall be punishable by imprisonment for not more than one year or by a fine of not exceeding $5,000, or both. If a director, officer, employee, or agent of any Federal Reserve bank shall knowingly violate this paragraph, he shall be held liable in his personal and individual capacity for any loss or damage sustained by such Federal Reserve bank in consequence of such violation."

Punishment for violation.

Liability of Federal Reserve bank official.

Vol. 38, p. 261; U.S.C., p. 275.

Federal Reserve Board; assessment for expenses.

Acquisition of building site.

Construction thereon.

SEC. 4. Section 10 of the Federal Reserve Act, as amended, is further amended by changing the period at the end of the third paragraph thereof to a comma and inserting thereafter the following: "and such assessments may include amounts sufficient to provide for the acquisition by the Board in its own name of such site or building in the District of Columbia as in its judgment alone shall be necessary for the purpose of providing suitable and adequate quarters for the performance of its functions. After approving such plans, estimates, and specifications as it shall have caused to be prepared, the Board may, notwithstanding any other provision of law, cause to be constructed on the site so acquired by it a building suitable and adequate in its judgment for its purposes and proceed to take all such steps as it may deem necessary or appropriate in connection with the construction, equipment, and furnishing of such building. The Board may maintain, enlarge, or remodel any building so acquired or constructed and shall have sole control of such building and space therein."

Reconstruction Finance Corporation Act. Vol. 47, p. 8; U.S.C., Supp. VII, p. 266.

SEC. 5. That the Reconstruction Finance Corporation Act, as amended (U.S.C., Supp. VII, title 15, ch. 14), is amended by inserting before section 6 thereof the following new section:

Loans to industrial or commercial business by Corporation.

"SEC. 5d. For the purpose of maintaining and increasing the employment of labor, when credit at prevailing bank rates for the character of loans applied for is not otherwise available at banks, the Corporation is authorized and empowered to make loans to any industrial or commercial business, which shall include the fishing industry, established prior to January 1, 1934. Such loans shall in the opinion of the board of directors of the Corporation be adequately secured, may be made directly, or in cooperation with banks or other lending institutions, or by the purchase of participations, shall have maturities not to exceed five years, shall be made only when deemed to offer reasonable assurance of continued or increased employment of labor, shall be made only when, in the opinion of the board of directors of the Corporation, the borrower is solvent, shall not exceed $300,000,000 in aggregate amount at any one time outstanding, and shall be subject to such terms, conditions, and restrictions as the board of directors of the Corporation may determine. The aggregate amount of loans to any one borrower under this section shall not exceed $500,000.

Fishing industry included.

Security.

Maturities.

Solvency of borrower required.

Aggregate amount, generally.

To any one borrower.

"The power to make loans given herein shall terminate on January 31, 1935, or on such earlier date as the President shall by proclamation fix; but no provision of law terminating any of the functions of the Corporation shall be construed to prohibit disbursement of funds on loans and commitments, or agreements to make loans, made under this section prior to January 31, 1935, or such earlier date."

Termination of power to loan.

Disbursement thereafter on prior commitments.

SEC. 6. (a) Section 882 of the Revised Statutes (U.S.C., title 28, sec. 661) is amended to read as follows:

R.S., sec. 882, p. 167; U.S.C., p. 930.

"SEC. 882. (a) Copies of any books, records, papers, or other documents in any of the executive departments, or of any corporation all of the stock of which is beneficially owned by the United States, either directly or indirectly, shall be admitted in evidence equally with the originals thereof, when duly authenticated under the seal of such department or corporation, respectively.

Copies of records, etc.; admission as evidence.

"(b) Books or records of account in whatever form, and minutes (or portions thereof) of proceedings, of any such executive department or corporation, or copies of such books, records, or minutes authenticated under the seal of such department or corporation, shall be admissible as evidence of any act, transaction, occurrence, or event as a memorandum of which such books, records, or minutes were kept or made.

"(c) The seal of any such executive department or corporation shall be judicially noticed."

Seal.

(b) Section 4 of the Reconstruction Finance Corporation Act, as amended (U.S.C., Supp. VII, title 15, sec. 604), is amended by inserting immediately before the semicolon following the words "corporate seal" a comma and the words "which shall be judicially noticed".

Reconstruction Finance Corporation Act. Vol. 47, p. 7; seal to be judicially noticed.

SEC. 7. Section 1001 of the Revised Statutes, as amended (U.S.C., title 28, sec. 870), is amended by inserting immediately after the word "Government" the following: "or any corporation all the stock of which is beneficially owned by the United States, either directly or indirectly".

R.S., sec. 1001, p. 187; U.S.C., p. 945.

Bond in error and on appeal.

When not required.

SEC. 8. The Reconstruction Finance Corporation Act, as amended (U.S.C., Supp. VII, title 15, ch. 14), is further amended by inserting after section 5a thereof the following new section:

Vol. 47, p. 8; U.S.C., Supp. VII, p. 266.

"SEC. 5b. Notwithstanding any other provision of law—

"(1) The maturity of drafts or bills of exchange which may be accepted by the Corporation under section 5a of this Act, and the period for which the Corporation may make loans or advances under sections 201 (c) and 201 (d) of the Emergency Relief and Construction Act of 1932, as amended, and under section 5 of this Act, may be five years, or any shorter period, from February 1, 1935: *Provided*, That in respect of loans or advances under such section 5 to railroads, railways, and receivers or trustees thereof, the Corporation may require as a condition of making any such loan or advance for a period longer than three years that such arrangements be made for the reduction or amortization of the indebtedness of the railroad or railway, either in whole or in part, as may be approved by the Corporation after the prior approval of the Interstate Commerce Commission.

Acceptance of drafts involving exportation of products.
Maturities.
Vol. 47, p. 711.

Proviso.
Condition on loans to railroads.
Ante, p. 1108.

"(2) The Corporation may at any time, or from time to time, extend, or consent to the extension of, the time of payment of any loan or advance made by it, through renewal, substitution of new obligations, or otherwise, but the time for such payment shall not be extended beyond five years from February 1, 1935: *Provided*, That the time of payment of loans or advances to railroads, railways, and receivers or trustees thereof, shall not be so extended

Extension, time of payment.

Proviso.
Approval required, loans to railroads.

except with the prior approval of the Interstate Commerce Commission, and, in the case of a loan to a railroad or railway, with the prior certification of the Interstate Commerce Commission that the railroad or railway is not in need of financial reorganization in the public interest.

Vol. 30, p. 544; Vol. 47, p. 1474.
Reorganization of railroads.
Compromise of claims.

"(3) In connection with the reorganization under section 77 of the Federal Bankruptcy Act, approved July 1, 1898, as amended, or with receivership proceedings in a court or courts, of any railroad or railway indebted to the Corporation, or of any railroad or railway the receivers or trustees of which are indebted to the Corporation, the Corporation may, with the prior approval of the Interstate Commerce Commission, adjust or compromise its claim against such railroad or railway, or any such receiver or trustee, by accepting, in connection with any such reorganization or receivership proceedings and in exchange for securities or any part thereof then held, new securities which may have such terms as to interest, maturity, and otherwise as may be approved by the Corporation, or part cash and part new securities so approved: *Provided*, That any such adjustment or compromise shall not be made on less favorable terms than those provided in the reorganization of the railroad or railway for holders of claims of the same class and rank as the claim of the Corporation."

Approval of Interstate Commerce Commission.

Acceptance of new securities.

Proviso.
Nature of settlement.

National Industrial Recovery Act.

Ante, p. 210; U.S.C., Supp. VII, p. 905.
Loans by corporation, financing construction projects.

SEC. 9. Section 301 of the National Industrial Recovery Act (U.S.C., Supp. VII, title 40, sec. 412) is amended by inserting before the period at the end thereof a colon and the following: "*Provided further*, That in connection with any loan or contract or any commitment to make a loan entered into by the Reconstruction Finance Corporation prior to June 26, 1933, to aid in financing part or all of the construction cost of projects pursuant to section 201 (a) (1) of the Emergency Relief and Construction Act of 1932, as amended, the Corporation may make such further loans and contracts for the completion of any such project, or for improvements, additions, extensions, or equipment which are necessary or desirable for the proper functioning of any such project, or which will materially increase the assurance that the borrower will be able to repay the entire investment of the Corporation in such project, including such improvements, additions, extensions, or equipment; and the Corporation may disburse funds to the borrower thereunder, at any time prior to January 23, 1939, notwithstanding any provisions to the contrary contained in this section or in section 201 (h) of the Emergency Relief and Construction Act of 1932, as amended: *Provided further*, That any such further loans shall be made subject to all the terms and conditions set forth in the Emergency Relief and Construction Act of 1932, as amended, with respect to the loans authorized by section 201 (a) (1) of said Act."

Additional loans for completion.

Time limitation on disbursements.

Vol. 47, p. 713.

Terms and conditions.
Vol. 47, p. 711.

SEC. 10. Notwithstanding any limitations on its power, the Reconstruction Finance Corporation, upon request of any borrower under section 201(a) of the Emergency Relief and Construction Act of 1932, as amended, may adjust the maturities of any obligations of such borrower now held by it, or hereafter acquired by it under lawful commitments, to such periods as may in the discretion of the Reconstruction Finance Corporation be proper, but such adjustment shall not extend any such maturity to more than twenty years from the advancing of the sum or sums evidenced thereby.

Adjustment of maturities of obligations.

Vol. 47, p. 711.

Emergency Farm Mortgage Act.
Ante, p. 49; *post*, p. 1269; U.S.C., Supp. VII, p. 922.
Amount for drainage, etc., districts increased.

SEC. 11. Section 36 of the Emergency Farm Mortgage Act of 1933, as amended (U.S.C., Supp. VII, title 43, sec. 403), is amended as follows:

(1) By striking from the first sentence thereof "$50,000,000 to or for the benefit of drainage districts, levee districts, levee and

drainage districts, irrigation districts, and similar districts," and inserting in lieu thereof " $125,000,000 to or for the benefit of drainage districts, levee districts, levee and drainage districts, irrigation districts, and similar districts, mutual nonprofit companies and incorporated water users' associations ".

"Borrower", to include company or association.

(2) By striking from the second sentence thereof " district or political subdivision " and inserting in lieu thereof " district, political subdivision, company, or association".

(3) By amending clause (4) thereof to read as follows:

Agreement for repayment.

"(4) the borrower shall agree, insofar as it may lawfully do so, that so long as any part of such loan shall remain unpaid the borrower will in each year apply to the repayment of such loan or to the purchase or redemption of the obligations issued to evidence such loan, an amount equal to the amount by which the assessments, taxes, and other charges collected by it exceed (a) the cost of operation and maintenance of the project, (b) the debt charges on its outstanding obligations, and (c) provision for such reasonable reserves as may be approved by the Corporation; and ".

(4) By adding at the end thereof the following new paragraph:

Additional loans for repairs and extensions.

" When any loan is authorized pursuant to the provisions of this section and it shall then or thereafter appear that repairs and necessary extensions or improvements to the project of such district, political subdivision, company, or association are necessary or desirable for the proper functioning of its project or for the further assurance of its ability to repay such loan, and if it shall also appear that such repairs and necessary extensions or improvements are not designed to bring new lands into production, the Corporation, within the limitation as to total amount provided in this section, may make an additional loan or loans to such district, political subdivision, company, or association for such purpose or purposes. When application therefor shall have been made by any such district, political subdivision, company, or association any loan authorized by this section may be made either to such district, political subdivision, company, or association or to the holders or representatives of the holders of their existing indebtedness, and such loans may be made upon promissory notes collateraled by the obligations of such district, political subdivision, company, or association or through the purchase of securities issued or to be issued by such district, political subdivision, company, or associaton [1]."

Application for.

Security.

Insurance companies; loans to.
Ante, p. 120; U.S.C. Supp. VII, p. 271.

SEC. 12. (a) Sections 2 and 3 of the Act entitled "An Act to authorize the Reconstruction Finance Corporation to subscribe for preferred stock and purchase the capital notes of insurance companies, and for other purposes ", approved June 10, 1933, as amended (U.S.C., Supp. VII, title 15, secs. 605f and 605g), are amended to read as follows:

Purchase of capital note of, authorized. Conditions.

" SEC. 2. In the event that any such insurance company shall be incorporated under the laws of any State which does not permit it to issue preferred stock, exempt from assessment or additional liability, or if such laws permit such issue of preferred stock only by unanimous consent of stockholders, or upon notice of more than twenty days, or if the insurance company is a mutual organization without capital stock, the Reconstruction Finance Corporation is authorized for the purposes of this Act to purchase the legally issued capital notes of such insurance company, or, if the company is a mutual organization without capital stock, such other form or forms of indebtedness as the laws of the State under which such company

[1] So in original.

Security for loans.

is organized permit, or to make loans secured by such notes or such other form or forms of indebtedness as collateral, which may be subordinated in whole or in part or to any degree to claims of other creditors.

Requirement before subscription entered.

"SEC. 3. The Reconstruction Finance Corporation shall not subscribe for or purchase any preferred stock or capital notes of any applicant insurance company, (1) until the applicant shows to the

Showing of unimpaired capital.

satisfaction of the Corporation that it has unimpaired capital, or that it will furnish new capital which will be subordinate to the preferred stock or capital notes to be subscribed for or purchased by the Corporation, equal to the amount of said preferred stock or capital notes

Proviso.
Loans upon preferred stock or capital stock.

so subscribed for or purchased by the Corporation: *Provided*, That the Corporation may make loans upon said preferred stock or capital notes, or other form or forms of indebtedness permitted by the laws of the State under which said applicant is organized, if, in its opinion, such loans will be adequately secured by said stock or capital notes or other form or forms of indebtedness and/or such other forms

Compensation limitation; officials of applicant company.

of security as the Corporation may require, (2) if at the time of such subscription, purchase, or loan any officer, director, or employee of the applicant is receiving total compensation in a sum in excess of $17,500 per annum from the applicant and/or any of its affiliates, and

Agreement required.

(3) unless at such time, the insurance company agrees to the satisfaction of the Corporation that while any part of the preferred stock, notes, bonds, or debentures (or, in the case of a mutual insurance company, other form or forms of indebtedness permitted by the laws of the State under which the company is organized) of such insurance company is held by the Corporation, the insurance company, except with the consent of the Corporation, will not (a)

To limit compensation of officials.

increase the compensation received by any of its officers, directors, or employees from the insurance company and/or any of its affiliates, and in no event increase any such compensation to an amount

Retirement of stock, etc., issued for capital purposes.

exceeding $17,500 per annum, or (b) retire any of its stock, notes, bonds, debentures, or other forms of indebtedness issued for capital purposes. For the purposes of this section, the term "compensation" includes any salary, fee, bonus, commission, or other payment direct or indirect, in money or otherwise for personal services."

"Compensation" construed.

"State" construed.

(b) Section 11 of such Act of June 10, 1933, as amended (U.S.C., Supp. VII, title 15, sec. 605i), is amended by adding at the end thereof the following new sentence: "As used in this section and in sections 1, 2, and 3 of this Act, the term 'State' means any State, Territory, or possession of the United States, the Canal Zone, and the District of Columbia."

Farmer's cooperative mineral rights pools. Loans to.

SEC. 13. The Reconstruction Finance Corporation is authorized and empowered to make loans upon full and adequate security, based on mineral acreage, to recognized and established incorporated managing agencies of farmers' cooperative mineral rights pools not engaged in drilling or mining operations, said loans to be made for the purpose of defraying the cost of organizing such pools.

Mining, milling, and smelting industries. Loans to.

SEC. 14. The Reconstruction Finance Corporation is authorized and empowered to make loans upon adequate security, based on mineral acreage to recognized and established incorporated agencies, individuals, and partnerships engaged in the business of mining, milling, or smelting of ores.

Fish industry. Loans to.

SEC. 15. The Corporation is authorized and empowered to make loans under section 5 of the Reconstruction Finance Corporation Act, as amended, to any person, association, or corporation organized under the laws of any State, the District of Columbia, Alaska, Hawaii, or Puerto Rico, for the purpose of financing the production, storage, handling, packing, processing, carrying, and/or orderly

marketing of fish of American fisheries and/or products thereof upon the same terms and conditions, and subject to the same limitations, as are applicable in case of loans made under said section 5, as amended. Terms and conditions.

SEC. 16. The Reconstruction Finance Corporation is hereby authorized and empowered to make loans at any time prior to January 31, 1935, out of the funds of the Corporation upon full and adequate security, to public-school districts or other similar public-school authorities organized pursuant to State law, for the purpose of payment of teachers' salaries due prior to June 1, 1934: *Provided*, That the agregate [1] amount of such loans at any time outstanding shall not exceed $75,000,000. Teachers' salaries. Loans to public-school authorities for. *Proviso.* Aggregate amount available.

Approved, June 19, 1934.

[CHAPTER 654.]

AN ACT

June 19, 1934.
[S. 3526.]
[Public, No. 418.]

To amend the Air Commerce Act of 1926 and to increase the efficiency of the Aeronautics Branch of the Department of Commerce with respect to the development and regulation of civil aeronautics.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision (d) of section 2 of the Air Commerce Act of 1926 (U.S.C., Supp. VII, title 49, sec. 172(d)) is amended by inserting before the period at the end of the first sentence thereof a comma and the following: "aircraft, aircraft power plants, and accessories". Air Commerce Act of 1926, amendment. Vol. 44, p. 568; U.S.C., Supp. VII, p. 1021. Research work to improve aircraft, etc.

SEC. 2. Subdivision (e) of such section 2 (U.S.C., Supp. VII, title 49, sec. 172(e)) is amended to read as follows:

"(e) To investigate accidents in civil air navigation in the United States, including the attending facts, conditions, and circumstances, and for that purpose the Secretary, or any officer or employee of the Department of Commerce designated by him in writing for the purpose, is authorized to hold public hearings in such places and at such times as he shall deem practical, and for the purpose of such hearings, administer oaths, examine witnesses, require the preservation of evidence, and issue subpenas for the attendance and testimony of witnesses, or the production of books, papers, documents, exhibits, and other evidence, or the taking of depositions before any designated individual competent to administer oaths for the purposes of this Act. Witnesses summoned or whose depositions are taken shall receive the same fees and mileage as witnesses in the courts of the United States. All evidence taken at the hearing shall be recorded and forwarded to the Secretary. At the conclusion of an investigation of or hearing on any such accident or as soon thereafter as circumstances permit, the Secretary of Commerce shall, if he deems it in the public interest, make public a statement of the probable cause or causes of the accident, except that when the accident has resulted in serious or fatal injury, it shall be the duty of the Secretary to make public such a statement. Neither any such statement nor any report of such investigation or hearing, nor any part thereof, shall be admitted as evidence or used for any purpose in any suit or action growing out of any matter referred to in any such statement, investigation, hearing, or report thereof." Investigations of accidents, civil aircraft. Hearings. Compulsion of testimony. Witness fees. Recording testimony. Statement of probable cause. Admission in evidence.

SEC. 3. Subdivision (a) of section 3 of such Act (U.S.C., Supp. VII, title 49, sec. 173(a)) is amended by inserting after the second sentence thereof a semicolon and the following: "but the Secretary may, if he deems it advisable, grant limited registration to aircraft Vol. 44, p. 569; U.S.C., Supp. VII, p. 1020. Registration of aircraft. Limited registration, aircraft alien owned.

[1] So in original.

Restriction on use.

owned by aliens under such conditions as he may by regulation prescribe, but aircraft granted such limited registration shall not be permitted to engage in interstate or foreign air commerce."

Rating of parachutes as to airworthiness.

SEC. 4. Subdivision (b) of such section 3 (U.S.C., Supp. VII, title 49, sec. 173(b)) is amended by inserting after the words "United States" in the first sentence thereof the following: "and parachutes used in connection with such aircraft,".

Examination and rating of airlines engaged in interstate, etc., commerce.

SEC. 5. Subdivision (d), as amended, of such section 3 (U.S.C., Supp. VII, title 49, sec. 173(d)) is amended by inserting before the period at the end thereof a comma and the following: "and provide for the examination and rating of all air lines engaged in interstate or foreign air commerce and establish minimum safety standards for the operation thereof".

Minimum safety standards.

Vol 44, p. 570; U.S.C., Supp. VII, p. 1020.

Airline certificates, issuance, revocation, etc.

Limitation on power of Secretary to deny, etc.

SEC. 6. Subdivision (f) of such section 3 (U.S.C., Supp. VII, title 49, sec. 173(f)) is amended by inserting after the word "aircraft" in the first sentence thereof the word "airline" and a comma, and by inserting after such sentence the following sentence: "The Secretary of Commerce shall not deny any application for an airline certificate or revoke or suspend any airline certificate, except for failure of the airline to comply with safety standards applicable to the operation thereof prescribed by the Secretary."

Denied application, payment of assessed costs.

SEC. 7. Subdivision (f) of such section 3 is further amended by adding at the end thereof the following sentence: "Where the decision in such hearing is adverse to the applicant for hearing, such applicant shall pay to the Secretary of Commerce, to be covered into the Treasury as miscellaneous receipts, an amount equal to such portion of the costs of the hearing as the Secretary of Commerce may designate, and in any case the applicant may be required by the Secretary of Commerce to furnish bond, with such surety as he may approve, to cover all such costs before the matter is heard."

SEC. 8. Such Act is amended by adding after section 3 (U.S.C., Supp. VII, title 49, sec. 173) a new section as follows:

Jurisdiction of district courts to compel testimony.

"SEC. 3a. (1) In case of failure to comply with any subpena issued under authority of this Act, the Secretary of Commerce, or his authorized representative, may invoke the aid of any United States district court, the Supreme Court of the District of Columbia, or the United States court of any Territory or other place to which this Act applies. The court may thereupon order the person to whom the subpena was issued to comply with the requirements of the subpena or to give evidence with respect to the matter in question. Any failure to obey the order may be punished by the court as a contempt thereof.

Production of books, records, etc.

"(2) No person shall be excused from attending and testifying or from producing books, papers, documents, exhibits, and other evidence before the Secretary of Commerce or his designated representative or in obedience to the subpena of the Secretary of Commerce or his designated representative, or in any cause or proceeding instituted by the Secretary of Commerce or his designated representative, on the ground that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"(3) Any notary public or other officer authorized by law of the United States, or any State, Territory, or possession thereof, or the District of Columbia, to take acknowledgment of deeds, any consular officer of the United States, and any officer or employee of the Department of Commerce designated by the Secretary in writing for the purpose, shall be competent to administer oaths for the purposes of this Act. Subpenas for the purposes of this Act may be served personally or sent by registered mail."

Acknowledgement of deeds.

Service of subpenas.

SEC. 9. Section 5 of such Act (U.S.C., Supp. VII, title 49, sec. 175) is amended by adding at the end thereof the following new subdivision:

Vol. 44, p. 570; U.S.C., Supp. VII, p. 1020.

"(g) The persons owning or operating any bridge, causeway, transportation or transmission line, or any structure over navigable waters of the United States shall maintain at their own expense such lights and other signals thereon for the protection of air navigation as the Secretary of Commerce shall prescribe."

Aids to air navigation.
Lights and signals at obstructions.

SEC. 10. Subdivision (k) of section 9 of such Act (U.S.C., Supp. VII, title 49, sec. 179 (k)) is amended by inserting before the period at the end thereof the following: " or of parachutes ".

Vol. 44, p. 574; U.S.C., Supp. VII, p. 1022.
"Airman" to include person in charge of parachute inspection.

SEC. 11. Paragraph (3) of subdivision (a) of section 11 of such Act (U.S.C., Supp. VII, title 49, sec. 181 (a)) is amended by inserting before the period at the end thereof the following: " or to operate any airline in interstate or foreign air commerce without an airline certificate or in violation of the terms of any such certificate ".

Unlawful acts.
Unlicensed operation of airline.

SEC. 12. Paragraph (5) of subdivision (a) of such section 11 is amended by inserting before the period at the end thereof the following: " or to operate any aircraft registered as an aircraft of the United States otherwise than in conformity with the regulations of the Secretary of Commerce pertaining thereto "

Unauthorized operation of registered aircraft.

Approved, June 19, 1934

[CHAPTER 655.]

AN ACT

June 19, 1934.
[S. 3530.]
[Public, No. 419.]

Relating to Philippine currency reserves on deposit in the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed, when the funds therefor are made available, to establish on the books of the Treasury a credit in favor of the Treasury of the Philippine Islands for $23,862,750.78, being an amount equal to the increase in value (resulting from the reduction of the weight of the gold dollar) of the gold equivalent at the opening of business on January 31, 1934, of the balances maintained at that time in banks in the continental United States by the Government of the Philippine Islands for its gold standard fund and its Treasury certificate fund less the interest received by it on such balances.

Philippine currency reserves.
Readjustment of, on deposit in the United States.

SEC. 2. There is hereby authorized to be appropriated, out of the receipts covered into the Treasury under section 7 of the Gold Reserve Act of 1934, by virtue of the reduction of the weight of the gold dollar by the proclamation of the President on January 31, 1934, the amount necessary to establish the credit provided for in section 1 of this Act.

Appropriation authorized.
Ante, p. 341.
Post, p. 1790.

Approved, June 19, 1934.

[CHAPTER 656.]

AN ACT

June 19, 1934.
[S. 3646.]
[Public, No. 420.]

To amend section 938 of the Revised Statutes to vest the courts with discretion to refuse to order the return of vessels seized for violation of any law of the United States; and to amend subsection (b) of section 7 of the Air Commerce Act of 1926, as amended, to provide for the forfeiture of aircraft used in violation of customs laws.

Vessels seized for violation of laws.
Vesting courts with discretion to refuse to order return.
R.S., sec. 938, p. 178; U.S.C., p. 937.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 938 of the Revised Statutes (U.S.C., title 28, sec. 751) is amended by adding at the end thereof the following new sentence: "Notwithstanding the provisions of this section or any other provisions of law relating to the return on bond of vessels seized for the violation of any law of the United States, the court having jurisdiction of the subject matter, may, in its discretion and upon good cause shown by United States, refuse to order such return of any such vessel to the claimant thereof.

Air Commerce Act of 1926, amendment.
Vol. 44, p. 574; U.S.C. Supp. VII, p. 1922.
Penalty provisions.
Remission of fine authorized.
Customs or public health regulation applicable to aircraft.
Vol. 44, p. 572; U.S.C. Supp. VII, p. 1021.

SEC. 2. That subsection (b) of section 11 of the Air Commerce Act of 1926, as amended (U.S.C., Supp. VII, title 49, sec. 181), is amended by striking out the first sentence thereof and inserting in lieu thereof the following two new sentences: "Any person who (1) violates any provision of subdivision (a) of this section or any entry or clearance regulation made under section 7 (b) of this Act, or (2) any immigration regulation made under such section, shall be subject to a civil penalty of $500 which may be remitted or mitigated by the Secretary of Commerce, or the Secretary of Labor, respectively, in accordance with such proceedings as the Secretary shall by regulation prescribe. Any person violating any customs or public health regulation made under section 7 (b) of this Act, or any provision of the customs or public-health laws or regulations thereunder made applicable to aircraft by regulation under such section shall be subject to a civil penalty of $500, and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture as provided for in such customs or public-health laws, which penalty and forfeiture may be remitted or mitigated by the Secretary of the Treasury."

Approved, June 19, 1934.

[CHAPTER 657.]

AN ACT

June 19, 1934.
[S. 3696.]
[Public, No. 421.]

Authorizing the President to make rules and regulations in respect to alcoholic beverages in the Canal Zone, and for other purposes.

Canal Zone.
Alcoholic beverages in; rules and regulations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to make rules and regulations in respect to the sale and manufacture of alcoholic beverages within, and the importation thereof into and exportation thereof from, the Canal Zone, including the authority to prescribe licenses and fees for the sale and manufacture of such beverages.

Penalty provisions.

SEC. 2. Any person violating any provision of such rules and regulations shall be punished by a fine of not more than $500 or imprisoned in jail for not more than six months, or by both, and in addition the license of such person may be revoked or suspended as the President may by such rules and regulations prescribe.

Laws, etc., repealed.

SEC. 3. All laws, rules, regulations, and orders in force prior to the date this Act takes effect, insofar as they apply to the sale, manufacture, possession, transportation, importation, and exportation of alcoholic beverages in the Canal Zone, are repealed.

SEC. 4. This Act shall take effect on the thirtieth day after the date of its enactment. Effective date.

Approved, June 19, 1934.

[CHAPTER 658.]

AN ACT

June 19, 1934.
[S. 3739.]
[Public, No. 422.]

To authorize the President to transfer to the Government of Haiti without charge to that Government certain property of the United States in Haiti.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized, in his discretion, to transfer permanently and deliver to the Government of Haiti, without charge against that Government, all right, title, and interest of the Government of the United States in such hereinafter-named property, now in Haiti, as may appear appropriate to the President of the United States: Haiti, transfer of designated property to, authorized.

(a) Equipment, supplies, materials; (b) buildings on land belonging to the Government of Haiti and land leased from private owners; and (c) three emphyteutic leases and one permanent easement covering four parcels of land used by the United States as a radio station at Port-au-Prince, Haiti.

SEC. 2. The Government of Haiti shall assume all obligations of the Government of the United States under said leases and easements. Assumption of obligations.

Approved, June 19, 1934.

[CHAPTER 659.]

AN ACT

June 19, 1934.
[S. 3788.]
[Public, No. 423.]

To extend the times for commencing and completing the construction of a bridge across the Rio Grande at Boca Chica, Texas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Rio Grande at Boca Chica, Texas, authorized to be built by the Boca Chica Bridge Company by an Act of Congress approved June 10, 1932, heretofore extended by Act of Congress approved March 1, 1933, are hereby further extended one and three years, respectively, from March 1, 1934. Rio Grande.
Time extended for bridging at Boca Chica, Tex.
Vol. 47, pp. 297, 1413.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved. Amendment.

Approved, June 19, 1934.

[CHAPTER 660.]

AN ACT

June 19, 1934.
[H.R. 387.]
[Public, No. 424.]

Donating bronze trophy guns to the Cohoes Historical Society, Cohoes, New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War, in his discretion, is hereby authorized to deliver to the order of the Cohoes Historical Society two bronze trophy guns stored in the Watervliet Arsenal at Watervliet, New York, and marked "W. A. 240" and "W. A. 241", caliber, four and one hundred and twenty-five thousandths: *Provided*, That the United States shall be put to no expense in connection with the delivery of said guns. Cohoes Historical Society, Cohoes, N.Y.
Bronze guns donated to.
Proviso.
No Federal expense.

Approved, June 19, 1934.

[CHAPTER 661.]

AN ACT

June 19, 1934.
[H.R. 1503.]
[Public, No. 425.]

To amend the Act entitled "An Act to create the California Débris Commission and regulate hydraulic mining in the State of California", approved March 1, 1893, as amended.

California Débris Commission.
Vol. 27, p. 507; U.S.C., p. 1088.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 18 of the Act entitled "An Act to create the California Débris Commission and regulate hydraulic mining in the State of California", approved March 1, 1893, as amended (U.S.C., title 33, sec. 678), is amended to read as follows:

Hydraulic mining process.
Modification of order granting privilege of.

"SEC. 18. The said commission may, at any time when the condition of the navigable rivers or when the capacities of all impounding and settling facilities erected by mine owners or such as may be provided by Government authority require same, modify the order granting the privilege to mine by the hydraulic mining process so as to reduce the amount thereof to meet the capacities of the facilities then in use; or, if actually required in order to protect the navigable rivers from damage or in case of failure to pay the tax prescribed by section 23 hereof within thirty days after same becomes due, may revoke same until the further notice of the commission."

Revocation.

SEC. 2. Section 23 of such Act, as amended (U.S.C., title 33, sec. 683), is amended to read as follows:

Tax payments.

"SEC. 23. Upon the construction by the said commission of dams or other works for the detention of débris from hydraulic mines and the issuing of the order provided for by this Act to any individual, company, or corporation to work any mine or mines by hydraulic process, the individual, company, or corporation operating thereunder working any mine or mines by hydraulic process, the débris from which flows into or is in whole or in part restrained by such dams or other works erected by said commission, shall pay for each cubic yard mined from the natural bank a tax equal to the total capital cost of the dam, reservoir, and rights of way divided by the total capacity of the reservoir for the restraint of débris, as determined in each case by the California Débris Commission, which tax shall be paid annually on a date fixed by said commission and in accordance with regulations to be adopted by the Secretary of the Treasury, and the Treasurer of the United States is hereby authorized to receive the same. All sums of money paid into the Treasury under this section shall be set apart and credited to a fund to be known as the débris fund, and shall be expended by said commission under the supervision of the Chief of Engineers and direction of the Secretary of War, for repayment of any funds advanced by the Federal Government or other agency for the construction of restraining works and settling reservoirs, and for maintenance: *Provided*, That said commission is hereby authorized to receive and pay into the Treasury from the owner or owners of mines worked by the hydraulic process, to whom permission may have been granted so to work under the provisions thereof, such money advances as may be offered to aid in the construction of such impounding dams, or other restraining works, or settling reservoirs, or sites therefor, as may be deemed necessary by said commission to protect the navigable channels of said river systems, on condition that all moneys so advanced shall be refunded as the said tax is paid into the said débris fund: *And provided further*, That in no event shall the Government of the United States be held liable to refund same except as directed by this section."

Determination of amount.

Credited to débris fund.

Provisos.
Deposit into Treasury.

Liability.

Approved, June 19, 1934.

[CHAPTER 662.]

AN ACT

June 19, 1934.
[H.R. 1567.]
[Public, No. 426.]

Amending section 1 of the Act of March 3, 1893 (27 Stat.L. 751), providing for the method of selling real estate under an order or decree of any United States court.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of Congress approved the 3d day of March 1893, chapter 225, be amended so as to read as follows:

Real property sales under court order.
Vol. 27, p. 751; U.S.C., p. 944.

"All real estate or any interest in land sold under any order or decree of any United States court shall be sold at public sale at the courthouse of the county, parish, or city in which the property, or the greater part thereof, is located, or upon the premises, as the court rendering such order or decree of sale may direct: *Provided, however*, That the court may, upon petition therefor and a hearing thereon after such notice to parties in interest as said court shall direct, if it find that the best interests of said estate will be conserved thereby, order and decree the sale of such real estate or interest in land at private sale: *Provided further*, That the court shall appoint three disinterested persons to appraise said property, and said sale shall not be confirmed for less than two thirds of the appraised value."

Requirements.

Provisos.
Private sales.

Appraisal and confirmation.

Approved, June 19, 1934.

[CHAPTER 663.]

AN ACT

June 19, 1934.
[H.R. 1731.]
[Public, No. 427.]

To make provision for suitable quarters for certain Government Services at El Paso, Texas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when the owners of lots 11, 12, 13, 14, 15, portions of lots 16 and 17, block 21, Campbell's Addition, El Paso, Texas (hereinafter called the owners), have agreed to erect on such lots a building of such design, plan, and specifications as may be approved by the Secretary of the Treasury as suitable for the use of the Bureau of Immigration, the Bureau of Customs, the United States Public Health Service, and the Bureau of Plant Quarantine, the Secretary of the Treasury is authorized and directed to negotiate, and, subject to an appropriation therefor, lease such building and such lots from the owners for a term of twenty-five years after such building is ready for occupancy at a fair annual rental, subject to the limitations of section 322 of Part II of the Legislative Appropriation Act for the fiscal year ending June 30, 1933, approved June 30, 1932. Such lease shall contain a provision—

Government services at El Paso, Tex.
Lease of building for.

Vol. 47, p. 412.

Provision for cancelation of lease.

For a cancelation of the lease in the event that the lots on which the building is to be constructed are determined, judicially or by agreement, to be lands subject to the jurisdiction of the United States of Mexico.

SEC. 2. There is authorized to be appropriated such amounts as may be necessary to pay the installments of rent provided for in such lease.

Appropriation authorized.

Approved, June 19, 1934.

[CHAPTER 664.]

AN ACT

June 19, 1934.
[H.R. 3357.]
[Public, No. 428.]

To amend section 99 of the Judicial Code (U.S.C., title 28, sec. 180), as amended.

Judicial Code, amendment.
Vol. 26, p. 67; U.S.C., p. 886.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 99 of the Judicial Code, as amended (U.S.C., title 28, sec. 180), be amended to read as follows:

North Dakota.
To constitute one judicial district.
Divisions.

"SEC. 99. The State of North Dakota shall constitute one judicial district to be known as the district of North Dakota. The territory embraced on the 1st day of January 1932, in the counties of Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, Logan, McIntosh, McLean, Mercer, Morton,

Southwestern.

Oliver, Sioux, Slope, and Stark shall constitute the southwestern division of said district; and the territory embraced on the date last mentioned in the counties of Barnes, Cass, Dickey, Eddy, Foster, Griggs, LaMoure, Ransom, Richland, Sargent, Sheridan, Steele,

Southeastern.

Stutsman, and Wells shall constitute the southeastern division; and the territory embraced on the date last mentioned in the counties of Benson, Bottineau, Cavalier, Grand Forks, Nelson, McHenry,

Northeastern.

Pembina, Pierce, Ramsey, Rolette, Traill, Towner, and Walsh shall constitute the northeastern division; and the territory embraced on the date last mentioned in the counties of Burke, Divide, McKen-

Northwestern.
Indian reservations.

zie, Mountrail, Renville, Ward, and Williams shall constitute the northwestern division. The several Indian reservations and parts

Terms of court.

thereof within said State shall constitute a part of the several divisions within which they are respectively situated. Terms of the district court for the southwestern division shall be held at Bismarck on the second Tuesday in March; for the southeastern division, at Fargo on the second Tuesday in December and at Jamestown on the second Tuesday in October; for the northeastern division, at Devils Lake on the second Tuesday in May and at Grand Forks

Clerk's office.

on the second Tuesday in November; and for the northwestern division, at Minot on the second Tuesday in April. The clerk of the court shall maintain an office in charge of himself or a deputy at each place at which court is held in his district."

Approved, June 19, 1934.

[CHAPTER 665.]

AN ACT

June 19, 1934.
[H.R. 7348.]
[Public, No. 429.]

To amend section 3937 of the Revised Statutes.

Postal Service.
R.S., sec. 3937, p. 764; U.S.C., p. 1260.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3937 of the Revised Statutes (39 U.S.C. 407) is hereby amended to read as follows:

Unpaid letters.
To be sent to dead-letter office.

"All domestic letters deposited in any post office for mailing, on which the postage is wholly unpaid or paid less than one full rate as required by law, except letters lawfully free, and duly certified letters of soldiers, sailors, and marines in the service of the United

Or other designated office.

States, shall be sent by the postmaster to the dead-letter office in Washington, or to a post office designated by the Postmaster General,

Collection of postage on delivery.

to be treated in the same manner as other undelivered letters. But in adjoining cities and in those adjacent districts of dense population having two or more post offices within a distance of three miles of each other, any letter mailed at one of such cities and/or offices and addressed to an adjoining city or to a locality within the delivery

of another of such offices, which shall have been inadvertently prepaid at the drop or local letter rate of postage only, may be forwarded to its destination through the proper office, charged with the amount of the deficient postage, to be collected on delivery."

Approved, June 19, 1934.

[CHAPTER 666.]

AN ACT

June 19, 1934.
[H.R. 8514.]
[Public, No. 430.]

Authorizing the Secretary of the Treasury to convey a part of the post-office site in San Antonio, Texas, to the city of San Antonio, Texas, for street purposes, in exchange for land for the benefit of the Government property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to permit the widening of North Alamo Street adjacent to the post-office site at San Antonio, Texas, and to make uniform the dimensions of the post-office site, the Secretary of the Treasury be, and he is hereby, authorized to convey by the usual quitclaim deed to the city of San Antonio, Texas, for street purposes only, a tract of land forming a part of the post-office site described as lying and being in the city of San Antonio, Texas—

San Antonio, Tex.
Conveyance to, authorized.

Beginning at the intersection of the east line of North Alamo Street fifty-five and six tenths feet wide with the south line of Travis Street fifty-five and six tenths feet wide, said point of beginning being the northwest corner of the present post-office site, running thence in an eastwardly direction a distance of ten and ten one-hundredths feet to a point in the line of Travis Street; thence in a southwardly direction a distance of three hundred and three and four-tenths feet to a point; thence in an eastwardly direction a distance of twenty-three and ninety-three one-hundredths feet to a point in the present north line of East Houston Street; thence in a southwesterly direction thirty-four and fifty-six one-hundredths feet to a point, being the intersection of the present north line of East Houston Street with the present east line of North Alamo Street; thence in a northwardly direction with the present line of North Alamo Street fifty-five and six tenths feet wide a distance of three hundred and eight and five tenths feet to the point or place of beginning, in consideration of the conveyance by the city of San Antonio, Texas, to the United States of a valid title in and to the triangular parcel of land which is a part of East Houston Street as now laid out and described as:

Description of tract.

Consideration.

Beginning at a point being the intersection of the north line of East Houston Street as now laid out with the westerly line of Avenue E as now laid out seventy-eight feet wide, said point of beginning also being the present southeasterly corner of the post-office site; running thence in a northeastwardly direction with the line of Avenue E a distance of twenty-six and forty-three one-hundredths feet to a point; thence in a southwestwardly direction a distance of one hundred and thirteen and seventeen one-hundredths feet to a point in the line of East Houston Street as now laid out; thence in an eastwardly direction with the line of East Houston Street as now laid out a distance of ninety-five and seventy-five one-hundredths feet to the point or place of beginning.

Approved, June 19, 1934.

[CHAPTER 667.]

AN ACT

June 19, 1934.
[H.R. 8700.]
[Public, No. 431.]
Canal Zone, Code of Laws.

To establish a Code of Laws for the Canal Zone, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the seven titles hereinafter set forth shall constitute the Code of Laws for the Canal Zone and shall, for all purposes, establish conclusively, and be deemed to embrace, all the permanent laws relating to or applying in the Canal Zone in force on the date of enactment of this Act, except such general laws of the United States as relate to or apply in the Canal Zone. Such code shall be designated as the "Canal Zone Code" and shall take effect on the expiration of ninety days after the date of enactment of this Act. Copies of such code printed at the Government Printing Office and bearing its imprint shall be conclusive evidence of the original of such code.

SEC. 2. The said Canal Zone Code shall not be published in the Session Laws or Statutes at Large, and there shall be printed and bound, as may be directed by the Joint Committee on Printing, such number of copies thereof as may be required for official use and distribution, including an index and any other explanatory matter the committee may deem necessary.

Approved, June 19, 1934.

[The Code of Laws for the Canal Zone is printed in a separate volume entitled, "Canal Zone Code, 1934."]

[CHAPTER 668.]

AN ACT

June 19, 1934.
[H.R. 8910.]
[Public, No. 432.]

To establish a National Archives of the United States Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created the Office of Archivist of the United States, the Archivist to be appointed by the President of the United States, by and with the advice and consent of the Senate.

National Archives.
Office of Archivist created.
Appointment and confirmation.

SEC. 2. The salary of the Archivist shall be $10,000 annually. All persons to be employed in the National Archives Establishment shall be appointed by the Archivist solely with reference to their fitness for their particular duties and without regard to civil-service law; and the Archivist shall make rules and regulations for the government of the National Archives; but any official or employee with salary of $5,000 or over shall be appointed by the President by and with the advice and consent of the Senate.

Compensation.
Employees.
Qualifications, appointment.
Confirmation.

SEC. 3. All archives or records belonging to the Government of the United States (legislative, executive, judicial, and other) shall be under the charge and superintendence of the Archivist to this extent: He shall have full power to inspect personally or by deputy the records of any agency of the United States Government whatsoever and wheresoever located, and shall have the full cooperation of any and all persons in charge of such records in such inspections, and to requisition for transfer to the National Archives Establishment such archives, or records as the National Archives Council, hereafter provided shall approve for such transfer, and he shall have authority to make regulations for the arrangement, custody, use, and withdrawal of material deposited in the National Archives Building: *Provided*, That any head of an executive department, independent office, or other agency of the Government may, for limited periods, not exceeding in duration his tenure of that office, exempt from examination and consultation by officials, private individuals, or any other persons such confidential matter transferred from his department or office, as he may deem wise.

Archivist.
Superintendence of archives by.
Inspection of records.
Requisition for transfer of documents.
Proviso.
Exemption of confidential matter.

Custody and control of Archives Building.

SEC. 4. The immediate custody and control of the National Archives Building and such other buildings, grounds, and equipment as may from time to time become a part of the National Archives Establishment (except as the same is vested by law in the Director of National Buildings, Parks, and Reservations) and their contents shall be vested in the Archivist of the United States.

National Historical Publications Commission.

Publication of historical works.

SEC. 5. That there is hereby created also a National Historical Publications Commission which shall make plans, estimates, and recommendations for such historical works and collections of sources as seem appropriate for publication and/or otherwise recording at the public expense, said Commission to consist of the Archivist of the United States, who shall be its chairman; the historical adviser of the Department of State; the chief of the historical section of the War Department, General Staff; the superintendent of naval records in the Navy Department; the Chief of the Division of Manuscripts in the Library of Congress; and two members of the American Historical Association appointed by the president thereof from among those persons who are or have been members of the executive council of the said association: *Provided*, That the preparation and publication of annual and special reports on the archives and records of the Government, guides, inventory lists, catalogs, and other instruments facilitating the use of the collections shall have precedence over detailed calendars and textual reproductions. This Commission shall meet at least once a year, and the members shall serve without compensation except repayment of expenses actually incurred in attending meetings of the Commission.

Composition of Commission.

Proviso.
Precedence in publication of reports.

Commission, meetings of.

National Archives Council.
Composition.

SEC. 6. That there is hereby further created a National Archives Council composed of the Secretaries of each of the executive departments of the Government (or an alternate from each department to be named by the Secretary thereof), the Chairman of the Senate Committee on the Library, the Chairman of the House Committee on the Library, the Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States. The said Council shall define the classes of material which shall be transferred to the National Archives Building and establish regulations governing such transfer; and shall have power to advise the Archivist in respect to regulations governing the disposition and use of the archives and records transferred to his custody.

Classes of material for transfer defined by.

Regulations governing disposition.

Motion picture films, historical sound recordings.
Acceptance authorized.
Projecting room, maintenance.

SEC. 7. The National Archives may also accept, store, and preserve motion-picture films and sound recordings pertaining to and illustrative of historical activities of the United States, and in connection therewith maintain a projecting room for showing such films and reproducing such sound recordings for historical purposes and study.

Seal.

SEC. 8. That the National Archives shall have an official seal which will be judicially noticed.

Reports to Congress.

SEC. 9. That the Archivist shall make to Congress, at the beginning of each regular session, a report for the preceding fiscal year as to the National Archives, the said report including a detailed statement of all accessions and of all receipts and expenditures on account of the said establishment. He shall also transmit to Congress the recommendations of the Commission on National Historical Publications, and, on January 1 of each year, with the approval of the Council, a list or description of the papers, documents, and so forth (among the archives and records of the Government), which appear to have no permanent value or historical interest, and which, with the concurrence of the Government agency concerned, and subject to the approval of Congress, shall be destroyed or otherwise effectively disposed of.

Appropriations authorized.
Ante, p. 1026.

Printing and binding.

Annual estimates to Congress.

Inconsistent acts repealed.

SEC. 10. That there are hereby authorized such appropriations as may be necessary for the maintenance of the National Archives Building and the administration of the collections, the expenses, and work of the Commission on National Historical Publications, the supply of necessary equipment and expenses incidental to the operations aforesaid, including transfer of records to the Archives Building; printing and binding; personal services in the District of Columbia and elsewhere; travel and subsistence and per diem in lieu of subsistence, notwithstanding the provisions of any other Acts; stenographic services by contract or otherwise as may be deemed necessary; purchases and exchange of books and maps; purchase, exchange, and operation of motor vehicles; and all absolutely necessary contingent expenses, all to be expended under the direction of the Archivist, who shall annually submit to Congress estimates therefor in the manner prescribed by law.

SEC. 11. All Acts or parts of Acts relating to the charge and superintendency, custody, preservation, and disposition of official papers and documents of executive departments and other governmental agencies inconsistent with the provisions of this Act are hereby repealed.

Approved, June 19, 1934.

[CHAPTER 669.]

AN ACT

June 19, 1934.
[H.R. 8954.]
[Public, No. 433.]

To amend an Act approved June 14, 1932 (47 Stat. 306), entitled "An Act granting the consent of Congress to the States of Montana and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Yellowstone River."

Montana-Wyoming. Agreement for division of waters of Yellowstone River.
Vol. 47, p. 306.

Waters in Yellowstone National Park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved June 14, 1932 (47 Stat. 306) entitled "An Act granting the consent of Congress to the States of Montana and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Yellowstone River", is hereby amended by adding the following thereto: "*Provided further*, That nothing in this Act shall apply to any waters within the Yellowstone National Park or shall establish any right or interest in or to any lands within the boundaries thereof."

Approved, June 19, 1934.

[CHAPTER 670.]

AN ACT

June 19, 1934.
[H.R. 9123.]
[Public, No. 434.]

To authorize the Secretary of War to lend War Department equipment for use at the Sixteenth National Convention of the American Legion at Miami, Florida, during the month of October 1934.

American Legion. Loan of Army equipment to, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is authorized to lend, at his discretion, to the American Legion, 1934 Convention Corporation, for use at the Sixteenth National Convention of the American Legion to be held at Miami, Florida, in the month of October 1934, such tents, cots, and blankets, and other available stock out of the Army and National Guard supplies as such corporation may require to house properly Legionnaires attending such convention: *Provided*, That no expense shall be caused the United States Government by the delivery and return of such property, the same to be delivered at such time prior to the holding of such convention as may be agreed upon by the Secretary of War and the American Legion 1934 Convention Corporation,

Provisos.
No Federal expense.

through the executive vice president of such corporation, Charles A. Mills: *Provided further*, That the Secretary of War, before delivering such property, shall take from such corporation a good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States.

Bond required.

Approved, June 19, 1934.

[CHAPTER 671.]

AN ACT

June 19, 1934.
[H.R. 9143.]
[Public, No. 435.]

Providing educational opportunities for the children of soldiers, sailors, and marines who were killed in action or died during the World War.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, from funds to the credit of the District of Columbia in the Treasury of the United States not otherwise appropriated, the sum of $3,600, annually, for the fiscal years 1935 to 1943, inclusive, for aid in the education of children (between the ages of sixteen and twenty-one years, inclusive, who have had their domicile in the District of Columbia for at least five years) of those who lost their lives during the World War as a result of service in the military or naval forces of the United States, including tuition, fees, maintenance, and the purchase of books and supplies: *Provided*, That not more than $200 shall be available for any one child in any one year: *Provided further*, That appropriations made in accordance with this Act shall be expended, under rules and regulations prescribed by the Board of Education of the District of Columbia, only for such children as the said Board, from time to time, may find to be in need of such aid and in such amounts as the said Board from time to time may determine in the case of each child.

Children of veterans who lost lives during World War.
Appropriation authorized to provide educational opportunities for.

Provisos.
Restriction.
Expenditure.

Approved, June 19, 1934.

[CHAPTER 672.]

AN ACT

June 19, 1934.
[H.R. 9178.]
[Public, No. 436.]

To regulate the business of life insurance in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

Life Insurance Act, D.C.

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CHAPTER I—TITLE AND DEFINITIONS

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Short title.

SECTION 1. SHORT TITLE.—This Act shall be known as the "Life Insurance Act." All life insurance companies now or hereafter incorporated or formed by authority of any general or special law of this District or by other Act of Congress, and all foreign and alien companies authorized to do business in this District, shall be subject to this Act.

Definitions.

SEC. 2. DEFINITIONS.—In this Act, unless the context otherwise requires—

"District." "District" means the District of Columbia;

"Commissioners." "Commissioners" means the Commissioners of the District of Columbia;

"Superintendent." "Superintendent" means the Superintendent of Insurance of the District of Columbia;

"Department." "Department" means the Department of Insurance of the District of Columbia;

"Company." "Company" means any life insurance company and includes a corporation, company, or association of persons engaged in or proposing to engage in the business of life insurance;

"Domestic company." "Domestic company" means an insurance company organized under the laws of the District, or formed or organized under an Act of Congress;

"Foreign company." "Foreign company" means an insurance company organized under the laws of any State of the United States, or of any Territory or insular possession of the United States;

"Alien company." "Alien company" means a company organized under the laws of any country other than the United States or a Territory or insular possession thereof;

"Person." "Person" includes individuals, corporations, associations, and partnerships; personal pronouns include all genders; the singular includes the plural, and the plural includes the singular,

"General agent." The term "general agent" in this Act shall include an individual, copartnership, or corporation authorized in writing by a company, association, or exchange to solicit risks and collect premiums, and/or issue policies in its behalf.

"Agent." The terms "agent" in this Act shall include an individual, copartnership, or corporation authorized in writing by a company, association, or exchange to solicit risks and collect premiums in its behalf.

"Solicitor." The term "solicitor" in this Act shall include any individuals authorized in writing by a duly licensed agent to solicit risks and collect premiums in behalf of said agent.

The terms "agent" and "solicitor" shall not include officers or salaried employees of any company, association, or exchange which is authorized to transact business in the District, who do not solicit, negotiate, or place risks.

"Broker." The term "broker" in this Act shall include consultant, surveyor and/or any person, partnership, association, or corporation who, for money, commission, or anything of value, acts or aids in any manner on behalf of the insured in negotiating contracts of insurance or placing risks or taking out insurances, including surety bonds;

"Net premium receipts." "Net premium receipts" means gross premiums received less the sum of the following:

1. Premiums returned on policies canceled or not taken;
2. Premiums paid for reinsurances where the same are paid to companies duly licensed to do business in the District; and
3. Dividends paid in cash or used by policyholders in payment of renewal premiums or in purchase of paid-up additional insurance.

"Surplus." "Surplus" means the excess of admitted assets over liabilities and capital, in the case of a company with capital stock, and the excess of admitted assets over liabilities in the case of a company without capital stock;

"Liabilities." "Liabilities" means all debts, due or to become due, contingent or otherwise, of which the company has knowledge, and includes the reserves required by this Act;

"Industrial life insurance."

"Industrial life insurance" means that form of life insurance, either (a) under which the premiums are payable weekly, or (b) under which the premiums are payable monthly or oftener, if the face amount of insurance provided in the policy is less than $1,000, and the words "industrial policy" are plainly printed upon the policy as a part of the descriptive matter.

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SECTION 1. INSURANCE DEPARTMENT; SUPERINTENDENT OF INSURANCE; OATH; BOND; ASSISTANTS; SEAL; CERTIFICATE WITH EVIDENCE; ANNUAL REPORT.—There shall be continued in the District a Department charged with the execution of the laws relating to insurance, to be called the "Department of Insurance of the District of Columbia." At the head of such Department there shall be a Superintendent of Insurance, who shall devote his entire service to the Department. He shall be appointed by and hold his office at the pleasure of the Commissioners. The Superintendent, during his term of office, shall not be interested in the business of any insurance company except as a policyholder. He shall take and subscribe an oath of office which shall be filed with the Commissioners. In said Department there shall be also two Deputy Superintendents and such other personnel as may be necessary within appropriations annually

Department of Insurance of the District of Columbia.

Superintendent.

Appointment; tenure of office.

Restriction on other employment.

Oath.

Assistants.

Compensation.

made by Congress for said Department. The compensation of the Superintendent, Deputy Superintendents, and other personnel shall be fixed in accordance with the provisions of the Classification Act of 1923, as amended.

In case of the absence or inability of the Superintendent, or in the event of the removal of the Superintendent, and pending the appointment of his successor, one of the Deputy Superintendents shall perform the duties of the Superintendent.

Seal.

The Commissioners shall provide the Department with an official seal, which shall be the seal of the District of Columbia surrounded by a border in which shall appear "Department of Insurance of the District of Columbia."

Sealed instruments.

Every certificate and other document or paper executed by such Superintendent, or his deputies, in pursuance of any authority conferred upon him by law and sealed with the seal of his office, and all copies of papers certified by him or by his deputies and authenticated by said seal, shall, in all cases, be evidence equally and in like manner as the original thereof and shall have the same force and effect as would the original in any suit or proceeding in any court of this District.

Public office and records.

The office of the Superintendent shall be a public office, and the records, books, and papers thereof on file therein shall be public records of the District, except as it may be provided otherwise herein.

Annual report.

The Superintendent shall report annually to the Commissioners his official transactions, and shall include in such report abstracts of the annual statements of the several companies and an exhibit of the financial condition and business transactions of the same as shown by their annual statements. He shall also include therein a statement of the receipts and expenditures of the Department for the preceding year and such recommendations relative to insurance and the insurance laws of the District as he shall deem proper.

Attendance, national conventions of insurance commissioners.

The Superintendent is authorized to attend and participate in the meetings of the national convention of insurance commissioners and of the committees thereof; he is also authorized to visit the insurance departments of the various States when in his judgment such visits are necessary for the proper conduct of his official office; and he may require such of his assistants as he may designate to attend and participate in such meetings, all subject to the prior approval of the Commissioners. The actual expense of such attendance by the Superintendent and his assistants shall be paid in like manner as other expenses of the District are paid.

Fees and charges. Payment and deposit.

SEC. 2. FEES AND CHARGES.—All charges and fees provided for in this section shall be paid to the collector of taxes of the District of Columbia and deposited in the Treasury of the United States to the credit of the District.

For filing charter or articles of incorporation or association, or deed of settlement or copy thereof, required by law, $10; for each company certificate of authority, $10; for license of each general agent, $50; for license of each agent or solicitor, $5; for license of each broker, $50. All licenses for brokers, insurance companies, their agents or solicitors, who may apply for permission to do business in the District of Columbia, shall date from the first of the month in which application is made and expire on the 30th day of April following, and payment shall be made in proportion.

Taxes. Determination of assessment.

SEC. 3. TAXES.—Every company shall pay to the collector of taxes for the District of Columbia a sum of money as taxes equal to 1½ per centum of its net premium receipts from business done in the

District of Columbia, said taxes to be paid before the 1st day of March of each year on the amount of such income for the year ending December 31 next preceding, in lieu of all other taxes, except taxes upon real estate and fees and charges provided for in section 2 of this chapter. Payment.

If a company shall cease to do business in the District it shall thereupon make report to the Superintendent of the premiums collected and the date whereon it ceased to do business subject to taxation under this Act and not theretofore reported and shall forthwith pay to the collector of taxes of the District of Columbia the tax thereon computed according to law. When not in business full year.

If a company refuses to make any report for taxation or to pay the tax imposed upon it as required by the law, it shall be liable to the District for the amount thereof and a penalty of 8 per centum per month for each month it has failed after demand therefor. Service of process in any action to recover such tax or penalty shall be made according to the requirements of the law relating to actions brought against companies. Penalty, refusal to report or pay.

SEC. 4. TAX REFUNDS.—Whenever it appears to the satisfaction of the Superintendent that because of some error, mistake, or erroneous interpretation of a statute, a company has paid fees, charges, or taxes in excess of the amount legally chargeable against it, the Superintendent shall, on application of the company, present the matter to the Commissioners, with the view of refunding to such company any such excess, or applying the excess or portion thereof toward the payment of fees, charges, or taxes already due from such company. Tax refunds.

SEC. 5. CERTIFICATE OF AUTHORITY.—It shall be the duty of the Superintendent to issue a certificate of authority to a company when it shall have complied with the requirements of the laws of the District so as to entitle it to do business therein. In each case the certificate shall be issued under the seal of the Superintendent authorizing and empowering the company to transact the kind or kinds of business specified in the certificate. No company shall transact any business of insurance in the District until it shall have received a certificate of authority as herein prescribed and no company shall transact any business of insurance not specified in such certificate of authority. Before a company shall be authorized to transact business within the District the Superintendent shall be satisfied by such examination as he may make or such evidence as he may require that such company is duly qualified under the laws of the District to transact business therein. Certificate of authority. Issue to company upon compliance with requirements. Transaction of business without, unlawful.

SEC. 6. REVOCATION OF CERTIFICATE OF AUTHORITY.—If the Superintendent shall find that a domestic, foreign, or alien company is insolvent, or that it does not have the surplus required by this Act and invested as by this Act required, or that it does not have the surplus or whose policyholders do not have the contingent assessment liability required by this Act; or, if an alien company, that it does not have a surplus required by this Act and invested as by this Act required in the United States; or, if an alien company, that it does not have the deposit required by this Act; or, if he finds that the authorized capital of any domestic, foreign, or alien capital stock company is impaired and the company is not promptly restoring the deficiency or reducing its capital; or, that any domestic, foreign, or alien company has violated or failed to comply with the law or its charter; or, that the company or any of its officers has willfully refused or failed to submit to examination or to perform any obligation relative thereto, he may revoke the certificate of authority of Revocation of certificate. Grounds for.

such company and thereafter no new insurance business shall be transacted by the company or its agents until the Superintendent shall issue a new certificate of authority to the company.

Notice of proposed revocation.

The Superintendent shall not revoke the certificate of authority of any company until he has given the company not less than thirty days' notice of the proposed revocation and of the grounds alleged therefor and has afforded the company an opportunity to show that its certificate of authority should not be revoked. When the further transaction of business would be hazardous to the policyholders of any company, the Superintendent may suspend the certificate of authority without giving notice as above required.

Suspension without notice.

Annual statements.

SEC. 7. ANNUAL STATEMENT FORMS TO BE FURNISHED BY SUPERINTENDENT.—The Superintendent shall, annually, in the month of December, furnish to each of the companies authorized to do business in the District and required to make an annual statement to the Department two or more blanks in form adapted for such statements, and which shall conform as nearly as may be practicable to the form of statement from time to time adopted by the national convention of insurance commissioners.

Forms to be furnished.

Requirement of filing.

SEC. 8. ANNUAL STATEMENT.—Every company doing business in the District shall file with the Superintendent before March 1 in each year a financial statement for the year ending December 31, immediately preceding, on forms furnished by the Superintendent. Such statement shall be verified by the oaths of the president and secretary of the company, or, in their absence, by two other principal officers. The statement of an alien company shall embrace only its condition and transactions in the United States and shall be verified by the oath of its resident manager or principal representative in the United States. In case a company shall fail to make and file its annual statement within the time herein prescribed its authority to transact business in the District shall thereupon terminate.

Verification.

Statement of alien company.

Penalty, failure to file.

False statement; penalty.

SEC. 9. PENALTY FOR FALSE STATEMENT.—A director, officer, agent, or employee of any company who willfully and knowingly subscribes, makes, or concurs in making or publishing any annual or other statement required by law, containing any material statement which is false, shall, upon conviction thereof, be punished by imprisonment in the penitentiary for not less than two nor more than ten years. A person who willfully and knowingly makes oath to any such false statement shall be guilty of perjury.

Deceptive statements prohibited.

SEC. 10. DECEPTIVE STATEMENTS PROHIBITED.—No company doing business in the District or agent thereof shall state or represent by advertisement in any newspaper, periodical, or magazine, or by any sign, circular, card, policy of insurance, or certificate of renewal thereof or otherwise that any funds or assets are in possession of such company which are not actually possessed by it and available for the payment of losses and claims and held for the protection of its policyholders and creditors.

Advertisements, contents of.

SEC. 11. CONTENTS OF ADVERTISEMENTS.—Every advertisement or public announcement and every sign, circular, or card issued by any domestic, foreign, or alien company doing business in the District representing its financial standing shall exhibit the amount of the capital stock actually paid up in cash, the assets owned, the liabilities, including therein the premium and loss reserves required by law, and the amount of surplus, and shall correspond to the next preceding verified statement made to the Superintendent by such company.

Alien companies.

Every advertisement or public announcement and every sign, circular, or card issued by an alien company doing business in the District, representing its financial standing shall exhibit as capital stock and assets only the capital stock and assets held by its United

States branch, the liabilities, including therein the premium and loss reserves required by law, and the amount of surplus, and shall correspond to the next preceding verified statement made by such company to the Superintendent.

Penalty for violations.

Any violation of this or the preceding section shall be a misdemeanor, and any person convicted of such violation shall, for the first offense, be liable to a fine of not more than $500, and for each subsequent offense shall be liable to a fine of not more than $1,000.

Defamation of companies.

SEC. 12. DEFAMATION OF COMPANIES.—It shall be unlawful for any company now or hereafter doing business in the District, or any officer, director, clerk, employee, general agent, agent, or solicitor thereof, broker or any other person, to make, verbally or otherwise, publish, print, distribute, or circulate, or cause the same to be done, or in any way to aid, abet, or encourage the making, printing, publishing, distributing, or circulating of, any pamphlet, circular, article, literature, or statement of any kind which is defamatory of any company now or hereafter doing business in the District, or which contains any false criticism or false statement calculated to injure such company in its reputation or business; and any officer, director, clerk, employee, general agent, agent, or solicitor of any company, broker or any other person, violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $100.

Penalty.

Examinations.
Appearance of witnesses, etc., at.

SEC. 13. PENALTY FOR REFUSING TO APPEAR AND TESTIFY IN EXAMINATIONS.—That in the examination of any company as provided for in this Act the Superintendent shall have power to issue subpenas in the name of the Chief Justice of the Supreme Court of the District of Columbia to compel witnesses to appear and testify and/or to produce all books, records, papers, or documents before said Superintendent.

That if any witness having been personally summoned shall neglect or refuse to obey the subpena issued as herein provided, then and in that event the Superintendent may report that fact to the Supreme Court of the District of Columbia, or one of the justices thereof, and said court, or any justice thereof, hereby is empowered to compel obedience to said subpena to the same extent as witnesses may be compelled to obey the subpenas of that court.

Court proceedings.
Enforcement of orders of Superintendent.

SEC. 14. COURT PROCEEDINGS.—The Superintendent may, through the corporation counsel of the District, invoke the aid of any court of competent jurisdiction to enforce any order made or action taken by him in pursuance of law.

Application for insurance.
Effect of false statement in.

SEC. 15. FALSE STATEMENTS IN APPLICATION FOR INSURANCE.—The falsity of a statement in the application for any policy of insurance shall not bar the right to recovery thereunder unless such false statement was made with intent to deceive or unless it materially affected either the acceptance of the risk or the hazard assumed by the company.

General deposit.
Amount; required before being licensed.

SEC. 16. GENERAL DEPOSIT.—Every company desiring to transact business in the District shall, before being licensed, deposit approved securities of not less than $100,000 market value with the Superintendent or the supervising official of any State, Territory, or insular possession of the United States authorized to accept such deposit, which shall be held for the benefit of all policyholders: *Provided*, That the deposit of every domestic company heretofore organized under the provisions of the laws of the District or other Act of Congress may be limited (1) for stock companies, to an amount equal to the capital stock outstanding at the date of approval of this Act; (2) for nonstock companies, to such amount as in the

Proviso.
Domestic companies, heretofore organized.

opinion of the Superintendent would be required from stock companies of comparable size. In no case shall the deposit of a domestic company be less than $25,000.

Certificate of deposit; filing.

Additional deposits.

If such deposit is made with an official other than the Superintendent a certificate of deposit from said official shall be filed with the Superintendent showing the character of the deposit before a license may be issued. If the securities so deposited are not of the class authorized by this Act for investments of companies, the Superintendent may require an additional deposit in approved securities.

Holding of general deposits.

SEC. 17. HOLDING OF GENERAL DEPOSITS BY DISTRICT AUDITOR AND SECRETARY TO BOARD OF COMMISSIONERS.—When any company is required by the laws of the District, or of any State or county, or by other competent authority, to make a deposit with an insurance supervising official, or other financial officer, and where said deposit is made by the company in bonds or other evidence of indebtedness of the United States, or of any State of the United States, or of any county or incorporated city of any State of the United

Delivery of securities.

States, the said securities shall be delivered to the Secretary to the Board of Commissioners of the District of Columbia, and the Auditor of the District of Columbia, who shall receive and hold the same, subject to the lawful orders of the Superintendent of

Responsibility for safekeeping.

Insurance, and who shall be responsible for the safekeeping of all securities deposited or delivered under the authority of this section, so long as the company continues solvent and complies with the laws of the United States and of the District of Columbia, and it may

Substitution of securities.

in that event collect the income on such securities. The company shall have the right to substitute therefor other securities, required by this section as lawful investment, provided such substitute securities are of the character, amount, and value called for by this section

Requirement of additional deposit.

and are approved by the Superintendent of Insurance. If the value of the securities deposited by any company shall decline below the amounts so required, the company shall make a further deposit and maintain the deposit in the amount and value so required.

General deposit.

Withdrawal, upon discontinuance of business.

SEC. 18. WITHDRAWAL OF GENERAL DEPOSITS.—When a company determines to discontinue its business or to cease to do business in the District and desires to withdraw its deposit made in the District pursuant to this Act the Superintendent shall, upon the application

Publication of intention.

of the company, and at its expense, give notice of such intention in a newspaper of general circulation in the District once a week for

Delivery of securities.

three consecutive weeks. After such publication he shall deliver to such company or its assigns the securities so deposited when he is satisfied upon examination and investigation made by him or under his authority and upon the oaths of the president and secretary or

Conditioned upon debts and liabilities being secured.

other chief officers of the company that all debts and liabilities of every kind due and to become due which the deposit was made to secure are paid and extinguished: *Provided*, That the Superintendent may require any company so withdrawing from the District to

Proviso.
Bond to cover undisclosed liabilities.

furnish bond to cover any undisclosed or contingent liabilities.

Delivery of deposited securities, company being reinsured.
Conditions.

Upon a company being wholly reinsured the Superintendent may deliver to it or to its assigns all securities deposited by it upon compliance with the following condition: The reinsuring company shall assume and agree to discharge all liabilities of every kind due and to become due which the deposit of the reinsured company was made to secure. Such reinsuring company shall have a deposit in the District or with some State official in the United States in securities recognized by this law as lawful investments of the company in an amount and value not less than the deposit required of the reinsured company. The deposit of the reinsuring company shall be such that

it will subsist for the security of the obligations of the reinsured company assumed by the reinsuring company. The Superintendent shall give notice of such reinsurance agreement and of the application for the deposit once a week for three consecutive weeks in a newspaper of general circulation in the District before the delivery of such securities to the reinsuring company.

Notice of reinsurance agreement.

Examinations.

Authority of Superintendent to make.

SEC. 19. EXAMINATIONS.—The Superintendent may examine the books, papers, property, and the affairs of any insurance company organized or doing business in the District and of any company engaged in or professing to be engaged in organizing, promoting, or soliciting stock or capital contributions to or aiding in the formation of an insurance company or of any company which holds the capital stock of an insurance company for the purpose of controlling the management thereof as voting trustees or otherwise. The Superintendent, his deputy, or any examiner may examine under oath the officers and agents of such company and all persons deemed to have material information regarding the company's property or business. Every such company, its officers and agents, shall produce at the home office of the company at the time designated by the Superintendent, its books of original entry and all records and papers in its or their possession relating to its business or affairs, and any other person may be required to produce any book, record, or paper in his custody relevant to the examination, for the inspection of the Superintendent, his deputy, or examiners, whenever required; and the officers and agents of such company shall facilitate such examination and aid the examiners in making the same so far as it is in their power to do so. Every such examiner shall make a full and true report of every examination made by him, verified by his oath, which shall comprise only facts appearing upon the books, papers, records, or documents of such company, or ascertained from the sworn testimony of its officers or agents or other persons examined under oath concerning its affairs, and said report so verified shall be presumptive evidence in any action or proceeding in the name of the District against the company, its officers or agents, of the facts therein stated. The Superintendent shall grant a hearing to the company examined, or he shall furnish it a copy of his report, in tentative form, requesting that the statements and items therein contained be checked, and the report be returned to the Superintendent within the time specified by him, before filing any such report and before making public such report or any matters relating thereto; and may withhold any such report from public inspection for such time as he may deem proper; and may, after so filing, if he deems it for the interest of the public to do so, publish any such report or the result of any such examination as contained therein in one or more newspapers in the District without expense to the company. It shall be the duty of the Superintendent to examine every domestic insurance company at least once in three years.

Books of original entry, records, etc. Inspection of.

Examiner's report.

Verification.

Force as evidence.

Checking of report.

Publication.

Requirement of examination.

Payment of expenses.

The expense of every such examination, not to include salaries, shall be paid by the company examined, and such company shall pay to the Superintendent, his deputies, and/or his examiners the actual expense of such examination upon itemized bills furnished by the superintendent.

Receivership proceedings.

Application for rule to show cause why Superintendent should not take over assets, etc.

SEC. 20. RECEIVERSHIP PROCEEDINGS.—The Superintendent may, the corporation counsel of the District representing him, apply to the Supreme Court of the District for a rule directing any company doing business in the District, any company organized under the laws of the District or other Acts of Congress, or any company in course of organization, to show cause why the Superintendent should

not take possession of its property and conduct its business and for such other relief as the nature of the case and the interests of its policyholders, creditors, stockholders, or the public may require, whenever any such company (a) is insolvent; or (b) in the case of a stock company, has neglected or refused to observe a lawful order of the Superintendent to make good within the time prescribed by law any deficiency of its capital or surplus, or in the case of a mutual company, if its assets have not become equal to its liabilities within ninety days from the date of notification thereof by the Superintendent; or (c) has by contract or reinsurance, or otherwise transferred or attempted to transfer substantially its entire property or business, or entered into any transaction the effect of which is to merge substantially its entire property or business, in the property or business of any other company, association, society, or order, without having first obtained the written approval of the Superintendent; or (d) is found, after an examination by the Superintendent, his deputy or examiners, to be in such condition that its further transaction of business will be hazardous to its policyholders; or (e) has willfully violated its charter; or (f) is carrying on activities against public policy.

Injunction, issue of.

On such application, or any time thereafter, such court may, in its discretion, issue an injunction restraining such company from the transaction of its business or disposition of its property pending further order of the court.

Determination of issues.

On the return of such rule to show cause, the court shall hear, try, and determine the issues forthwith and shall either deny the application or direct the Superintendent to take possession of the property and conduct the business of such company, and retain such possession and conduct such business until on the application either of the Superintendent, the corporation counsel representing him, or of the company, it shall, after a like hearing, appear to the court that the ground for the order directing the Superintendent to take possession has been removed and that the company can properly resume possession of its property and the conduct of its business.

Hearings.

Power of Superintendent when liquidation ordered.

If, on the like application and rule to show cause, and after a hearing, the court shall order the liquidation of the business of such company, such liquidation shall be made by and under the direction of the Superintendent, who may deal with the property and business of such company in his own name as Superintendent or in the name of the company, as the court may direct, and shall be vested by operation of law with title to all of the property, contracts, and rights of action of such company as of the date of the order so directing him to liquidate. The filing or recording of such order in the office of the recorder of deeds for the District shall impart the same notice that a deed, bill of sale, or other evidence of title duly filed or recorded by such company would have imparted.

Notice, on recording order.

Appointment of agents.

For the purpose of this section the Superintendent shall have power to appoint under his hand and official seal one or more special deputy superintendents of insurance as his agent or agents, and to employ clerks and assistants as may by him be deemed necessary, and give each of such persons such powers to assist him as he may consider wise. The fair and reasonable compensation of such special deputy superintendents, clerks, and assistants and all expenses of taking possession of and conducting the business of liquidating any such company shall be recommended by the Superintendent, subject to the approval of the court, and shall on certificate of the Superintendent be paid out of the funds or assets of such company.

Other personnel.

Compensation.

For the purpose of this section the Superintendent shall have power, subject to the approval of the court, to make and prescribe such rules and regulations as to him shall seem proper. Rules and regulations.

The Superintendent shall transmit to the Commissioners, in his annual report, the names of the companies so taken possession of, whether the same have resumed business or have been liquidated, and such other facts as shall acquaint the policyholders, creditors, stockholders, and the public with his proceedings under this section; and, to that end, the special deputy superintendent in charge of any such company shall file annually with the Superintendent a report of the affairs of such company similar to that required by section 8 of this chapter. The court may require corporate surety bond from the Superintendent or any assistant appointed by him, in such amount as it may deem necessary, the cost of which bond shall be paid as other expenses provided under this section. Annual report. Names of liquidated companies, etc., to be included. *Ante*, p. 1132.

SEC. 21. WHEN COMPANY TO BE DEEMED INSOLVENT.—Every insurance company whose assets and credits are not sufficient to reinsure its outstanding risks in a solvent insurance company, shall be deemed insolvent and may be proceeded against as an insolvent company. When company to be deemed insolvent.

SEC. 22. REINSURANCE BY SUPERINTENDENT.—The Superintendent may reinsure all of the policy obligations of any domestic insurance company, of which he is a receiver, in any solvent company authorized to do business in the District, if the assets of the company are sufficient to effect such reinsurance. If such assets are insufficient for that purpose, the Superintendent, upon like consent, may reinsure a percentage of each outstanding policy obligation of such company to the extent that its assets may be sufficient for that purpose. No contract of reinsurance shall be entered into by the Superintendent, except in pursuance of an order of the court in which he was appointed receiver directing the reinsurance and establishing the general form of the contract for the same. Reinsurance by Superintendent. Order of court required.

SEC. 23. AMORTIZATION.—All bonds or other evidences of debt having a fixed term and rate held by any company authorized to do business in the District, if amply secured and if not in default as to principal or interest, shall be valued as follows: If purchased at par, at the par value; if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield meantime the effective rate of interest at which the purchase was made: *Provided*, That the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase: *Provided further*, That the Superintendent shall have full discretion in determining the method of calculating values according to the foregoing rule, and the values found by him in accordance with such method shall be final and binding: *And provided further*, That any such company may return such bonds or other evidences of debt at their market value or their book value, but in no event at an aggregate value exceeding the aggregate of the values calculated according to the foregoing rule. Amortization. Valuation of bonds, etc. *Provisos.* Purchase price. Calculation of values. Return of bonds authorized.

SEC. 24. ATTORNEY FOR SERVICE OF PROCESS.—Every domestic company not having its home office in the District and every foreign or alien company now or hereafter transacting business in the District, and every foreign or alien company now or hereafter soliciting, selling, or writing insurance on any resident of the District, through the medium of the United States mails, shall file with the Superintendent a duly executed instrument appointing and constituting him and his successors the true and lawful attorney of such company upon whom all lawful process in any action or legal proceeding against it may be served and therein shall agree that any lawful process against it which may be served upon its said attorney, as Attorney for service of process. Appointment by companies. Agreement to recognized service.

herein provided, shall be of the same force and validity as if served upon the company and the authority thereof shall continue in force irrevocably so long as any liability of the company in the District shall remain outstanding. Such process shall be served by leaving the same with the Superintendent or his deputy, and service thereof upon such attorney shall be deemed service upon the principal. The Superintendent shall forthwith forward such process by mail to the company, or, in the case of an alien company, to the resident manager or last appointed general agent of the company in the United States. The deposit, by the Superintendent or his deputy, of such process sent by registered mail in a sealed envelop, postage prepaid, in the United States mail and service of such process, shall not be effectual until the same has been so mailed and received by the company and registered receipt shall be prima facie evidence of the notice of service to a company, or to the resident manager in the case of an alien company.

Manner of making service.

Failure of company to file instrument designating attorney for service.

Failure of any such company to file such instrument, or failure on the part of any such company to authorize such filing, shall not invalidate any service made by serving the Superintendent. By accepting a certificate of authority to transact business in the District, every such company shall be held to have appointed the Superintendent its true and lawful attorney. Any such insurance company transacting business or soliciting, selling, or writing insurance on any resident of the District without designating an attorney for service of process, incident to adjustment of claims and kindred matters, shall, upon complaint filed by the Superintendent in the Supreme Court of the District, be fined, upon conviction of violating any provision of this section, not to exceed $200 a day for such violation.

Penalty provision.

Political contributions prohibited.

SEC. 25. POLITICAL CONTRIBUTIONS PROHIBITED.—No company doing business in the District shall directly or indirectly pay or use, or offer, consent, or agree to pay or use any money or property for or in aid of any political party, committee, or organization, or for or in aid of any corporation, joint-stock or other association organized or maintained for political purposes, or for or in aid of any candidate for political office or for nomination for such office, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used. Any officer, director, stockholder, attorney, or agent of any company which violates any of the provisions of this section, who participates in, aids, abets, or advises, or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of this section shall be guilty of a misdemeanor and be punished by imprisonment for not more than one year and a fine of not more than $1,000, and any officer aiding or abetting in any contribution made in violation of this section shall be liable to the company for the amount so contributed.

Penalty provision.

Production of books, records, etc.

That no person shall be excused from testifying or from producing books, accounts, and papers in any proceeding based upon or growing out of any violation of the provisions of this section, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may have testified or produced any documentary evidence: *Provided*, That no person so testifying shall be exempted from prosecution or punishment for perjury: *Provided further*, That the immunity hereby conferred shall extend only to a natural person

who, in obedience to a subpena gives testimony under oath or produces evidence, documentary or otherwise, under oath.

Qualifications and licenses.
General agent, agent, and solicitor.

SEC. 26. GENERAL AGENT'S, AGENT'S, AND SOLICITOR'S QUALIFICATIONS AND LICENSES.—No person shall act within the District for any life-insurance company as a general agent, agent, or solicitor in the solicitation or procurement of applications for insurance unless he has complied with the provisions of this section and has secured a license from the Superintendent of Insurance. Each applicant for such license shall file with the Superintendent of Insurance his written application therefor on blanks furnished by the Superintendent, which application shall be signed and sworn to by the applicant and shall give his name, age, residence, place of business, and occupation for five years next prior to the date of application and also set forth his qualifications for such license, namely, his familiarity with the life-insurance laws of the District and with the provisions of the contracts to be negotiated; what insurance experience he has had, if any; what insurance instruction he has had or expects to receive; whether he has been refused or has had suspended or revoked a license to solicit insurance by the insurance department or supervising officials of the District of Columbia or of any State; whether any insurance company or any general agent claims such applicant is indebted under any agency contract or otherwise, and if so, the name of the claimant, the nature of the claim and the applicant's defense thereto, if any; whether he has had an agency contract canceled, and if so, when, by what company, or general agent and the reason for such action, and such other information as the Superintendent may require. The applicant shall be vouched for by an official or a licensed representative of the company for which he proposes to act, who shall certify whether the applicant is personally known to him, whether the applicant has been appointed a general agent, agent, or solicitor to represent such company, and that such company has duly investigated the character and record of such person, and has satisfied itself that he is trustworthy and qualified to act as its general agent, agent, or solicitor and intends to hold himself out in good faith as a life insurance general agent, agent, or solicitor. If, upon the showing made, the Superintendent of Insurance is reasonably satisfied that the applicant is a trustworthy person he shall promptly issue the license applied for. A general agent, agent, or solicitor licensed to represent any life-insurance company doing business in the District shall be entitled to place excess or rejected risks in any other company lawfully doing business in the District, with the knowledge and approval of his own company without additional or separate license. Every license issued under this section shall expire annually on the 30th day of April next after its issue unless prior thereto it is revoked or suspended by the Superintendent of Insurance or the authority of the general agent, agent, or solicitor to act for the company is terminated.

Application for license.

Contents.

Issue of license.

Placing of rejected risks with other company.

Term of license.

Renewals.

In the absence of a contrary ruling by the Superintendent in a given case, license renewals shall be issued from year to year upon the request of the company without further action on the part of the general agent, agent, or solicitor.

Exemptions.

No officer or traveling salaried employee of any insurance company not compensated on a commission basis shall be required to obtain a license under this section.

Statement on termination of employment.
Privileged character of.

Every life-insurance company shall, upon the termination of the employment of any general agent, agent, or solicitor, file with the Superintendent of Insurance a statement of the facts relative to the

termination of such employment and the cause thereof. Any information, document, record, statement, or thing required to be made or disclosed to the Superintendent of Insurance by this section, shall be privileged and shall not be used as evidence in any action or proceeding instituted against the company or any representative thereof by or in behalf of any person who has been licensed under the provisions of this section.

License; suspension or revocation. Grounds for.

Notice and hearing.

SEC. 27. SUSPENSION OR REVOCATION OF LICENSE—GROUNDS FOR—NOTICE OF—HEARING.—The Superintendent of Insurance may suspend or revoke the license of any life insurance general agent, agent, solicitor, or broker if, after due investigation, notice and a hearing, either before him or before any salaried employee of the insurance department designated by him whose report he may adopt, he determines that such license has been secured by fraud or misrepresentation; or that the general agent, agent, solicitor, or broker has violated any insurance law of the District; or has made any misleading representations and/or incomplete and/or fraudulent comparison of any policies or companies or concerning any companies to any person for the purpose or with the intention of inducing such person to lapse, forfeit, surrender, or exchange his insurance then in force; or has made any misleading estimate of the dividends or share of surplus to be received on a policy; or has failed or refused to pay or to deliver to the company or to his principal any money or other property in the hands of said general agent, agent, solicitor, or broker belonging to such company or principal when requested so to do; or has violated any lawful ruling of the insurance department; or has been convicted of a felony; or has otherwise shown himself untrustworthy or incompetent to act as a life insurance general agent, agent, solicitor, or broker.

Notice of charges and hearing to be given.

Before the Superintendent of Insurance shall revoke or suspend any such license he shall give to the general agent, agent, solicitor, or broker and to the company which or whom he represents written notice of the charges and of the hearing, not less than twenty days prior to the time set for such hearing.

Mailing.

Such notice shall be forwarded by registered mail addressed to the general agent, agent, solicitor, or broker at his last known address, and to the company at its principal place of business. Full opportunity shall be given at such hearing to the general agent, agent, solicitor, or broker and to the company or principal to appear with counsel and be heard upon such charges.

Appeals.

Within thirty days after the revocation or suspension of license or the refusal of the Superintendent to grant a license, the general agent, agent, solicitor, or broker, or applicant aggrieved may appeal, from the ruling of the Superintendent of Insurance to the court of competent jurisdiction designated in section 28. Appeals may be taken from the judgment of said court as prescribed in section 28.

Denial of new license for period of year.

No individual whose license as a general agent, agent, solicitor, or broker is revoked shall be entitled to any license under this Act for a period of one year after revocation.

Penalty provisions.

Any person who violates any provision of this section upon conviction shall be fined not exceeding $100 for each and every violation.

Appeals.

SEC. 28. APPEAL FROM RULINGS.—Within thirty days after the revocation or suspension of license or the refusal of the Superintendent to grant a license, the general agent, agent, solicitor, or broker or applicant aggrieved may appeal from the ruling of the Superintendent to the Supreme Court of the District of Columbia, in equity, wherein, upon the relation of the Superintendent, by representation of the corporation counsel, the Superintendent shall be designated as defendant and the general agent, agent, solicitor, or

Proceedings.

broker or applicant as plaintiff, and the said cause shall be docketed in said court and tried as an equity case. Appeals may be taken from the judgment of said Supreme Court of the District of Columbia to the Court of Appeals of the District of Columbia as in other equity cases.

Appeals to Court of Appeals.

In all said proceedings and appeals said Superintendent shall not be taxed with any costs, nor shall he be required to give any supersedeas bond or security for costs or damages on any appeal whatsoever. Said Superintendent shall not be liable to suit or action or for any judgment or decree for any damages, loss, or injury claimed by any person on any appeal taken by said Superintendent in any case, nor shall said Superintendent be required in any case to make and deposit for costs or pay for any service to the clerks of any court or to any marshal of the United States.

Costs and bonds.

SEC. 29. BROKERS.—Every person desiring to engage in business in the District as a life-insurance broker shall apply to the Superintendent for a license so to do and in the manner hereinafter prescribed.

Brokers. Application for license.

The applicant for such license shall file with the Superintendent his written application therefor and shall make a sworn statement on blanks to be prepared by the Superintendent giving his name, age, residence, place of business, occupation for five years just prior to the date of making his application; and shall state that he intends to hold himself out in good faith as carrying on the business of broker of life insurance, and shall also set out his qualifications, namely, his familiarity with the life-insurance laws of the District and with the provisions of the policy contracts to be negotiated; what insurance experience and instruction he has had; his intention with reference to engaging regularly if not exclusively in the business of life-insurance broker; whether he has been refused or has had suspended or revoked a license as a broker, general agent, agent, or solicitor of life insurance by the Insurance Department or the supervising officials of any State; whether any company claims that he is indebted to it under any agency contract or otherwise; if so, what company, the nature of the claim and of his defense if any, whether he has had any agency contract canceled by any company, and if so, when, by what company, and the reason for such action, and such other information as the Superintendent may require.

Contents.

The applicant shall be vouched for by at least three reputable citizens of the District setting out whether the applicant is personally known to them, what they know of the reputation of the applicant as a man of business integrity, and what they know of the applicant's general fitness to act as a broker of life insurance.

The Superintendent may require such applicant for license or renewal thereof to submit to examination as to his fitness or qualifications for the license or licenses applied for. Such examination may be made by the Superintendent or by his deputy, which said examination may be waived by the Superintendent, upon satisfactory proof of the qualifications of the applicant.

Examination.

When the Superintendent is satisfied from the application or the examination made by him that the applicant is qualified, he shall issue to said applicant a license to engage in the business specified in said applications which shall also be specified in said license.

Issue of license.

No individual whose license as a broker is revoked shall be entitled to any license under this Act for a period of one year after such revocation, provided, however, that the failure or refusal of the Superintendent to license any such applicant shall be subject to review in the same manner as provided in section 28 of this chapter.

Denial of new license on revocation.

Licenses shall be renewed annually and every such license shall continue in force until the 30th day of April next following unless in

Renewals.

the meantime suspended or revoked; provided any qualified person may be licensed as a broker regardless of place of residence or domicile.

Penalty provision.

Any person who violates any provision of this section upon conviction shall be fined not exceeding $100 for each and every violation.

Embezzlement; penalty.

SEC. 30. EMBEZZLEMENT; PENALTY.—An insurance agent, solicitor, or broker who acts in negotiating or renewing or continuing a contract of insurance for a company lawfully doing business in the District, and who receives any money or substitute for money as a premium for such a contract from the insured, whether he shall be entitled to an interest in same or otherwise, shall be deemed to hold such premium in trust for the company making the contract. If he fails to pay the same over to the company after written demand made upon him therefor, such failure shall be prima facie evidence that he has used or applied the said premium for a purpose other than paying the same over to the company, and upon conviction thereof he shall be deemed guilty of embezzlement and punished accordingly.

Minors; contracts for life, health, and accident insurance.

SEC. 31. CONTRACT OF MINORS FOR LIFE, HEALTH, AND ACCIDENT INSURANCE.—Any minor of the age of fifteen years or more may, notwithstanding such minority, contract for life, health, and accident insurance on his own life for his or her own benefit or for the benefit of his father, mother, husband, wife, child, brother, sister, or for the benefit of any person who has the care or custody of said minor or with whom said minor makes his or her home, and may exercise all such contractual rights with respect to any such contract of insurance as might be exercised by a person of full legal age and may at any time surrender his or her interest in any such insurance or give a valid discharge for any benefit accruing or money payable thereunder.

Assessment companies; licensing denied.

SEC. 32. ASSESSMENT COMPANIES.—Any company which makes insurance or reinsurance the performance of which is not guaranteed by the reserves required by this Act, but is mainly contingent upon the payment of assessments or calls made upon its members, shall not be formed, admitted, or licensed in the District.

Appeal from Superintendent to Commissioners.

SEC. 33. APPEAL FROM SUPERINTENDENT TO COMMISSIONERS.—Any appeals to the Commissioners from rulings of the Superintendent shall be perfected and filed with the Commissioners within twenty days exclusive of Sundays and legal holidays from the date such rulings are communicated to the party at interest.

Domestic companies.

CHAPTER III—DOMESTIC COMPANIES

Sec. 1. Articles of incorporation.
Sec. 2. Publication of articles of incorporation; notice of intention to form company; bond of incorporators.
Sec. 3. Approval of articles of incorporation; completion of organization of company.
Sec. 4. Authority to solicit subscriptions to capital of company in course of organization.
Sec. 5. Subscription to capital stock; limitation of expense on sale of capital stock.
Sec. 6. Examination of company in course of organization.
Sec. 7. When corporate powers of company in course of organization shall cease.
Sec. 8. Capital stock requirements.
Sec. 9. Amendment of articles of incorporation.
Sec. 10. Increase of capital stock.
Sec. 11. Decrease in capital stock.
Sec. 12. Liability of stockholders.

Sec. 13. Stock payment calls.
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Sec. 17. Mutual companies; when to commence business.
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Sec. 20. Corporations heretofore formed.
Sec. 21. Directors.
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Sec. 28. Limitation of dividends to stockholders and policyholders.
Sec. 29. Officers.
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Sec. 32. Maximum and contingent premiums of mutual companies.
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Sec. 34. Mutual company guaranty fund; mutual company power to borrow.
Sec. 35. Investment of funds of domestic companies.
Sec. 36. Domestic company real estate holdings.
Sec. 37. Reinsurance by domestic companies in authorized companies.
Sec. 38. Vouchers for disbursements.
Sec. 39. Books, records, accounts, and vouchers of domestic companies.
Sec. 40. Capital stock acquisition by company of its own shares.

Articles of incorporation.

SECTION 1. ARTICLES OF INCORPORATION.—Any seven or more persons who desire to become incorporated as an insurance company shall make, sign, and acknowledge articles of incorporation before an officer authorized to take acknowledgment of deeds, in which shall be stated:

Contents.
Corporate name.

(a) The proposed corporate name, which shall not be identical with nor so nearly resemble the name of an existing corporation organized under the laws of the District, or authorized to transact business therein, as to mislead the public or cause confusion and, in case of a mutual company, shall contain the word "mutual."

Term of existence.

(b) The term of its existence, which may be perpetual.

Principal office.

(c) The place where its principal office shall be located, which shall be the District of Columbia.

Purpose.

(d) The purpose of the company, which shall be restricted to the business of insurance appertaining to persons.

Mode of exercising corporate power.

(e) The mode and manner in which the corporate power shall be exercised; the number, terms of office, and manner of electing directors, who shall be stockholders, or, in the case of a mutual company, shall be members or policyholders of the corporation.

Stockholders; provision respecting.

(f) The provisions for meeting and votes of stockholders and policyholders. A stock company in which the policyholders do not vote shall provide for cumulative voting in its articles of incorporation. A stock company in which policyholders vote shall provide that each stockholder shall have one vote, in person or by proxy, for each share of stock owned. A company without capital stock shall provide that every policyholder shall be a member and entitled to one or more votes, in person, or by proxy, based on the insurance in force, the number of policies held or the amount of premiums paid as may be provided in the bylaws, and a stock company may provide for votes by policyholders, but in such case each policyholder shall have the same voting power as every other policyholder.

Capital stock, amount, shares, par value.

(g) The amount of its capital stock, if any, the number of shares, and the par value of each share.

Number of directors.

(h) The number of directors who shall manage the company for the first year and their names.

Other particulars.

(i) Such other particulars as may be necessary to manifest and explain the objects and purposes of the company.

Publication of articles.

SEC. 2. PUBLICATION OF ARTICLES OF INCORPORATION; NOTICE OF INTENTION TO FORM COMPANY; BOND OF INCORPORATORS.—The incorporators shall file such articles with the Superintendent and shall publish in a newspaper of general circulation in the District notice of the filing of such articles and of the intention to form such company. Copy of such notice verified by the oath of the publisher of the newspaper, or his agent, copies of proposed bylaws and forms of subscription for capital stock and of proposed applications for membership and for insurance and of all proposed forms of insurance policies, literature, and advertisements shall be filed with the Superintendent. The incorporators shall also file with the Superintendent a bond payable to the Superintendent and his successors, as trustee, in the sum of $10,000 with approved corporate sureties, and conditioned upon the faithful accounting to the proposed company, on completion of its organization and the receipt of its certificate of authority from the Superintendent, or the stockholders, members, applicants for policies, and creditors, or the trustee, receiver, or assignee of the proposed company, duly appointed in any proceedings in any court or department of competent jurisdiction in the District, in accordance with their respective rights in case the organization of the proposed company shall not be completed and a certificate of authority shall not be procured from the Superintendent.

Copy filed with Superintendent.

Filing of bond.

Sureties.

Examination and approval of articles.

SEC. 3. APPROVAL OF ARTICLES OF INCORPORATION; COMPLETION OF ORGANIZATION OF COMPANY.—The Superintendent shall submit the proposed articles and other papers so filed with him to the corporation counsel of the District, who shall examine the same, and, if he finds the same in accordance with law, he shall so certify and return the same to the Superintendent, who shall cause the articles and the certificate of the corporation counsel to be recorded in the records of the Superintendent and issue to the incorporators two certified copies thereof, one of which shall be recorded in the office of the recorder of deeds for the District of Columbia, and thereupon such incorporators and their associates shall become and be a body corporate with power to sue and be sued, contract and be contracted with, adopt a seal, and do such other acts, subject to the provisions of this Act, as shall be needful to accomplish the purposes of its organization. If the Superintendent shall approve the sureties on the bond so filed, or on any like bond substituted therefor, he shall issue to the corporation a permit, as a "company in course of organization", authorizing it to complete its organization. Said company in course of organization shall have authority under such permit to solicit subscriptions and payments for capital stock, if a stock company, and applications and advance premiums for insurance, and to exercise such powers, subject to the limitations in this Act prescribed, as may be necessary and proper in completing its organization and qualifying itself for a certificate of authority from the Superintendent to transact the business of insurance appertaining to persons. But such company shall not issue policies or enter into contracts of insurance until it shall have received the certificate of the Superintendent authorizing it so to do.

Powers of corporation thereafter.

Issue of permit; "company in course of organization."

Authority of company.

Issue of policies denied.

Certificate of authority as insurance company to issue upon completion of organization.

Upon completion of organization in accordance with this Act the Superintendent shall issue to such company, in course of organization, a certificate of authority as an insurance company.

Certificate to solicit subscriptions to capital of company in course of organization.

SEC. 4. AUTHORITY TO SOLICIT SUBSCRIPTIONS TO CAPITAL OF COMPANY IN COURSE OF ORGANIZATION.—No person shall solicit subscriptions for the capital stock of or applications for insurance in any such company in course of organization unless he has been duly authorized by the company and a certificate of his authority, duly signed by a principal officer of the company, has been filed with and approved by the Superintendent.

Subscription to capital stock.

Limitation of expense on sale of capital stock.

SEC. 5. SUBSCRIPTION TO CAPITAL STOCK; LIMITATION OF EXPENSE ON SALE OF CAPITAL STOCK.—Every subscription to the capital stock of a stock company shall contain the stipulation that no sum shall be used for commission, promotion, or organization expenses in excess of a percentage of the amount paid upon the stock subscriptions, to be named in such stipulation and approved by the Superintendent, and the remainder of sums so paid to the company shall be invested in securities in which a life-insurance company is authorized to invest, or deposited in a bank or trust company in the District until the company has duly procured a certificate of authority from the Superintendent.

Company in course of organization.

Examination of.

Revocation of permit.

Agent's authority.

Notice required.

SEC. 6. EXAMINATION OF COMPANY IN COURSE OF ORGANIZATION.—The Superintendent shall personally or through his deputy and assistants, examine into the affairs of any such company in course of organization and inspect its books and papers, and may summon and examine under oath any officer or agent or any person who is or has been connected with or who has knowledge of the affairs of such company, and if he find the company is violating the law, or if the company shall not be qualified for a certificate of authority within two years from date of its permit, he shall revoke its permit; and if he find an agent of such company has violated the law, he shall revoke his authority, and he may for such agent's violation revoke the company's permit. Any revocation shall be after twenty days' notice. The Superintendent may, on proper showing, reinstate any company's permit or agent's authority which he has revoked.

Corporate powers, company in course of organization.

Termination, if policies not issued within two years from date of filing articles.

Closing affairs of.

Proviso.
Extension authorized.

SEC. 7. WHEN CORPORATE POWERS OF COMPANY IN COURSE OF ORGANIZATION SHALL CEASE.—If any domestic life-insurance company, in course of organization, shall not commence to issue policies within two years from the date of filing its articles of incorporation in the office of the Superintendent, its powers shall thereby cease, and the court, upon petition of the Superintendent or of any person interested, may fix by decree the time in which the Superintendent may settle and close its affairs: *Provided, however*, That the Superintendent may extend the time for any such company to commence the issuance of policies for a period not exceeding two years if the said company shall show good cause in writing why the same should be done.

Capital stock requirements.

SEC. 8. CAPITAL-STOCK REQUIREMENTS.—A domestic capital-stock company organized under this Act shall have a paid-up capital stock of not less than $100,000. Each domestic capital-stock company organized under this Act, in addition to the paid-up capital stock shall have a surplus paid up equal to at least 50 per centum of such capital stock.

Articles of incorporation, amendment.
Publication of intention

SEC. 9. AMENDMENT OF ARTICLES OF INCORPORATION.—Any company may amend its articles of incorporation upon publishing notice of such intention, authorized by a majority of its directors, once a week for three consecutive weeks in a newspaper of general circulation in the District, and with the written consent of two thirds of its stockholders, or two thirds of its members present in person or by proxy at a meeting called for that purpose if it does not have capital stock, and by observing such other and further requirements in that behalf as may be prescribed in its articles of incorporation. Such

Filing with Superintendent.

amendment shall be signed and acknowledged by the president and secretary or like officers of the company, and, with a copy of the proceedings of the stockholders or members, if any, and of the directors, shall be filed with the Superintendent and by him submitted to the corporation counsel, and if he finds the amendment and proceedings in conformity with the law, he shall so certify to the Superintendent. The amendment shall not take effect until the Superintendent shall deliver to the company his certified copy of the amendment and of the certificate of the corporation counsel.

Effective date.

Capital stock, increase of.

Paid up requirement.

SEC. 10. INCREASE OF CAPITAL STOCK.—If a company amend its articles of incorporation by providing for an increase of its capital stock, such increase shall be subscribed and fully paid up within one year of the date of such amendment, unless the Superintendent shall certify his consent to an extension of such time. Failure to have such increase of capital stock paid up within the time provided may be considered grounds for ousting the company from its powers under any such amendment to such articles of incorporation by a court of competent jurisdiction in a proceeding by the Superintendent, the corporation counsel representing him, against the company for such judgment.

Decrease of.

SEC. 11. DECREASE OF CAPITAL STOCK.—A company may, with the approval of the Superintendent, amend its articles of incorporation by providing for a decrease of its capital stock and a corresponding increase in surplus to an amount not less than the minimum capital stock and surplus required by this Act. The Superintendent shall not approve or issue his certified copy of such amendment if he be of the opinion that the interests of policyholders or creditors may be prejudiced thereby. No distribution of the assets of the company shall be made to stockholders upon any such decrease of capital stock which shall reduce the surplus and capital stock to less than the minimum capital stock and surplus required as aforesaid. Upon any such amendment so decreasing the capital stock such company may require each stockholder to return his certificate of stock and accept a new certificate for such proportion of the amount of its original capital stock as the reduced capital stock shall bear to the original capital stock.

Restriction on distribution of assets.

Issue of new certificates.

Stockholders.

Liability of.

SEC. 12. LIABILITY OF STOCKHOLDERS.—All the stockholders of every company incorporated under this chapter shall be severally and individually liable to the policyholders and creditors of the company in which they are stockholders for the unpaid amount due upon the shares of capital stock held by them, respectively, for all debts and contracts made by such company until the whole amount of capital stock fixed and limited by such company shall have been paid in.

Liability of estates and funds.

No person holding capital stock in such company as executor, administrator, guardian, committee, or trustee shall be personally subject to any liability as stockholder of such company, but the estate and funds in the hands of such executor, administrator, guardian, committee, or trustee shall be liable in like manner and to the same extent as the testator or intestate or the ward or person interested in such trust would have been if he had been living and competent to act and hold the stock in his own name.

Representation.

Every such executor, administrator, guardian, committee, or trustee shall represent the capital stock in his hands at all meetings of the company, and may vote accordingly as a stockholder.

Liability of pledgee of stock.

No person holding capital stock in such company as collateral security shall be personally subject to any liability as stockholder of such company, but the person pledging such capital stock shall be considered as holding the same, and shall be liable as a stockholder

accordingly; and every person who shall pledge his capital stock as collateral security may, nevertheless, represent the same at all meetings and vote as a stockholder.

Capital stock payment calls.

SEC. 13. CAPITAL STOCK PAYMENT CALLS.—No company incorporated under this chapter shall be authorized to transact any business until the authorized capital stock shall have been actually paid in, either in cash or in investments authorized by this Act at market value; and it shall be lawful for the directors to call in and demand from the stockholders the residue of their subscriptions in money or property at such times and in such installments as the directors shall deem proper, under the penalty of forfeiting the shares of capital stock subscribed for and all previous payments made thereon, if payment shall not be made by the stockholder within sixty days after a personal demand or a notice requiring such payment shall have been published once a week for three consecutive weeks in a daily newspaper in the District.

Penalty, called payments not made.

Capital stock; transfer authorized.

SEC. 14. CAPITAL-STOCK TRANSFERS.—The capital stock of such company shall be deemed personal estate and shall be transferable in such manner as shall be prescribed by the bylaws of the company; but no shares shall be transferable until all previous calls thereon shall have been fully paid in or the shares shall have been declared forfeited for nonpayment.

Conditioned upon previous calls paid.

Ownership.

A person in whose name shares of capital stock stand on the books of a company shall be deemed the owner thereof as regards the company, but if any such person shall in good faith sell or otherwise dispose of any of his shares of capital stock to another and deliver to him the certificates for such shares, with written authority for the transfer of the same on the books, the title of the former shall vest in the latter so far as may be necessary to effect the purpose of the sale or other disposition, not only as between the parties themselves but also as against the creditors of and subsequent purchasers from the former.

Capital stock books. Duty of keeping.

SEC. 15. CAPITAL-STOCK BOOK.—It shall be the duty of the directors of every company formed under this chapter to cause a book to be kept by the treasurer or secretary thereof, containing the names of all persons, alphabetically arranged, who are or shall within six years have been stockholders of such company, and showing their place of residence, the number of shares of capital stock held by them, respectively, the time when they became owners of such shares, and the amount of capital stock actually paid in.

Contents.

Inspection.

Such book shall, during the usual business hours of the day, on every business day, be open for inspection by policyholders, stockholders, and creditors of the company and their personal representatives at the office or principal place of business of such company in the place where its business operations shall be located, and any policyholder, stockholder, creditor, or representative shall have a right to make extracts from such book.

Force as evidence.

Such book shall be presumptive evidence of the facts therein stated in favor of the plaintiff in any suit or proceeding against such company or against any one or more stockholders.

False entry; refusal to exhibit.

Every officer or agent of any company who shall neglect to make any proper entry in such book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected and extracts to be taken therefrom, as herein provided, shall be deemed guilty of a misdemeanor, and the company shall pay to the party injured a penalty of $50 for any such neglect or refusal, and all damages resulting therefrom.

Penalty.

Failure to keep open for inspection.

Every company that shall neglect to keep such book open for inspection, as herein provided, shall forfeit to the District the sum of

Penalty.

$50 for every day it shall so neglect, to be sued for and recovered by the Superintendent, the corporation counsel representing him, in the Supreme Court of the District.

Corporations and associations as members of mutual companies.

SEC. 16. CORPORATIONS AND ASSOCIATIONS AS MEMBERS OF MUTUAL COMPANIES.—Public or private corporations, boards, or associations of the District or elsewhere, may make applications, enter into agreements for, hold policies in, and become members of mutual companies. Any officer, stockholder, trustee, or legal representative of any such corporation, board, association, or of an estate may be recognized as acting for or on its behalf, but shall not be personally liable by reason of acting in such representative capacity.

Mutual companies. When to commence business.

SEC. 17. MUTUAL COMPANIES; WHEN TO COMMENCE BUSINESS.—No domestic mutual company shall transact any business until at least two hundred persons shall have subscribed in the aggregate for at least $200,000 of insurance and shall have paid in full one annual premium in money upon the insurance so subscribed.

Reorganization of existing domestic companies.

SEC. 18. REORGANIZATION OF EXISTING CORPORATIONS.—Any domestic insurance corporation existing or doing business on the date when this Act goes into effect may, by a vote of a majority of its directors or trustees, accept the provisions of this chapter and amend its charter to conform with the same upon obtaining the consent of the Superintendent thereto in writing, and filing such consent in the office of the recorder of deeds for the District; and thereafter it shall be deemed to have been incorporated under this chapter, and every such corporation in reincorporating under this provision may for that purpose so adopt in whole or in part a new charter, in conformity herewith, and include therein any and all provisions of its existing charter, and any or all changes from its existing charter, to cover and enjoy any or all the privileges and provisions of existing laws which might be so included and enjoyed if it were originally incorporated hereunder, and it shall, upon such adoption of and after obtaining the consent, as in this section before provided, to such charter and filing the same with the Superintendent and the record thereof with the recorder of deeds of the District, perpetually enjoy the same as and be such corporation, which is declared to be a continuation of such corporation which existed prior to such reincorporation; and the offices therein which shall be continued shall be filled by the respective incumbents for the period and the same general proceedings shall be taken upon the presentation of such amended charter or certificate adopted in relation to such amendment, to the Superintendent, as are required by this chapter to be taken with respect to an original charter or certificate, except that no examination of the condition and affairs of such corporation shall be required unless so ordered by the Superintendent, and if the amended charter or certificate be approved by the Superintendent and his certificate of authority to do business thereunder is granted, the corporation shall thereafter be deemed to possess the same powers and be subject to the same liabilities as if such charter or certificate so amended had been its original charter or certificate of incorporation, but without prejudice to pending action or proceeding or any rights previously accrued.

Consent of Superintendent required. Filing.

Voting privilege of policyholders.

Upon the reincorporation or upon the amendment of the charter of any corporation, having a capital stock in accordance with the provisions of this section it may by a vote of the majority of its directors confer upon its policyholders as may have a prescribed amount of insurance upon their lives the right to vote for all or any less number of the directors in such manner not inconsistent with any provision of this Act.

Conversion of stock life company in a mutual life company.

SEC. 19. CONVERSION OF A STOCK LIFE COMPANY INTO A MUTUAL LIFE COMPANY.—Any domestic stock company organized or licensed to do business, whether incorporated under this Act, or any previously existing law, or Act of Congress, may become a mutual company, and to that end may carry out a plan for the acquisition of shares of its capital stock: *Provided, however*, That such plan (1) shall have been adopted by a vote of a majority of the directors of such company; (2) shall have been approved by a vote of stockholders representing a majority of the capital stock at a meeting of stockholders called for the purpose; and (3) shall have been approved by a majority vote of the policyholders voting at a meeting, called for the purpose, of policyholders each insured for at least $1,000 and whose insurance shall then be in force and shall have been in force for at least one year prior to such meeting; notice of such meeting shall be given by mailing such notice from the home office of such corporation at least thirty days prior to such meeting, in a sealed envelope, postage prepaid, addressed to such policyholders at their last known post-office addresses, and such meeting shall be otherwise provided for and conducted in such manner as shall be provided in such plan: *Provided, however*, That policyholders may vote in person, by proxy, or by mail; that all votes shall be cast by ballot and the Superintendent shall supervise and direct the methods and procedure of said meeting and appoint an adequate number of inspectors to conduct the voting at said meeting who shall have power to determine all questions concerning the verification of the ballots, the ascertainment of the validity thereof, the qualifications of the voters, and the canvass of the vote, and who shall certify to the Superintendent and to the company the result thereof, and with respect thereto shall act under such rules and regulations as shall be prescribed by the Superintendent; that all necessary expenses incurred by the Superintendent shall be paid by the company as certified to by him; and (4) shall have been submitted to the Superintendent and shall have been approved by him in writing: *Provided*, That every payment for the acquisition of any shares of the capital stock of such company, the purchase price of which is not fixed by such plan, shall be subject to the approval of the Superintendent: *Provided further*, That neither such plan, nor any such payment, shall be approved by the Superintendent unless at the time of such approvals, respectively, the company, after deducting the aggregate sum appropriated by such plan for the acquisition of any part or all of its capital stock, and in the case of any payment not fixed by such plan and subject to separate approval as aforesaid after the approval of such plan, after deducting also the amount of such payment, shall be possessed of assets not less than the entire liabilities of the company, including the net values of its outstanding contracts computed according to the standard adopted by the company under chapter V, section 1, of this Act, and also all funds, contingent reserves, and surplus save so much of the latter as shall have been appropriated or paid under such plan.

Provisos.
Requirements, plan of reorganization.

Meetings and votes of policyholders.

Payments for acquisition of capital stock shares.

Approval of Superintendent conditioned upon financial standing of company.

Post, p. 1156.

Corporations heretofore formed.
Applicability of act.

SEC. 20. CORPORATIONS HERETOFORE FORMED.—Every company heretofore incorporated under the provisions of the laws of the District, or Act of Congress, is hereby brought under all the provisions of this Act, except that its capital may continue in the amount named in its charter during the existing term thereof, unless it extends its business to other kinds of insurance, and it shall be entitled to all privileges granted by such charter not authorized by this law.

Directors.
Management of company; election.
Requirements.

SEC. 21. DIRECTORS.—The stock, property, and business of every company organized under this Act shall be managed by the directors who shall, except for the first year, be annually elected, at such time

and place as shall be determined by the bylaws of the company. Every director of such a stock company shall be a stockholder thereof, and every director of such a mutual company shall be a policyholder thereof. All proxies used in the election of directors of such companies shall be valid for a period not exceeding one year from the election for which they were signed and in which they were authorized to be voted.

Proxies.

Bylaws. Authority to make.

SEC. 22. BYLAWS.—The directors of companies organized under this Act shall have power to make such bylaws as they deem proper for the management of the business affairs of such company, not inconsistent with the laws of the District and the Constitution of the United States, and prescribing the duties of officers, employees, and servants that may be employed, for the appointment or election of all officers, and for carrying on all kinds of business within the objects and purposes of such company.

Election of directors. Notice required.

SEC. 23. ELECTION OF DIRECTORS.—Notice of the time and place of holding election of directors of a company organized under this Act shall be sent to those entitled to vote, and the election shall be made by such of the stockholders and/or policyholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot, and the persons receiving the greatest number of votes shall be directors. When any vacancy shall happen among the directors it shall be filled for the remainder of the year in such manner as may be provided in the bylaws of the company.

Vacancies.

Election not held on designated day not grounds for dissolution.

In case it shall happen at any time that an election of directors shall not be made on the day designated by the bylaws of said company when it ought to have been made, the company shall not for that reason be dissolved, but it shall be lawful on any other day to hold an election for directors in such manner as shall be provided in the bylaws, and all acts of directors shall be valid and binding as against said company until their successors shall be elected.

Cumulative voting.

SEC. 24. CUMULATIVE VOTING.—In an election for directors of any stock company in which the policyholders do not vote, each stockholder having a right to vote may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer, that is to say: If the stockholder having a right to vote owns one share of stock, or has one vote, or is entitled to one vote for each of seven directors by virtue thereof, he may give one vote to each of said seven directors, or seven votes for any one thereof, or a less number of votes for any less number of directors, whatever may be the actual number to be elected, and in this manner may distribute or cumulate his votes as he may see fit.

Voting power under group life insurance policies.

SEC. 25. VOTING POWER UNDER POLICIES OF GROUP LIFE INSURANCE.—In every group policy issued by a domestic life company the employer shall be deemed to be the policyholder for all purposes, within the meaning of this chapter, and, if entitled to vote at meetings of the company, shall be entitled to one vote thereat.

Liability of directors.

SEC. 26. LIABILITY OF DIRECTORS.—The directors of any company organized under the laws of the District shall be personally liable when they have participated in or assented to any act which shall cause injury to policyholders, creditors, or stockholders resulting from (a) ultra vires acts; (b) illegal corporate acts done with their connivance, knowledge, or consent; (c) issuing unpaid or part-paid stock and marking or representing it as paid up in full; (d) dividend payments declared whether negligently or purposely impairing the capital stock and minimum surplus; (e) mismanagement; (f) loaning corporate funds to stockholders or discounting their notes out of corporate moneys; (g) making false notices or reports that deceive the public; or, (h) transferring property to officers or stockholders

to defraud policyholders or creditors. If any of the directors shall object to declaring a dividend or the payment of the same, and shall, at any time before the time fixed for the payment thereof, file a certificate of their objections in writing with the secretary of the company and with the Superintendent, they shall be exempt from the liability prescribed in this section for dividends declared or paid impairing the capital stock and minimum surplus. Exemption.

SEC. 27. SALARIES TO BE AUTHORIZED BY DIRECTORS.—No domestic company shall pay any salary, compensation, or emolument to any officer, trustee, or director thereof, amounting in any one year to more than $5,000, unless such payment shall be authorized by the board of directors of the company. Salaries, amount to be authorized.

SEC. 28. LIMITATION OF DIVIDENDS TO STOCKHOLDERS AND POLICYHOLDERS.—No domestic company shall make any payments in form of dividends or otherwise to its stockholders for or on account of any interest in or relation to the company as stockholders unless it possesses assets in the amount of such payment in excess of its liabilities, including its capital stock, and the surplus required by this Act; and no domestic company shall make any payments to its policyholders for or on account of any interest in or relation to the company as members or policyholders except for matured claims or other policy obligations and in the purchase of surrender values unless it possesses assets in the amount of such payments in excess of its liabilities, and the capital stock and surplus required by this Act. Dividends to stockholders and policyholders. Limitation on payment.

SEC. 29. OFFICERS.—There shall be a president, a secretary, and a treasurer of the company, who shall be elected by the directors; and also such subordinate officers as may be elected or appointed, and who may be required to give security for the faithful performance of the duties of their office, as this Act and the company by its bylaws may require. Officers.

SEC. 30. OFFICERS AND DIRECTORS NOT TO BE PECUNIARILY INTERESTED IN TRANSACTIONS.—No director or officer of any company doing business in the District shall receive any money or valuable thing for negotiating, procuring, recommending, or aiding in any purchase by or sale to such company of any property, or any loan from such company, nor be pecuniarily interested, either as principal, coprincipal, agent, or beneficiary, in any such purchase, sale, or loan, nor shall the financial obligation of any such director or officer be guaranteed by such company in any capacity: *Provided*, That nothing herein contained shall prevent any such director or officer from receiving a fee for appraising property for said company or for serving on any committee that passes on the investments of said company: *Provided further*, That nothing herein contained shall prevent a life-insurance company from making a loan upon a policy held therein by a director not in excess of the net value thereof. Any person violating any provision of this section shall be guilty of a misdemeanor. Pecuniary interest of officers and directors in transactions forbidden. *Provisos.* Fee for appraising property. Loans on policies. Penalty provision.

SEC. 31. VOTING TRUSTS PROHIBITED.—It shall be unlawful for any stockholder, director, or officer of any company having capital stock to enter into any contract or agreement, commonly known as "voting-trust agreements", whereby the rights, benefits, or liabilities attaching to the capital stock are transferred or assigned, temporarily or otherwise, to any person or group of persons, incorporated or unincorporated, for the purpose of controlling, managing, or directing the company, or voting its stock: *Provided*, That this section shall not prevent the granting of proxies by stockholders authorizing a designated individual to represent them at stockholders' meetings. Voting trusts prohibited. *Proviso.* Proxies.

Maximum and contingent premiums of mutual companies.

SEC. 32. MAXIMUM AND CONTINGENT PREMIUMS OF MUTUAL COMPANIES.—The maximum premium shall be expressed in the policy of a mutual company and it may be solely a cash premium or may be a cash premium and an additional contingent premium, which contingent premium shall not be less than the cash premium, but no mutual company shall issue any insurance policy for a cash premium without an additional contingent premium until and unless it possesses a surplus of at least $100,000.

Classification of risks.

SEC. 33. CLASSIFICATION OF RISKS BY MUTUAL COMPANIES.—A mutual company may, in its articles of incorporation or in its bylaws, provide for the classification of its risks and of its members and for the payment of dividends and for the creation of a surplus.

Mutual company guaranty fund; power to borrow.

SEC. 34. MUTUAL COMPANY GUARANTY FUND; MUTUAL COMPANY POWER TO BORROW.—A mutual company organized under this Act may borrow or assume a liability for the repayment of a sum of money sufficient to defray the reasonable expenses of its organization or to enable it to comply with any requirement of the law or as a guaranty fund upon agreement, which shall first be submitted to and approved by the Superintendent that such loan or advance, with interest at a rate not exceeding 6 per centum per annum, shall be repaid out of the earnings, or profits of such corporation with the approval of the Superintendent whenever in his judgment the financial condition of the company shall warrant; but such approval shall not be withheld if, after such repayment shall be made, the company shall have and be in possession of a surplus equal to 10 per centum or more of its gross annual premiums. Any such loan or advance shall not form a part of the legal liabilities of the company, but until repaid all statements published by such company or filed with the Superintendent shall show the amount thereof then remaining unpaid.

Approval of Superintendent.
Repayment.

Statement to show unpaid balance.

Investment of funds, domestic companies.

SEC. 35. INVESTMENT OF FUNDS OF DOMESTIC COMPANIES.—A domestic company shall invest its fund only in—

Government bonds.

(1) Bonds or other evidences of indebtedness of the United States, or of any State or of the Dominion of Canada or of any Province thereof.

Municipal bonds.

(2) Bonds or other evidences of indebtedness of any county, city, town, village, school district, or other municipal district within the United States or Dominion of Canada which shall be a direct obligation of the county, city, town, village, or district issuing the same.

Real estate mortgages, deeds of trust.

(3) Bonds or notes secured by mortgages or deeds of trust of unencumbered real estate or perpetual leases thereon in the United States or Dominion of Canada worth not less than 50 per centum more than the amount loaned thereon. Where improvements on the land constitute a part of the value on which the loan is made, the improvements shall be insured against fire for the benefit of the mortgagee in an amount not less than the difference between two thirds of the value of the land and the amount of the loan: *Provided*, That for the purposes of this section real estate shall not be deemed to be encumbered within the meaning of this section, by reason of the existence of taxes or assessments that are not delinquent, instruments creating or reserving mineral, oil, or timber rights, rights of way, joint driveways, sewer rights, rights in walls, nor by reason of building restrictions or other restrictive covenants, nor when such real estate is subject to lease in whole or in part whereby rents or profits are reserved to the owner.

Insurance of improvements.

Proviso.
Unencumbered real estate, construed.

Bonds of Federal agencies.

(4) Bonds or other evidences of indebtedness of the Farm Loan Banks authorized under the Federal Farm Loan Act or Acts amendatory thereof or supplementary thereto.

(5) Stock and bonds and other evidences of indebtedness of any solvent corporation of any State or Territory of the United States or of the District or of any Province of the Dominion of Canada excepting stock in its own corporation: *Provided*, That no such investment shall be made in or loan made upon the security of any such stocks upon which dividends in cash during the period of five years next preceding such purchase amounting to not less than 4 per centum on all of such corporation's outstanding capital stocks in each fiscal year for said five years shall not have been paid and upon which bonds any regular interest payment shall have been defaulted any time within five years prior to such purchase or loan.

Stocks, bonds of solvent corporations.

Proviso. Restriction.

(6) Loans upon the pledge of any of the securities aforesaid.

Loans upon pledge of securities.

(7) A life-insurance company may also purchase for its own benefit any policy of life insurance or other obligation of the company and claim of the holders thereof, and may lend to the holders of its life-insurance policies sums not exceeding in any case the reserve value of the policy at the time the loan is made, and for the payment of any such loan the policy and all profits thereon shall be pledged.

Purchase of policies.

Loans to policyholders.

Limitation.

(8) A company doing business in a foreign country may invest the funds required to meet its obligations in such country and in conformity to the laws thereof in the same kind of securities in such foreign country that such company is allowed by law to invest in the United States.

Investments, company in business in foreign country.

(9) A life-insurance company may purchase or receive in exchange for any mortgage, contract, judgment, or lien owned or held by it, or for any real estate acquired by it in satisfaction of any mortgage, contract, judgment, or lien upon such real estate, the bonds of the Home Owners' Loan Corporation, a corporation organized under and pursuant to the authority of the Home Owners' Loan Act of 1933, passed by the Congress of the United States and approved June 13, 1933.

Bonds of Home Owners' Loan Corporation.

No loan or investment, except loans on the security of life-insurance policies, shall be made by any such company, unless the same shall have been authorized by the board of directors or by a committee thereof charged with the duty of supervising loans or investments.

Restriction on general loans, etc.

No such company shall subscribe to or participate in any underwriting of the purchase or sale of securities or property, or enter into any transaction for such purchase or sale on account of said company, jointly with any other corporation, firm, or person, or enter into any agreement to withhold from sale any of its securities or property; but the disposition of its assets shall at all times be within the control of the company.

Underwriting.

Nothing in this Act shall prohibit a company from accepting in good faith, to protect its interests, securities, or property, other than herein referred to, in payment of or to secure debts due or to become due the company.

Acceptance of securities and property in payment of debts.

SEC. 36. DOMESTIC COMPANY REAL-ESTATE HOLDINGS.—A domestic company may acquire, hold, and convey real estate for the purpose and in the manner only following:

Domestic company, real-estate holdings.

Authorized transactions.

(1) The building in which it has its principal office and the land on which it stands.

(2) Such as shall be requisite for its convenient accommodation in the transaction of its business.

(3) Such as shall have been acquired for the accommodation of its business.

(4) Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted or for money due.

(5) Such as shall have been conveyed to it in satisfaction of debts, previously contracted, in the course of its dealings.

(6) Such as it shall have purchased at sales on judgments, decrees, or mortgages obtained or made for such debts.

Sale of surplus property.

All such real estate specified in paragraphs (3), (4), (5), and (6) of this section, which shall not be necessary for its accommodation in the convenient transaction of its business, shall be sold by the company and disposed of within five years after it shall have acquired the title to the same, or within five years after the same shall have ceased to be necessary for the accommodation of its business unless the company procure the certificate of the Superintendent that its interests will suffer materially by a forced sale thereof, in which event the time for the sale may be extended to such time as the Superintendent shall direct in such certificate.

Reinsurance by domestic companies in authorized companies.

Credit for reserve for unearned premiums.

SEC. 37. REINSURANCE BY DOMESTIC COMPANIES IN AUTHORIZED COMPANIES.—Any domestic company may reinsure any part of an individual risk in another company having power to make such reinsurance, and with the consent of the Superintendent may reinsure any part or all of its risks in another such company. But no credit shall be taken for the reserve for unearned premiums on such reinsurance unless the company accepting the reinsurance is authorized to do business in the District by the Superintendent, or in one or more States in the United States, and the Superintendent shall have approved the reinsurance.

Disbursements, vouchers.

SEC. 38. VOUCHERS FOR DISBURSEMENTS.—No domestic company shall make any disbursement of $100 or more unless the same be evidenced by a voucher signed by or on behalf of the person, firm, or corporation receiving the money and describing the consideration for the payment; and if the expenditure be in connection with any matter pending before any legislative or public body or before any department or officer of any State or government, the voucher shall describe the nature of the matter and the interest of the company therein, or, if such voucher cannot be obtained, the expenditure shall be evidenced by affidavit describing its character and object and stating the reasons for not obtaining such voucher.

Books, records, accounts, and vouchers of domestic companies.

Requirement.

SEC. 39. BOOKS, RECORDS, ACCOUNTS, AND VOUCHERS OF DOMESTIC COMPANIES.—Every domestic company shall keep its books, records, accounts, and vouchers in such manner that its financial condition can be ascertained and so that its financial statements filed with the Superintendent can be readily verified.

Capital stock acquisition by company of its own shares.

SEC. 40. CAPITAL-STOCK ACQUISITION BY COMPANY OF ITS OWN SHARES.—It shall be unlawful for any company to acquire shares of its own capital stock except upon approval of the Superintendent where the total outstanding stock is being diminished in accordance with this Act.

Foreign and alien companies.

CHAPTER IV—RELATING TO ADMISSION OF FOREIGN AND ALIEN COMPANIES

Sec. 1. Application of foreign or alien company for authority to do business in the District.

Sec. 2. Trustees of alien companies.

Application for authority to do business in the District.

SECTION 1. APPLICATION OF FOREIGN OR ALIEN COMPANY FOR AUTHORITY TO DO BUSINESS IN THE DISTRICT.—A foreign or alien insurance company desiring to transact business in the District shall file with the Superintendent:

Documents to be filed.

(a) Its application for certificate of authority, stating the kind or kinds of insurance it proposes to transact.

(b) A copy of its charter, articles of incorporation, or deed or settlement, certified by the official who is required to keep or record the same in the State under whose laws the company is incorporated, or if organized under the laws of a foreign Government, Province, or State, by the proper official of such Government, Province, or State. Application for certificate. Copy of charter.

(c) A copy of its bylaws, or regulations, if any, certified to by the secretary of the company. Bylaws, regulations.

(d) Copies of the policies it is issuing or proposes to issue and of the applications therefor. Policies.

(e) The instrument authorizing service of process on the Superintendent required by this Act. Instrument authorizing service of process.

(f) A statement of its financial condition and business, in form as prescribed by law for annual statements, signed and sworn to by the president and secretary or other principal officers of the company. If an alien company, the statement shall comprise only its condition and business in the United States, and shall be signed and sworn to by its United States manager. Statement of financial condition.

(g) It shall satisfy the Superintendent that the company is duly organized under the laws of the State, Province, or government under whose laws it professes to be organized, and authorized to do the business it is transacting or proposes to transact, and that its name is not identical with, nor so similar to, that of another company organized prior to the organization of the applying company as to lead to confusion. Requirements.

(h) It shall satisfy the Superintendent that it has, if a capital stock company, paid-up capital stock and surplus at least equal to the capital stock and surplus required of domestic companies invested in accordance with the laws of the District or the Government under which it is organized, and, if a company without capital stock, that it has assets at least equal to the assets required of domestic companies and an additional contingent liability of its policyholders equal to not less than the cash premium expressed in the policies in force, and, if an alien company, that it has a surplus of assets invested according to the laws of the District or of the State in the United States where it has its deposit, held in the United States in trust for the benefit and security of all of its policyholders in the United States, over all its liabilities in the United States, of an amount equal to the surplus of assets required of a like domestic company; and such alien company shall also deposit securities of the amount and value of $100,000 and of the classes in which insurance companies are permitted by this law to make investments, or satisfy the Superintendent that it has on deposit with the official of a State of the United States, authorized by the law of such State to accept such deposit, securities of the amount and value of $100,000 of the classes in which like insurance companies of such State are permitted to make their investments, for the benefit and security of all policyholders of such company in the United States, and the company shall file with the Superintendent the certificate of such official of any such deposit with such official of any such State. Capital stock companies. Other companies. Deposit of securities.

SEC. 2. TRUSTEES OF ALIEN COMPANIES.—The directors of an alien company may appoint citizens or corporations of the United States, approved by the Superintendent, as its trustees to hold funds and assets in trust for the benefit of the policyholders and creditors of the company in the United States. A certified copy of the record of such appointment and of the deed of trust shall be filed with the Superintendent, who may examine such trustees and any officers and agents, books, and papers of the company in the same manner as he may examine officers, agents, books, papers, and affairs of insurance Trustees of alien company. Filing, certified copy of record of appointment.

Funds and assets.

companies. The funds and assets so held by such trustees shall, with the deposits otherwise made by the company and the funds and assets held by the company in the United States for the benefit of its policyholders and creditors in the United States, constitute the assets of the company for the purpose of making its financial statements required by this Act.

Provisions relating to all life insurance companies.

CHAPTER V—PROVISIONS RELATING TO ALL LIFE INSURANCE COMPANIES

Sec. 1. Superintendent to value policies; legal standard of valuation.
Sec. 2. Separate classes and accounts to be kept for participating and nonparticipating insurance.
Sec. 3. Standard provisions required in life-insurance policies.
Sec. 4. Provisions prohibited in life-insurance policies.
Sec. 5. Standard provisions required in annuities and pure endowment contracts.
Sec. 6. Extension of time for payment of life premium.
Sec. 7. Interest on policy and premium loans may be added to principal.
Sec. 8. Life-policy forms to be filed with Superintendent.
Sec. 9. Provisions required by the laws of a company's own State may be included in policies.
Sec. 10. Definition of group life insurance.
Sec. 11. Standard provisions for policies of group life insurance.
Sec. 12. Standard provisions for accident and health policies.
Sec. 13. Stock operations and advisory-board contracts prohibited.
Sec. 14. Misrepresentations prohibited.
Sec. 15. Discrimination prohibited.
Sec. 16. Rights of creditors and beneficiaries under policies of life insurance.
Sec. 17. Exemption of group life-insurance policies from execution.
Sec. 18. False statements.
Sec. 19. Proceeds of certain policies to be held in trust by life company.
Sec. 20. When actual premium for life policy is less than net premium.

Policies. Annual valuations by Superintendent.

SECTION 1. SUPERINTENDENT TO VALUE POLICIES; LEGAL STANDARD OF VALUATION.—The Superintendent shall annually make valuations of all outstanding policies, additions thereto, and all other life insurance and annuity obligations of every life company doing business in the District. All valuations made by him, or by his authority, shall be made upon the net premium basis.

Basis.

Standard of valuation.

The legal minimum standard for the valuation of life-insurance contracts issued before the 1st day of January next following the passage and approval of this Act shall be the method and basis of valuation heretofore applied by the Superintendent in the valuation of such contracts, and for life-insurance contracts issued on and after said date shall be the one-year preliminary term method of valuation, except as hereinafter modified, on the basis of the American Experience Table of Mortality with interest at 3½ per centum per annum: *Provided*, That any life company may, at its option, value its insurance contracts issued on and after the passage and approval of this Act in accordance with their terms on the basis of the American Men Ultimate Table of Mortality with interest not higher than 3½ per centum per annum by the level net premium method or by the modified preliminary term method hereinafter described.

Proviso. Valuation of policies by company.

Premium payments.

If the premium charged for term insurance under a limited payment life preliminary term policy providing for the payment of all premiums thereon in less than twenty years from date of the policy, or under an endowment preliminary term policy, exceeds that charged for like insurance under twenty payment life preliminary

term policies of the same company, the reserve thereon at the end of the year, including the first, shall not be less than the reserve on a twenty payment life preliminary term policy issued in the same year and at the same age, together with an amount which shall be equivalent to the accumulation of a net level premium sufficient to provide for a pure endowment at the end of the premium payment period, equal to the differences between the value at the end of such period of such a twenty payment life preliminary term policy and the full net level premium reserve at such time of such a limited payment life or endowment policy. The premium payment period is the period during which premiums are concurrently payable under such twenty payment life preliminary term policy and such limited payment life or endowment policy.

Reserves.

"Premium payment period", construed.

Policies issued on the preliminary term method shall contain a clause specifying that the reserve thereof shall be computed in accordance with the modified preliminary term method of valuation provided for herein.

Policies issued under preliminary term method.

The legal minimum standard for the valuation of annuities issued on and after the 1st day of January next following the passage and approval of this Act shall be McClintock's Table of Mortality Among Annuitants, with interest at 4 per centum per annum, but annuities deferred ten or more years and written in connection with life insurance shall be valued on the same basis as that used in computing the consideration or premiums therefor, or upon any higher standard at the option of the company.

Legal minimum standard for valuation of annuities.

The legal minimum standard for the valuation of industrial policies issued after the 1st of January next following the passage and approval of this Act shall be the American Experience Table of Mortality with interest at 3½ per centum per annum: *Provided*, That any life company may voluntarily value its industrial policies on the basis of the standard industrial mortality table or the substandard industrial mortality table by the level net premium method or in accordance with their terms by the modified preliminary term method hereinbefore described.

For valuation of industrial policies.

Proviso. Valuation by company.

Every company shall report the standards used by it in making valuations to the Superintendent in its annual statement: *Provided*, That no such standards, if adopted, shall be abandoned without the consent of the Superintendent first obtained in writing.

Report of standards.

Proviso. Abandonment of standard.

The Superintendent may vary the standards of interest and mortality in the case of alien companies as to contracts issued by such companies in other countries than the United States, and in particular cases of invalid lives and other extra hazards; may value policies in groups, use approximate averages for fractions of a year and otherwise, and shall accept the valuation of the insurance department of any State or country, if made upon a basis and according to standards producing a reserve not lower than herein required or authorized, instead of the valuation herein required if the insurance official of such State or country accepts as sufficient and valid for all purposes the certificate of valuation of the Superintendent of the District.

Power of Superintendent to vary standards.

SEC. 2. SEPARATE CLASSES AND ACCOUNTS TO BE KEPT FOR PARTICIPATING AND NONPARTICIPATING INSURANCE.—Every life company doing business in the District which issues both participating and nonparticipating policies shall keep the two classes of business separate and shall make and include in the annual statement to be filed with the Superintendent each year a separate statement of the gains, losses, and expenses properly attributable to each of such classes and also showing the manner in which any general outlay of expenses of the company has been apportioned to each. No such

Separate classes and accounts, participating and nonparticipating insurance.

Separation of classes required.

Annual statement.

Limitation on application of section.

life company shall be permitted to do business in the District unless it makes such a separation of its business. This section shall not apply to paid-up, temporary, or pure endowment insurance issued or granted in exchange for lapsed or returned policies.

Standard provisions required in policies.

SEC. 3. STANDARD PROVISIONS REQUIRED IN LIFE-INSURANCE POLICIES.—No policy of life insurance other than industrial insurance, annuities, and pure endowments with or without return of premiums or of premiums and interest shall be issued or delivered in the District or be issued by a life company organized under the laws of the District after the 1st day of January next following the passage and approval of this Act unless the same shall contain in substance the following:

Premiums payable in advance.

(1) A provision that all premiums after the first shall be payable in advance, either at the home office of the company or to an agent of the company, upon delivery of a receipt signed by one or more of the officers who shall be designated in the policy.

Period of grace.

(2) A provision that the insured is entitled to a grace period of at least thirty days or of one month within which the payment of any premiums after the first year may be made, subject at the option of the company to an interest charge not in excess of 6 per centum per annum for the number of days of grace elapsing before the payment of the premium, during which period of grace the policy shall continue in full force, but in case the policy becomes a claim during the said period of grace before the overdue premium or the deferred premiums of the current policy year, if any, are paid, the amount of such premiums, with interest on any overdue premiums, may be deducted from any amount payable under the policy in settlement. Grace shall date from the premium-paying date stated in the policy.

Policy to constitute entire contract.

Incontestability.

Exceptions.

(3) A provision that, except as otherwise expressly provided by law, the policy shall constitute the entire contract between the parties and shall be incontestable after it has been in force during the lifetime of the insured for a period of not more than two years from its date, except for nonpayment of premiums and except for violations of the conditions of the policy relating to naval or military service in time of war, and at the option of the company, provisions relative to benefits in the event of total and permanent disability and provisions which grant additional insurance specifically against death by accident may also be excepted; that all statements made by the insured shall, in the absence of fraud, be deemed representations and not warranties; and that no such statement or statements shall be used in defense of a claim under the policy unless contained in a written application and unless a copy of such statement or statements be endorsed upon or attached to the policy when issued: *Provided*, That nothing contained herein shall apply to applications for reinstatement. A reinstated policy shall be contestable on account of fraud or misrepresentation of material facts pertaining to the reinstatement, for the same period after reinstatement as provided in the policy with respect to the original issue.

Statements of insured deemed representations.

Use of statement in defense of claim.

Proviso. Limitation on application of provision; reinstated policy.

Misstatement of age of insured.

(4) A provision that if it shall be found at any time before final settlement under the policy that the age of the insured (or the age of the beneficiary, if considered in determining the premium) has been misstated, the amount payable under the policy shall be such as the premium would have purchased at the correct age, according to the company's rate at date of issue.

Participation in company surplus.

(5) A provision that the policy shall participate in the surplus of the company, and any policy containing provisions for participation at the end of the first policy year, and annually thereafter,

may also provide that each dividend shall be paid subject to the payment of the premium for the next ensuing year; and the insured under any annual dividend policy shall have the right each year to have the dividend arising from such participation paid in cash; and if the policy shall provide other dividend options, it shall further provide which of said options shall be effective if the insured shall not elect any such other option on or before the expiration of the period of grace allowed for the payment of the premium. This provision shall not apply to any form of paid-up insurance or temporary insurance or pure endowment insurance, issued or granted in exchange for lapsed or surrendered policies, or to nonparticipating policies.

Right of payment in cash.

Other dividend options.

Limitation on application of provisions.

(6) A provision that after the policy has been in force three full years the company at any time, while the policy is in force, will advance, on proper assignment or pledge of the policy and on the sole security thereof, at a specified rate of interest, a sum equal to, or at the option of the insured less than the reserve at the end of the current policy year on the policy and on the dividend additions thereto, if any, exclusive of the reserve on account of return premium insurance and of total and permanent disability and additional accidental death benefits, less a sum not more than 2½ per centum of the amount insured by the policy and of any dividend additions thereto (the policy to specify the mortality table and rate of interest adopted for computing such reserve); and that the company will deduct from such loan value any existing indebtedness on the policy and any unpaid balance of the premium for the current policy year, and may collect interest in advance on the loan to the end of the current policy year; which provision may further provide that such loan may be deferred for not exceeding six months after the application therefor is made. A company may, in lieu of the provision hereinabove permitted for the deduction from a loan on the policy of a sum not more than 2½ per centum of the amount insured by the policy and of any dividend additions thereto, insert in the policy a provision that one fifth of the said reserve may be deducted in case of a loan under the policy, or may provide therein that the deduction may be the said 2½ per centum or the one fifth of the said reserve at the option of the company. This provision shall not be required in term insurance, nor shall it apply to temporary insurance or pure endowment insurance, issued or granted in exchange for lapsed or surrendered policies. The policy may further provide that if the interest on the loan is not paid when due it shall be added to the existing loan and shall bear interest at the same rate.

Loans.

Amount.

Deduction of existing indebtedness.

Period may be deferred.

Deduction of part of reserve.

Provision not applicable to term insurance.

Interest.

(7) A provision that in event of default in premium payments, after premiums shall have been paid for three years, the insured shall be entitled to a stipulated form of insurance, effective from the due date of the defaulted premium, the net value of which shall be at least equal to the reserve at the date of default on the policy and on dividend additions thereto, if any, exclusive of the reserve on account of return premium insurance and on total and permanent disability and additional accidental death benefits (the policy to specify the mortality table and rate of interest adopted for computing such reserve); less a specified percentage (not more than two and one half) of the amount insured by the policy and of existing dividend additions thereto, if any, and less any existing indebtedness to the company on or secured by the policy: *Provided*, That a company may, in lieu of the provision herein permitted for the deduction from the reserve of a sum not more than 2½ per centum of the amount insured by the policy, and of any dividend additions thereto, insert in the policy a provision that one fifth of said reserve may be deducted, or may provide therein that a deduction may be

Default in premium payments.

Entitlement of insured to new form of insurance.

Provisos. Deductions.

made of said 2½ per centum or one fifth of said reserve, at the option of the company: *Provided further*, That the policy may be surrendered to the company at its home office within one month of the due date of defaulted premium for a specific cash value at least equal to the sum which would otherwise be available for the purchase of insurance as aforesaid: *And provided further*, That the company may defer payment for not more than six months after the application therefor is made. This provision shall not be required in term insurance of twenty years or less. The net single premium rate employed in computing the term of temporary insurance or the amount of pure endowment insurance granted as a nonforfeiture value under any life-insurance policy may at the option of the company be based upon a table of mortality showing rates of mortality not greater than 130 per centum of those shown by the American Men Ultimate Table of Mortality instead of the table used in computing the reserve on the policy, or in case of substandard policies not greater than 130 per centum of the rates of mortality shown by the table of mortality approved by the Superintendent for computing the reserve on the policy, anything herein to the contrary notwithstanding.

Surrender of policy for cash value.

Deferred payment. Not applicable in term insurance.

Net single premium rate.

(8) A provision specifying the options to which the policyholder is entitled in the event of default in a premium payment after three full annual premiums shall have been paid. This provision shall not be required in term insurance of twenty years or less. A provision may also be inserted in the policy that in event of default in a premium payment before such options become available the reserve on any dividend additions then in force may at the option of the company be paid in cash or applied as a net premium to the purchase of paid-up term insurance for any amount not in excess of the face of the original policy.

Specification of options in event of premium default. Not applicable in term insurance. Option of company, when premium default.

(9) A table showing in figures the loan values and the options available under the policy each year upon default in premium payments, during at least the first twenty years of the policy or during the premium paying period if less than twenty years.

Table showing loan values.

(10) A provision that if in event of default in premium payments the value of the policy shall have been applied to the purchase of other insurance as provided for in this section, and if such insurance shall be in force and the original policy shall not have been surrendered to the company and canceled, the policy may be reinstated within three years from such default, upon evidence of insurability satisfactory to the company and payment of arrears of premiums and the payment or reinstatement of any other indebtedness to the company upon said policy, with interest on said premium and indebtedness at the rate of not exceeding 6 per centum per annum payable annually, and that such reinstated policy shall be contestable, on account of suicide, fraud, or misrepresentation of material facts pertaining to the reinstatement, for the same period after reinstatement as provided in the policy with respect to the original issue.

Purchase of other insurance.

Reinstatement.

(11) A provision that when a policy shall become a claim by the death of the insured settlement shall be made upon receipt of due proof of death.

Death settlement.

(12) A table showing the amount of installments, if any, in which the policy may provide its proceeds may be payable.

Amount of installments.

(13) Title on the face and on the back of the policy briefly describing its form.

Title.

Any of the foregoing provisions or portions thereof not applicable to single premium or nonparticipating or term policies shall, to that extent, not be incorporated therein; and any such policy may be issued or delivered in the District which in the opinion of the Super-

intendent contains provisions on any one or more of the several foregoing requirements more favorable to the policyholder than hereinbefore required. The provisions of this section shall not apply to policies of reinsurance, or to policies issued or granted in exchange for lapsed or surrendered policies, or to group insurance.

Provisions prohibited in life-insurance policies.

SEC. 4. PROVISIONS PROHIBITED IN LIFE-INSURANCE POLICIES.—No policy of life insurance other than industrial insurance, annuities, and pure endowments, with or without return of premiums or of premiums and interest, shall be issued or delivered in the District or be issued by a life company organized under the laws of the District after the 1st day of January next following the passage and approval of this Act if it contains any of the following provisions:

Limitation of actions.

(1) A provision limiting the time within which any action at law or in equity may be commenced to less than three years after the cause of action shall accrue.

Policy taking affect before application made.

(2) A provision by which the policy shall purport to be issued or take effect more than six months before the original application for the insurance was made.

Settlements at maturity at less than amount on policy.

(3) Except for provisions relating to misstatement of age, suicide, aviation, and military or naval service in time of war, a provision for any mode of settlement at maturity, after the expiration of the contestable period of the policy, of less value than the amount insured on the face of the policy plus dividend additions, if any, less any indebtedness to the company on or secured by the policy, and less any premium that may, by the terms of the policy, be deducted. This paragraph shall not apply to any nonforfeiture provision which employs the cash value less indebtedness, if any, to purchase automatic paid-up or extended insurance.

Forfeiture of policy, failure to repay loan.

(4) A provision for forfeiture of the policy for failure to repay any loan on the policy, or to pay interest on such loan, while the total indebtedness on the policy, including interest, is less than the loan value thereof.

Soliciting agent as agent of insured.

(5) A provision to the effect that the agent soliciting the insurance is the agent of the person insured under said policy, or making the acts or representations of such agent binding upon the person so insured under said policy.

Payment of funeral benefits in merchandise.

(6) A provision permitting the payment of funeral benefits in merchandise or services, or permitting the payment of any benefits other than in lawful money of the United States.

Payment of funeral expenses.

(7) A provision permitting either contracting to pay, or the payment of, funeral, burial, and other expenses to any designated undertaker or undertaking establishment, or to any particular tradesman or business man, so as to deprive the persons entitled by law to dispose of the body of a deceased, or in anyway to control such persons in procuring and purchasing said supplies and services in the open market with the advantage of competition.

Disposal of body of insured.

Standard provisions required in annuities and pure endowment contracts.

SEC. 5. STANDARD PROVISIONS REQUIRED IN ANNUITIES AND PURE ENDOWMENT CONTRACTS.—On and after January 1 following the passage and approval of this Act no annuity or pure endowment contract shall be issued or delivered in the District unless and until a copy of the form thereof has been filed with the Superintendent and formally approved by him.

Copy to be filed.

Except in the case of a reversionary annuity, otherwise called a "survivorship annuity", or an annuity contracted by an employer in behalf of his employees, no annuity or pure endowment contract shall be so issued or delivered in this District unless it contains, in substance, the following provisions:

Period of grace.

First. A provision that there shall be a period of grace, either of thirty days or of one month, within which any stipulated payment

to the company falling due after the first year may be made, subject, at the option of the company, to an interest charge thereon at a rate to be specified in the contract, but not exceeding 6 per centum per annum for the number of days of grace elapsing before such payment, during which period of grace, the contract shall continue in full force; but in case a claim arises under the contract on account of death during the said period of grace before the overdue payment to the company or the deferred payments of the current contract year, if any, are made, the amount of such payments, with interest on any overdue payments, may be deducted from any amount payable under the contract in settlement.

Deductions in event of death during.

Second. If statements, other than those relating to age and identity, are required, as a condition of issuing the contract, a provision that the contract shall be incontestable after it has been in force during the lifetime of the person or each of the persons as to whom such statements are required, for a period of two years from its date of issue, except where stipulated payments to the company have not been made, and except for violation of the conditions of the contract relating to military or naval service in time of war, and at the option of the company, provisions relative to benefits in the event of total and permanent disability and provisions which grant insurance specifically against death by accident, may also be excepted.

Incontestibility.

Third. A provision that such contract shall constitute the entire contract between the parties, but if the company desires to make the application a part of the contract it may do so, provided a copy of such application shall be endorsed upon or attached to such contract, when issued, and in such case such contract shall contain a provision that it, together with the application therefor, shall constitute the entire contract between the parties.

Policy to constitute entire contract.

Fourth. A provision that if the age of the person or persons upon whose life or lives the contract is based, or of any of them, has been misstated, the amount payable under the contract shall be such as the stipulated payments to the company would have purchased at the correct age or ages.

Misstatements regarding age.

Any over payment or over payments by the company, on account of misstatement of age, shall with interest thereon at a rate to be specified in the contract, but not exceeding 6 per centum per annum, be charged against the current or next succeeding payment or payments to be made by the company under the contract.

Overpayments by company.

Fifth. If the contract is participating, a provision that the divisible surplus shall be apportioned annually and dividends shall be payable in cash or shall be applicable to any stipulated payment or payments to the company under the contract.

Apportionment of surplus in participating contract.

Sixth. A provision that if the contract after having been in force for three full years, shall, by its terms, lapse or become forfeited because any stipulated payment to the company shall not have been made, the reserve on such contract, computed according to the standard adopted by said company in accordance with this chapter, shall, after deducting one fifth of the said entire reserve, and any indebtedness to the company under the contract, be applied as a net single payment, according to said standard, for the purchase of a paid-up annuity or pure endowment contract, which may be nonparticipating and which shall be payable by the company under the same terms and conditions, except as to amount, as the original contract. A company may provide, in lieu of such paid-up values, for a paid-up annuity or pure endowment contract in an amount bearing the same proportion to the original annuity or pure endowment contract as the number of stipulated payments which shall

Lapsed policy.

Application of reserve.

Contracts in lieu of paid-up values.

have been made to the company shall bear to the total number of stipulated payments required to be made to the company under the contract, and if there be any indebtedness to the company under the contract, the amount of such paid-up annuity or pure endowment shall be reduced by an amount bearing the same proportion to such paid-up annuity or pure endowment as such indebtedness bears to the reserve on such paid-up annuity or pure endowment, computed according to the standard adopted by said company in accordance with this chapter.

Reinstatement, defaulted contract.

Seventh. A provision that the contract may be reinstated at any time within one year from the date of default in making stipulated payments to the company, provided that all overdue stipulated payments and any indebtedness to the company on the contract shall be made or paid, with interest thereon at a rate to be specified in the contract but not exceeding 6 per centum per annum, payable annually. In cases where applicable a company may also include a requirement of evidence of insurability satisfactory to the company.

Contracts for reversionary annuity.

No contract for a reversionary annuity shall be so issued or delivered unless it contains in substance the following provisions:

Provisions applicable.

A. Provisions "First", "Second", "Third", and "Fifth", of this section, except that under provision "First", the company may, at its option, provide for an equitable reduction of the amount of the annuity payments in settlement of any overdue or deferred payments, in lieu of providing for a deduction of such payments from any amount payable upon a settlement under the contract.

Misstatement of age.

B. A provision that, if the age of any of the persons upon whose lives the contract is based has been misstated, the amount payable under the contract shall be such as the stipulated payments to the company would have purchased at the correct ages.

Reinstatement, defaulted contract.

C. A provision that the contract may be reinstated at any time within three years from the date of default in making stipulated payments to the company, upon production of evidence of insurability satisfactory to the company, provided that all overdue payments and any indebtedness to the company on the contract shall be made or paid, with interest thereon at a rate to be specified in the contract, but not exceeding 6 per centum per annum, payable annually.

Provisions not applicable to nonparticipating contracts.

Any of the foregoing provisions or portions thereof not applicable to nonparticipating contracts nor to contracts for which a single stipulated payment to the company is made, shall, to that extent, not be incorporated therein; and any such contract may be issued or delivered in this District, which, in the opinion of the Superintendent, contains provisions on any one or more of the several foregoing requirements, more favorable to the holder of the contract than hereinbefore required.

Nothing herein contained shall be construed to prevent a life company, which issues life insurance on a participating basis, from issuing annuities, reversionary annuities, or pure endowments on a nonparticipating basis.

Construction of contract violating provisions hereof.

Any such contract or any application, endorsement, or rider form used in connection therewith, issued in violation of this section, shall, nevertheless, be held valid, but shall be construed as provided in this section and when any provision in such contract, application, endorsement, or rider is in conflict with any provision of this section or with any other statutory provision, the rights, duties, and obligations of the company, of the holder of the contract and of the beneficiary or annuitant thereunder, shall be governed by the provisions of this section.

Nonapplicability of provisions.

The provisions of this section shall not apply to contracts of reinsurance nor to contracts for deferred annuities or reversionary annuities included in life insurance policies.

Forms deemed part of contract.

For the purposes of this section, application forms, rider forms, and endorsement forms for use in connection with any such contract, excepting riders or endorsements relating to the manner of distribution of benefits or to the reservation of rights and benefits under any such contract, and used at the request of the individual holders of such contracts, shall be deemed to be parts of such contract and shall require the approval of the Superintendent. No rider and no endorsement, except as stated above, shall be attached to or printed or stamped upon any such contract issued or delivered in the District until the form of such rider or endorsement has been filed with the Superintendent and formally approved by him.

Approval required.

Life premiums, extension of time for payment.

SEC. 6. EXTENSION OF TIME FOR PAYMENT OF LIFE PREMIUMS.—A life company may enter into subsequent agreements in writing with the insured, which need not be attached to the policy, to extend the time for the payment of any premium, or part thereof, upon condition that failure to comply with the terms of such agreement shall lapse the policy, as provided in said agreement or in the policy. Subject to such lien as may be created to secure any indebtedness contracted by the insured, in consideration of such extension, said agreement shall not impair any right existing under the policy.

Interest on policy and premium loans.

SEC. 7. INTEREST ON POLICY AND PREMIUM LOANS MAY BE ADDED TO PRINCIPAL.—In ascertaining the indebtedness due upon policy or premium loans the interest, if not paid when due, shall be added to the principal of such loans and shall bear interest at the rate specified in the note or loan agreement.

Life policy forms, filing with Superintendent.

SEC. 8. LIFE-POLICY FORMS TO BE FILED WITH SUPERINTENDENT.—A policy of life insurance shall not be issued or delivered in the District until the form of the same has been filed with the Superintendent, nor if the Superintendent give written notice, within thirty days of such filing to the company proposing to issue it, showing wherein the form of such policy does not comply with the requirements of the laws of the District, provided that such action of the Superintendent shall be subject to review by a court of competent jurisdiction.

Provisions required by the laws of a company's own state, inclusion in policies.

SEC. 9. PROVISIONS REQUIRED BY THE LAWS OF A COMPANY'S OWN STATE MAY BE INCLUDED IN POLICIES.—The policies of a life company, not organized under the laws of the District, may contain any provisions prescribed by the laws of the State, Territory, District, or country, under which the company is organized. The policies of a life company, organized under the laws of the District, may, when issued or delivered in any State, Territory, District, or country, contain any provisions required by the laws of the State, Territory, District, or country in which the same are issued or delivered, anything in this Act to the contrary notwithstanding.

Group life insurance defined.

SEC. 10. DEFINITION OF GROUP LIFE INSURANCE.—Group life insurance is hereby declared to be that form of life insurance covering not less than twenty-five employees, with or without medical examination, written under a policy issued to the employer, the premium on which is to be paid by the employer, or by the employer and employees jointly, and insuring only all of his employees, or all of any class or classes thereof determined by conditions pertaining to the employment, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the employer: *Provided, however*, That when the premium is to be paid by the employer and employee jointly and the benefits of the policy are offered to all eligible employees, not less

Proviso. Percentage to be insured.

than 75 per centum of such employees may be so insured. Such group policy may provide that the term "employees" shall include the officers, managers, and employees of subsidiary or affiliated corporations, and the individual proprietors, partners, and employees of affiliated individuals and firms, when the business of such subsidiary or affiliated corporations, firms, or individuals is controlled by the common employer through stock ownership, contract, or otherwise.

"Employees"; who may be included.

The following forms of life insurance are hereby declared to be group life insurance within the meaning of this chapter: (a) Life insurance covering the members of one or more companies, batteries, troops, or other units of the National Guard, of any State or the District, written under a policy issued to the commanding general of the National Guard, who shall be deemed to be the employer for the purposes of this chapter, the premium on which is to be paid by the members of such units for the benefits of persons other than the employer: *Provided, however*, That when the benefits of the policy are offered to all eligible members of a unit of the National Guard, not less than 75 per centum of the members of such a unit may be so insured; (b) life insurance covering the members of one or more troops or other units of the State troopers or State police of any State, written under a policy issued to the commanding officer of the State troopers or State police, who shall be deemed to be the employer for the purpose of this chapter, the premium on which is to be paid by the members of such units for the benefit of persons other than the employer: *Provided, however*, That when the benefits of the policy are offered to all eligible members of a unit of the State troopers or State police not less than 75 per centum of the members of such unit may be so insured; (c) life insurance covering not less than fifty employees of the government of the District or of the Federal Government, with or without medical examination, written under a policy issued to the President of the Board of Commissioners, or to the head of any Federal department or independent Federal bureau, board, commission, or other Federal independent establishment, or to an association of Federal employees, as the case may be, the premium on which is to be paid by the employees and insuring only employees, or any class or classes thereof determined by conditions pertaining to the employment, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the employer: *Provided*, That when the benefits of the policy are offered to all eligible employees, not less than 75 per centum of such employees may be so insured; (d) life insurance covering the members of any labor union, written under a policy issued to such union, which shall be deemed to be the employer for the purposes of this chapter, the premium on which is to be paid by the union or by the union and its members jointly, and insuring only all of its members who are actively engaged in the same occupation, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the union or its officials: *Provided, however*, That when the premium is to be paid by the union and its members jointly and the benefits are offered to all eligible members, not less than 75 per centum of such members may be so insured: *Provided further*, That when members apply and pay for additional amounts of insurance, a smaller percentage of members may be insured for such additional amounts, if they pass satisfactory medical examinations.

Forms of life insurance declared to be group life insurance.

National Guard units.

State troopers or police.

Federal and District government employees.

Members of labor union.

SEC. 11. STANDARD PROVISIONS FOR POLICIES OF GROUP LIFE INSURANCE.—No policy of group life insurance shall be issued or delivered in the District, unless and until a copy of the form thereof has been

Standard provisions, group life insurance.

filed with the Superintendent and formally approved by him; nor shall a policy be so issued or delivered unless it contains, in substance, the following provisions:

Incontestibility.

1. A provision that the policy shall be incontestable after two years from its date of issue, except for nonpayment of premiums and except for violation of the conditions of the policy relating to military or naval service in time of war.

Policy to constitute entire contract.

2. A provision that the policy, the application of the employer, and the individual applications, if any, of the employees insured, shall constitute the entire contract between the parties, and that all statements made by the employer or by the individual employees shall, in the absence of fraud, be deemed representations and not warranties, and that no such statement shall be used in defense to a claim under the policy, unless it is contained in a written application, but a copy of such written application need not be attached to the policy.

Misstatement of age.

3. A provision for the equitable adjustment of the premium or the amount of insurance payable in the event of a misstatement of the age of an employee.

Issue of individual certificate.

4. A provision that the company will issue to the employer for delivery to the employee, whose life is insured under such policy, an individual certificate setting forth a statement as to the insurance protection to which he is entitled, to whom payable, together with provisions to the effect that in case of the termination of the employment, for any reason whatsoever, the employee shall be entitled to have issued to him by the company, without evidence of insurability, and upon application made to the company, within thirty-one days after such termination, and upon the payment of the premium applicable to the class of risk to which he belongs, and to the form and amount of the policy, at his then attained age, a policy of life insurance in any one of the forms customarily issued by the company, except term insurance, in an amount equal to the amount of his protection under such group-insurance policy at the time of such termination.

New policy upon termination of employment.

Addition of new employees.

5. A provision that to the group or class thereof originally insured shall be added, from time to time, all new employees of the employer eligible to insurance in such group or class.

Except as provided in this chapter it shall be unlawful to make a contract of life insurance covering a group in the District.

Provisions in policy required by State, under laws of which company organized.

Policies of group life insurance, when issued in the District by any company not organized under the laws of the District may contain, when issued, any provision required by the law of the State or Territory or District of the United States under which the company is organized; and policies issued in the several States or countries, by companies organized in the District, may contain any provision required by the laws of the District, Territory, State, or country in which the same are issued, anything in this section to the contrary notwithstanding. Any such policy may be issued or delivered in the District which, in the opinion of the Superintendent, contains provisions on any one or more of the several foregoing requirements more favorable to the employer or to the employee than hereinbefore required.

Standard provisions for accident and health policies.

SEC. 12. STANDARD PROVISIONS FOR ACCIDENT AND HEALTH POLICIES.—(a) On and after the 1st day of January next following the passage and approval of this Act no policy of insurance against loss or damage from sickness, or bodily injury or death of the insured by accident, shall be issued or delivered to any person in the District by any company organized under this, or any other law of the District,

or, if a foreign company, authorized to do business in the District, until a copy of the form thereof, and of the classification of risks and the premium rates appertaining thereto, have been filed with the Superintendent; nor shall it be so issued or delivered until the expiration of thirty days after it has been so filed, unless the Superintendent shall sooner give his written approval thereto. If the Superintendent shall give written notice to the company which has filed such form that it does not comply with the requirements of law, specifying the reasons for his opinion, it shall be unlawful thereafter for any such insurer to issue any policy in such form. The action of the Superintendent in this regard shall be subject to appeal and review in the form and manner prescribed in section 28.

Form, classification of risks, etc., to be filed with Superintendent.

(b) No such policy shall be so issued or delivered (1) unless the entire money and other considerations therefor are expressed in the policy; nor (2) unless the time at which the insurance thereunder takes effect and terminates is stated in a portion of the policy preceding its execution by the company; nor (3) if the policy purports to insure more than one person; (4) nor unless every printed portion thereof and of any indorsement or attached papers shall be plainly printed in type of which the face shall not be smaller than ten point; nor (5) unless a brief description thereof be printed on its first page and on its filing back in type of which the face shall not be smaller than fourteen point; nor (6) unless the exceptions of the policy be printed with the same prominence as the benefits to which they apply: *Provided*, That any portion of such policy which purports, by reason of the circumstances under which a loss is incurred, to reduce any indemnity promised therein to an amount less than that provided for the same loss occurring under ordinary circumstances shall be printed in bold-face type and with greater prominence than any other portion of the text of the policy.

Mandatory provisions.

Proviso. Printing requirement, reduction of indemnity.

(c) Every such policy so issued shall contain certain standard provisions, which shall be in the words and in the order hereinafter set forth and be preceded in every policy by the caption "Standard provisions." In each standard provision wherever the word "company" is used there shall be substituted therefor "company" or "corporation" or "association" or "society" or such other word as will properly designate the company. Said standard provisions shall be:

Standard provisions.

Terms.

(1) A standard provision relative to the contract, which may be in either of the following two forms: Form (A) to be used in policies which do not provide for reduction of indemnity on account of change of occupation, and form (B) to be used in policies which do so provide. If form (B) is used and the policy provides indemnity against loss from sickness, the words "or contracts sickness" may be inserted therein immediately after the words "in the event that the insured is injured":

Forms.

(A) 1. This policy includes the indorsements and attached papers, if any, and contains the entire contract of insurance. No reduction shall be made in any indemnity herein provided by reason of change in the occupation of the insured or by reason of his doing any act or thing pertaining to any other occupation.

Form A.

(B) 1. This policy includes the endorsements and attached papers, if any, and contains the entire contract of insurance except as it may be modified by the company's classification of risks and premium rates in the event that the insured is injured after having changed his occupation to one classified by the company as more hazardous than that stated in the policy, or while he is doing any act or thing pertaining to any occupation so classified, except ordinary duties about his residence or while engaged in recreation, in which event

Form B.

the company will pay only such portion of the indemnities provided in the policy as the premium paid would have purchased at the rate but within the limits so fixed by the company for such more hazardous occupation.

State laws requiring statement of premium rates and classification of risks.

If the law of the State, in which the insured resides at the time this policy is issued, requires that prior to its issue a statement of the premium rates and classification of risks pertaining to it shall be filed with the State official having supervision of insurance in such State, then the premium rates and classification of risks mentioned in this policy shall mean only such as have been last filed by the company in accordance with such law, but if such filing is not required by such law then they shall mean the company's premium rates and classification of risks last made effective by it in such State prior to the occurrence of the loss for which the company is liable.

Change in contract.

(2) A standard provision relative to changes in the contract, which shall be in the following form:

2. No statement made by the applicant for insurance, not included herein, shall avoid the policy or be used in any legal proceeding hereunder. No agent has authority to change this policy or to waive any of its provisions. No change in this policy shall be valid unless approved by an executive officer of the company and such approval be endorsed hereon.

Reinstatement.

(3) A standard provision relative to reinstatement of policy after lapse which may be in either of the three following forms: Form (A) to be used in policies which insure only against loss from accident; form (B) to be used in policies which insure only against loss from sickness; and form (C) to be used in policies which insure against loss from both accident and sickness.

Acceptance of premium after default.

(A) 3. If default be made in the payment of the agreed premium for this policy, the subsequent acceptance of a premium by the company or by any of its duly authorized agents, shall reinstate the policy, but only to cover loss resulting from accidental injury thereafter sustained.

(B) 3. If default be made in the payment of the agreed premium for this policy, the subsequent acceptance of a premium by the company or by any of its duly authorized agents shall reinstate the policy but only to cover such sickness as may begin more than ten days after the date of such acceptance.

(C) 3. If default be made in the payment of the agreed premium for this policy, the subsequent acceptance of a premium by the company or by any of its duly authorized agents shall reinstate the policy but only to cover accidental injury thereafter sustained and such sickness as may begin more than ten days after the date of such acceptance.

Time of notice of claim.

(4) A standard provision relative to time of notice of claim, which may be in either of the three following forms: Form (A) to be used in policies which insure only against loss from accident; form (B) to be used in policies which insure only against loss from sickness; and form (C) to be used in policies which insure against loss from both accident and sickness. If form (A) or form (C) is used the company may at its option add thereto the following sentence: "In event of accidental death immediate notice thereof must be given to the company."

(A) 4. Written notice of injury on which claim may be based must be given to the company within twenty days after the date of the accident causing such injury.

(B) 4. Written notice of sickness on which claim may be based must be given to the company within ten days after the commencement of the disability from such sickness.

(C) 4. Written notice of injury or of sickness on which claim may be based must be given to the company within twenty days after the date of the accident causing such injury or within ten days after the commencement of disability from such sickness.

Sufficiency of notice of claim.

(5) A standard provision relative to sufficiency of notice of claim which shall be in the following form and in which the company shall insert in the blank space such office and its location as it may desire to designate for such purpose of notice:

5. Such notice given by, or in behalf of the insured or beneficiary as the case may be, to the company at _____, or
(Full address)
to any authorized agent of the company, with particulars sufficient to identify the insured, shall be deemed to be notice to the company. Failure to give notice, within the time provided in this policy, shall not invalidate any claim if it shall be shown not to have been reasonably possible to give such notice and that notice was given as soon as was reasonably possible.

Forms in submitting proof of loss.

(6) A standard provision relative to furnishing forms for the convenience of the insured in submitting proof of loss as follows:

6. The company, upon receipt of such notice, will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss. If such forms are not so furnished within fifteen days after receipt of such notice, the claimant shall be deemed to have complied with the requirements of this policy, as to proof of loss, upon submitting within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, character, and extent of the loss for which claim is made.

Filing proof of loss.

(7) A standard provision relative to filing proof of loss which shall be in such one of the following forms as may be appropriate to the indemnities provided:

(A) 7. Affirmative proof of loss must be furnished to the company at its said office within ninety days after the date of the loss for which claim is made.

(B) 7. Affirmative proof of loss must be furnished to the company at its said office within ninety days after the termination of the period of disability for which the company is liable.

(C) 7. Affirmative proof of loss must be furnished to the company at its said office in case of claim for loss of time from disability within ninety days after the termination of the period for which the company is liable, and in case of claim for any other loss, within ninety days after date of such loss.

(8) A standard provision relative to examination of the person of the insured and relative to autopsy which shall be in the following form:

Examination of insured; autopsy.

8. The company shall have the right and opportunity to examine the person of the insured, when and so often as it may reasonably require during the pendency of claim hereunder; and also the right and opportunity, in the case of death, to have autopsy performed, where it is not forbidden by law.

Payments.

(9) A standard provision relative to the time within which payments other than those for loss of time on account of disability shall be made, which provision may be in either of the following two forms and which may be omitted from any policy providing only indemnity for loss of time on account of disability. The company shall insert in the blank space either the word "immediately" or appropriate language to designate such period of time, not more than sixty days, as it may desire, form (A) to be used in policies which do not provide indemnity for loss of time on account of disability and form (B) to be used in policies which do so provide.

(A) 9. All indemnities provided in this policy will be paid _____ after receipt of due proof.
(Indicate time)

(B) 9. All indemnities provided in this policy for loss other than that of time on account of disability will be paid _____ after receipt of due proof.
(Indicate time)

Periodical payments of indemnity on account of disability.

(10) A standard provision relative to periodical payments of indemnity for loss of time on account of disability, which provisions shall be in the following form, and which may be omitted from any policy not providing for such indemnity. The company shall insert, in the first blank space of the form, appropriate language to designate the proportion of accrued indemnity it may desire to pay, which proportion may be all or any part not less than one half; and in the second blank space shall insert any period of time not exceeding sixty days.

10. Upon request of the insured and subject to due proof of loss _____ accrued indemnity for loss of time on
(within time to be inserted)

account of disability will be paid at the expiration of each _____ during the continuance of the period
(insert time)

for which the company is liable, and any balance remaining unpaid at the termination of such period will be paid immediately upon receipt of due proof.

Indemnity payments to beneficiary.

(11) A standard provision relative to indemnity payments which may be in either of the two following forms: Form (A) to be used in policies which designate a beneficiary and form (B) to be used in policies which do not designate any beneficiary other than the insured.

(A) 11. Indemnity for loss of life of the insured is payable to the beneficiary if surviving the insured, and otherwise to the estate of the insured. All other indemnities of this policy are payable to the insured.

(B) 11. All the indemnities of this policy are payable to the insured.

Cancelation of policy at instance of insured.

(12) A standard provision providing for cancelation of the policy at the instance of the insured which shall be in the following form:

12. If the insured shall at any time change his occupation to one classified by the company as less hazardous than that stated in the policy, the company, upon written request of the insured and surrender of the policy, will cancel the same and will return to the insured the unearned premium.

Rights of beneficiary.

(13) A standard provision relative to the rights of the beneficiary under the policy which shall be in the following form and which may be omitted from any policy not designating a beneficiary.

13. Consent of the beneficiary shall not be requisite to surrender or assignment of this policy, or to change of beneficiary, or to any other changes in the policy.

Time within which suit may be brought.

(14) A standard provision limiting the time within which suit may be brought upon the policy as follows:

14. No action at law or in equity shall be brought to recover on this policy prior to the expiration of sixty days after proof of loss has been filed in accordance with the requirements of this policy, nor shall such action be brought at all unless brought within two years from the expiration of the time within which proof of loss is required by the policy.

(15) A standard provision relative to time limitations of the policy as follows:

Limitation of policy

15. If any time limitation of this policy, with respect to giving notice of claim or furnishing proof of loss, is less than that permitted by the law of the State in which the insured resides at the time this policy is issued, such limitation is hereby extended to agree with the minimum period permitted by such law.

(d) No such policy shall be so issued or delivered which contains any provision (1) relative to cancelation at the instance of the company; or (2) limiting the amount of indemnity to a sum less than the amount stated in the policy and for which the premium has been paid; or (3) providing for the deduction of any premium from the amount paid in settlement of claim; or (4) relative to other insurance by the same company; or (5) relative to the age limits of the policy; unless such provisions, which are hereby designated as optional standard provisions, shall be in the words and in the order in which they are hereinafter set forth, but the company may at its option omit from the policy any such optional standard provision. Such optional standard provisions if inserted in the policy shall immediately succeed the standard provisions named in subdivision (c) of this section.

Cancelation of policy at instance of company.

(1) An optional standard provision relative to cancelation of the policy at the instance of the company as follows:

16. The company may cancel this policy at any time by written notice delivered to the insured or mailed to his last address, as shown by the records of the company, together with cash or the company's check for the unearned portion of the premiums actually paid by the insured, and such cancelation shall be without prejudice to any claim originating prior thereto.

Reduction of amount of indemnity.

(2) An optional standard provision relative to reduction of the amount of indemnity to a sum less than that stated in the policy as follows:

17. If the insured shall carry with another company, corporation, association, or society other insurance covering the same loss without giving written notice to the company, then in that case the company shall be liable only for such portion of the indemnity promised as the said indemnity bears to the total amount of like indemnity in all policies covering such loss, and for the return of such part of the premium paid as shall exceed the pro rata for the indemnity thus determined.

Deduction of premium upon settlement.

(3) An optional standard provision relative to deduction of premium upon settlement of claim as follows:

(18) Upon the payment of claim hereunder any premium then due and unpaid or covered by any note or written order may be deducted therefrom.

Other insurance by same company.

(4) An optional standard provision relative to other insurance by the same company which shall be in such one of the following forms as may be appropriate to the indemnities provided, and in the blank space of which the company shall insert such upward limits of indemnity as are specified by the company's classification of risks, filed as required by this section.

(A) 19. If a like policy or policies, previously issued by the company to the insured, be in force concurrently herewith, making the aggregate indemnity in excess of $_____ (Amount to be inserted), the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured.

(B) 19. If a like policy or policies, previously issued by the company to the insured, be in force concurrently herewith, making the

aggregate indemnity for loss of time on account of disability in excess of $_____ weekly, the excess insurance shall be void and all
(Amount to be inserted)
premiums paid for such excess shall be returned to the insured.

(C) 19. If a like policy or policies, previously issued by the company to the insured, be in force concurrently herewith, making the aggregate indemnity for loss other than that of time on account of disability in excess of $_____ or the aggregate indemnity
(Amount to be inserted)
for loss of time on account of disability in excess of $_____
(Amount to be inserted)
weekly, the excess insurance of either kind shall be void and all premiums paid for such excess shall be returned to the insured.

Age limits of policy.

(5) An optional standard provision relative to the age limits of the policy which shall be in the following form and in the blank spaces of which the company shall insert such numbers of years as it may elect.

20. The insurance under this policy shall not cover any person under the age of _____ years nor over the age of _____ years. Any premium paid to the company for any period not covered by this policy will be returned upon request.

Policy containing contradictory, etc., provisions, issue prohibited.

(e) No such policy shall be so issued or delivered if it contains any provision contradictory, in whole or in part, of any of the provisions hereinbefore in this section designated as "standard provisions" or as "optional standard provisions"; nor shall any endorsements or attached papers vary, alter, extend, be used as a substitute for, or in any way conflict with any of the said "standard provisions" or the said "optional standard provisions"; nor shall such policy be so issued or delivered if it contains any provision purporting to make any portion of the charter, constitution, or bylaws of the company a part of the policy unless such portion of the charter, constitution, or bylaws shall be set forth in full in the policy, but this prohibition shall not be deemed to apply to any statement of rates or classification of risks filed with the Superintendent in accordance with the provisions of this section.

False statement in application.

(f) The falsity of any statement in the application for any policy covered by this section shall not bar the right to recovery thereunder unless such false statement was made with actual intent to deceive or unless it materially affected either the acceptance of the risk or the hazard assumed by the company.

Rights of company in defense of claim not waived by acknowledgements, etc.

(g) The acknowledgment by a company of the receipt of notice given under any policy covered by this section, or the furnishing of forms for filing proofs of loss, or the acceptance of such proofs, or the investigation of any claim thereunder shall not operate as a waiver of any of the rights of the company in defense of any claim arising under such policy.

Alterations in written application.

(h) No alteration of any written application for insurance by erasure, insertion, or otherwise shall be made by any person other than the applicant without his written consent, and the making of any such alteration without the consent of the applicant shall be a misdemeanor. If such alteration shall be made by any officer of the company, or by any employee of the company with the company's knowledge or consent, then such act shall be deemed to have been performed by the company thereafter issuing the policy upon such altered application.

Construction of policy issued in violation of section.

(i) A policy issued in violation of this section shall be held valid but shall be construed as provided in this section and when any provision in such a policy is in conflict with any provision of this section the rights, duties, and obligations of the company, the policy-

holder, and the beneficiary shall be governed by the provisions of this section.

Provisions of State laws, etc., may be included in policy.

(j) The policies of insurance against accidental bodily injury or sickness issued by a company not organized under the laws of the District may contain, when issued in the District, any provision which the law of the State, Territory, or District of the United States under which the company is organized prescribes for insertion in such policies, and the policies of insurance against accidental bodily injury or sickness issued by a company organized under the laws of the District may contain, when issued or delivered in any other State, Territory, District, or country, any provision required by the laws of the State, Territory, District, or country in which the same are issued, anything in this section to the contrary notwithstanding.

Policy to which section not applicable.

(k) (1) Nothing in this section, however, shall apply to or affect any policy of liability or workmen's compensation insurance or any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any employer, whether a corporation, copartnership, association, or individual or to any police or fire department, underwriters corps, salvage bureau, or to any association of fifty or more members having a constitution or bylaws and formed in good faith for purposes other than that of obtaining insurance, where not less than 75 per centum of the members or employees are insured for their individual benefit against specified accidental bodily injuries or sickness while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy.

Supplemental contracts.

(2) Nothing in this section shall apply to or in any way affect contracts supplemental to contracts of life or endowment insurance where such supplemental contracts contain no provisions except such as operate to safeguard such insurance against lapse or to provide a special surrender value therefor in the event that the insured shall be totally and permanently disabled by reason of accidental bodily injury or by sickness: *Provided*, That no such supplemental contract shall be issued or delivered to any person in the District unless and until a copy of the form thereof has been submitted to and approved by the Superintendent under such reasonable rules and regulations as he shall make concerning the provisions in such contracts and their submission to and approval by him.

Proviso. Approval of form.

Railroad ticket policies.

(3) The provisions of this section contained in clause (5) of subdivision (b) and clauses (2), (3), and (12) of subdivision (c) may be omitted from railroad-ticket policies sold only at railroad stations, or at railroad ticket offices by railroad employees.

Penalty provisions.

(l) Any company, or other insurer, or any officer or agent thereof, which or who issues or delivers to any person in the District any policy in violation of the provisions of this section, shall be punished, upon conviction, by a fine of not more than $500 for each offense, and the Superintendent may revoke the certificate of authority of any company, corporation, association, society, or other insurer of any State or country, or the license of the agent thereof, which or who violates any provisions of this section.

"Indemnity," construed.

(m) The term "indemnity", as used in this section, means benefits promised.

Stock operations and advisory board contracts, prohibited.

SEC. 13. STOCK OPERATIONS AND ADVISORY BOARD CONTRACTS PROHIBITED.—No life company doing business in the District shall issue in the District, nor permit its general agents, agents, officers, solicitors or employees to issue or deliver in the District, agency company stock or other capital stock, or benefit certificates or shares in any

common-law corporation, or securities or any special or advisory board or other contracts of any kind promising returns and profits as an inducement to insure; and no life company shall be authorized to do business in the District which issues or permits its general agents, agents, officers, solicitors or employees to issue in the District or in any State or Territory agency company stock or other capital stock, or benefit certificates or shares in any common-law corporations, or securities or any special advisory board or other contracts of any kind promising returns and profits as an inducement to insurance; and no corporation or stock company acting as agent of a life company nor any of its general agents, agents, officers, solicitors, or employees shall be permitted to sell, agree, or offer to sell, or give or offer to give, directly or indirectly, in any manner whatsoever, any share of stock, securities, bonds, or agreement of any form or nature promising returns and profits as an inducement to insurance or in connection therewith. It shall be the duty of the Superintendent, upon due proof after notice and hearing that any such company or agent thereof has violated any of the provisions of this section, to revoke the authority of the company or agent so offending: *Provided, however*, That the action of the Superintendent in this regard shall be subject to appeal and review in the form and manner prescribed in section 28.

Proviso. Appeals.

Misrepresentations prohibited.

SEC. 14. MISREPRESENTATIONS PROHIBITED.—No life company doing business in the District, and no officer, director, general agent, agent, or solicitor thereof, broker or any other person shall make, issue, or circulate, or cause to be issued or circulated, any estimate, illustration, circular, or statement of any sort misrepresenting the terms of any policy issued or to be issued by it or the benefits or advantages promised thereby, or the dividends or shares of the surplus to be received thereon, or shall use any name or title of any policy or class of policies misrepresenting the true nature thereof. Nor shall any such corporation or officer, director, general agent, agent, or solicitor thereof, broker or any other person, firm, association, or corporation make any misrepresentation to any person insured in any company for the purpose of inducing or tending to induce a policyholder in any company to lapse, forfeit, or surrender his insurance. It shall be the duty of the Superintendent, upon due proof after notice and hearing that any such company or agent thereof has violated any of the provisions of this section, to revoke the authority of the company or agent so offending: *Provided, however*, That the action of the Superintendent in this regard shall be subject to appeal and review in the form and manner prescribed in section 28.

Proviso. Appeals.

Discriminations prohibited.

SEC. 15. DISCRIMINATIONS PROHIBITED.—No life insurance corporation doing business in the District shall make or permit any discriminations between individuals of the same class or of equal expectation of life, in the amount of payment or return of premiums or rates charged for policies of insurance, including endowment policies and annuity contracts, or in the dividends or other benefits payable thereon, or in any of the terms or conditions of the policy; nor shall any such company permit or agent thereof offer to make any contract of insurance, endowment policy, or annuity contract, or agreement as to such contracts other than as plainly expressed in the policy issued thereon, nor shall any such company or officer, agent, solicitor, or representative thereof pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, as inducement to any person to insure, or give, sell, or purchase, or offer to give, sell, or purchase as such inducement or in connection with such insurance, endowment policy, or annuity contract, any stocks, bonds or other securities of any insurance company or other corporation, association or partner-

ship, or any dividends or profit accruing thereon, or any valuable consideration or inducement whatever not specified in the policy, nor shall any person knowingly receive any such inducement, any rebate of premium, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any paid employment or contract for services of any kind or any valuable consideration or inducement whatever, not specified in the policy. No person shall be excused from attending and testifying and producing any books, papers, or other documents before any court or magistrate, upon any investigation, proceeding, or trial for a violation of any of the provisions of this section, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding. Nothing in this section shall be so construed as to forbid a company, transacting industrial life insurance, from returning to policyholders, who have made premium payments for a period of at least one year, directly to the company at its home or distant offices, a percentage of such a premium which the company would have paid for the collection thereof.

Rights of creditors and beneficiaries under policies of life insurance.

SEC. 16. RIGHTS OF CREDITORS AND BENEFICIARIES UNDER POLICIES OF LIFE INSURANCE.—When a policy of insurance, whether heretofore or hereafter issued, is effected by any person on his own life or on another life in favor of some person other than himself having an insurable interest therein, or, except in cases of transfer with intent to defraud creditors, if a policy of life insurance is assigned or in any way made payable to any such person, the lawful beneficiary or assignee thereof other than the insured or the person so effecting such insurance, or his executors or administrators, shall be entitled to its proceeds and avail against the creditors and representatives of the insured and of the person effecting such insurance whether or not the right to change the beneficiary is reserved or permitted and whether or not the policy is made payable to the person whose life is insured, if the beneficiary or assignee shall predecease such person: *Provided*, That subject to the statute of limitations the amount of any premiums for said insurance paid with intent to defraud creditors, with interest thereon, shall inure to their benefit from the proceeds of the policy, but the company issuing the policy shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless before such payment the company shall have written notice by or in behalf of a creditor of a claim to recover for transfer made or premiums paid with intent to defraud creditors with specifications of the amount claimed.

Proviso.
Payment of premiums to defraud creditors.

Exemption of disability insurance from execution.

SEC. 16 (a) EXEMPTION OF DISABILITY INSURANCE FROM EXECUTION.—No money or other benefit paid, provided, allowed, or agreed to be paid by any company on account of the disability from injury or sickness of any insured person shall be liable to execution, attachment, garnishment, or other process, or to be seized, taken, appropriated or applied by any legal or equitable process or operation of law, to pay any debt or liability of such insured person whether such debt or liability was incurred before or after the commencement of such disability, but the provisions of this section shall not affect the assignability of any such disability benefit otherwise assignable, nor shall this section apply to any money income disability benefit in an action to recover for necessaries contracted for

after the commencement of the disability covered by the disability clause or contract allowing such money income benefit.

Of group life insurance.

SEC. 17. EXEMPTION OF GROUP LIFE-INSURANCE POLICIES FROM EXECUTION.—No policy of group life insurance, nor the proceeds thereof when paid to any employee or employees thereunder, shall be liable to attachment, garnishment, or other process, or to be seized, taken, appropriated, or applied by any legal or equitable process or operation of law, to pay any debt or liability of such employee, or his beneficiary, or any other person who may have a right thereunder, either before or after payment; nor shall the proceeds thereof, when not made payable to a named beneficiary, constitute a part of the estate of the employee for the payment of his debts.

False statements.

SEC. 18. FALSE STATEMENTS.—Any agent, broker, examining physician, or other person who shall knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for life insurance, or who shall make any such statement for the purpose of obtaining any fee, commission, money, or benefit from or in any company transacting business under this Act shall be guilty of a misdemeanor.

Proceeds of certain policies to be held in trust by company.

SEC. 19. PROCEEDS OF CERTAIN POLICIES TO BE HELD IN TRUST BY LIFE COMPANY.—Any life company licensed under the laws of the District shall have power to hold the proceeds of any policy issued by it under a trust or other agreement upon such terms and restrictions as to revocation by the policyholder and control by beneficiaries and with such exemptions from the claims of creditors or beneficiaries other than the policyholder as shall have been agreed to in writing by such company and the policyholder. Such insurance company shall not be required to segregate funds so held, but may hold them as a part of its general corporate assets.

When actual premium for life policy is less than net premium.

SEC. 20.—WHEN ACTUAL PREMIUM FOR LIFE POLICY IS LESS THAN NET PREMIUM.—When the actual premium charged for an insurance policy by any company is less than the net premium on the basis adopted by the company for the valuation of such policy under chapter V, section 1 of this Act, such company shall be charged as a separate liability with a deficiency reserve equal to the total present value of the future deficiencies in the actual premium calculated according to the table of mortality and rate of interest employed by the company for the valuation of such policy.

Penalties; Constitutionality.

CHAPTER VI—PENALTIES; CONSTITUTIONALITY

Sec. 1. Penalties; constitutionality.
Sec. 2. Testimony; production of books.
Sec. 3. Constitutionality.
Sec. 4. Repeals.
Sec. 5. Effective date of act.

Penalty provisions.

SECTION 1. PENALTIES; CONSTITUTIONALITY.—Any person, partnership, or company who violates any of the provisions of this Act, or fails to comply with any duty imposed upon him or it by any provision of this Act, for which violation or failure no penalty is elsewhere provided by the laws of the District, shall be fined not exceeding $500 for each and every violation.

Testimony; production of books.

SEC. 2. TESTIMONY; PRODUCTION OF BOOKS.—No person shall be excused from testifying or from producing books, accounts, and papers in any proceeding based upon or growing out of any violation of the provisions of this Act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or

forfeiture; but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may have testified or produced any documentary evidence: *Provided*, That no person so testifying shall be exempted from prosecution or punishment for perjury: *Provided further*, That the immunity hereby conferred shall extend only to a natural person who, in obedience to a subpena, gives testimony under oath or produces evidence, documentary or otherwise, under oath.

Proviso. Perjury.

Immunity extended to natural person only.

SEC. 3. CONSTITUTIONALITY.—Should any section or provision of this Act be decided by the courts to be unconstitutional or invalid, the validity of the Act as a whole or of any part thereof other than the part decided to be unconstitutional shall not be affected.

Constitutionality.

SEC. 4. REPEALS.—All laws or parts of laws, insofar as they relate to life insurance companies and the conduct of life insurance business, and in conflict with any of the provisions of this Act, are hereby repealed.

Repeals.

SEC. 5. EFFECTIVE DATE OF ACT.—This Act shall become effective immediately upon passage and approval.

Effective date.

Approved, June 19, 1934.

[CHAPTER 673.]

AN ACT

To amend section 766 of the Revised Statutes, as amended.

June 19, 1934.
[H.R. 9547.]
[Public, No. 437.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 766 of the Revised Statutes, as amended, be, and it is hereby, further amended so as to read as follows:

United States courts.
R.S., sec. 766, p. 144.
U.S.C., p. 914.

Habeas corpus.
Stay of proceedings during pendency of action in State court.

"Pending the proceedings or appeal in the cases mentioned in the three preceding sections, and until final judgment therein, and after final judgment of discharge, any proceeding against the person so imprisoned and confined or restrained of his liberty, in any State court, or by or under the authority of any State, for any matter so heard and determined, or in process of being heard and determined, under such writ of habeas corpus, may be stayed by a judge of any court of the United States in which are pending any such proceedings or appeal. After the granting of such a stay any such proceeding in any State court, or by or under the authority of any State, subsequent thereto pending the final adjudication of such habeas corpus proceedings in the court of the United States shall be deemed null and void. If no such stay is granted, any such proceeding in any State court, or by or under the authority of any State, shall be as valid and of as full force and effect as if no proceedings or appeal in the cases mentioned in the three preceding sections were pending in any court of the United States. No such appeal shall be had or allowed unless taken within three months after the date of the judgment or order complained of. Any proceeding, except final judgment or execution thereof, heretofore taken in any State court, or by or under the authority of any State, for any matter heard and determined, or in process of being heard and determined, in any proceeding or appeal in the cases mentioned in the three preceding sections now pending in any court of the United States, shall be as valid and of as full force and effect as if no such proceedings or appeal had been pending in any court of the United States at the time such proceeding was taken."

Appeals.

Approved, June 19, 1934.

[CHAPTER 674.]

AN ACT

June 19, 1934.
[H.R. 9745.]
[Public, No. 438.]

To authorize the Secretary of the Treasury to purchase silver, issue silver certificates, and for other purposes.

Silver Purchase Act of 1934.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the short title of this Act shall be the "Silver Purchase Act of 1934."

Declaration of policy.

SEC. 2. It is hereby declared to be the policy of the United States that the proportion of silver to gold in the monetary stocks of the United States should be increased, with the ultimate objective of having and maintaining, one fourth of the monetary value of such stocks in silver.

Ante, p. 342.
Ante, p. 2.

Purchase of; rates, terms, etc.

SEC. 3. Whenever and so long as the proportion of silver in the stocks of gold and silver of the United States is less than one-fourth of the monetary value of such stocks, the Secretary of the Treasury is authorized and directed to purchase silver, at home or abroad, for present or future delivery with any direct obligations, coin, or currency of the United States, authorized by law, or with any funds in the Treasury not otherwise appropriated, at such rates, at such times, and upon such terms and conditions as he may deem reasonable and most advantageous to the public interest: *Provided*, That no purchase of silver shall be made hereunder at a price in excess of the monetary value thereof: *And provided further*, That no purchases of silver situated in the continental United States on May 1, 1934, shall be made hereunder at a price in excess of 50 cents a fine ounce.

Provisos.
Excessive price.

Purchase price, in continental United States on May 1, 1934.

Sales, when authorized.

SEC. 4. Whenever and so long as the market price of silver exceeds its monetary value or the monetary value of the stocks of silver is greater than 25 per centum of the monetary value of the stocks of gold and silver, the Secretary of the Treasury may, with the approval of the President and subject to the provisions of section 5, sell any silver acquired under the authority of this Act, at home or abroad, for present or future delivery, at such rates, at such times, and upon such terms and conditions as he may deem reasonable and most advantageous to the public interest.

Silver certificates.
Issue of, denominations; restriction.

SEC. 5. The Secretary of the Treasury is authorized and directed to issue silver certificates in such denominations as he may from time to time prescribe in a face amount not less than the cost of all silver purchased under the authority of section 3, and such certificates shall be placed in actual circulation. There shall be maintained in the Treasury as security for all silver certificates heretofore or hereafter issued and at the time outstanding an amount of silver in bullion and standard silver dollars of a monetary value equal to the face amount of such silver certificates. All silver certificates heretofore or hereafter issued shall be legal tender for all debts, public and private, public charges, taxes, duties, and dues, and shall be redeemable on demand at the Treasury of the United States in standard silver dollars; and the Secretary of the Treasury is authorized to coin standard silver dollars for such redemption.

Bullion reserves, amount.

Certificates to be legal tender.

Redemption.

Transactions in silver, regulation of.

SEC. 6. Whenever in his judgment such action is necessary to effectuate the policy of this Act, the Secretary of the Treasury is authorized, with the approval of the President, to investigate, regulate, or prohibit, by means of licenses or otherwise, the acquisition, importation, exportation, or transportation of silver and of contracts and other arrangements made with respect thereto; and to require the filing of reports deemed by him reasonably necessary in connection therewith. Whoever willfully violates the provisions of any license, order, rule, or regulation issued pursuant to the authorization contained in this section shall, upon conviction, be fined not more than $10,000 or, if a natural person, may be imprisoned for not more than

Penalty for violations of licensing provisions.

ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

Executive order requiring silver delivery to Treasury.

SEC. 7. Whenever in the judgment of the President such action is necessary to effectuate the policy of this Act, he may by Executive order require the delivery to the United States mints of any or all silver by whomever owned or possessed. The silver so delivered shall be coined into standard silver dollars or otherwise added to the monetary stocks of the United States as the President may determine; and there shall be returned therefor in standard silver dollars, or any other coin or currency of the United States, the monetary value of the silver so delivered less such deductions for seigniorage, brassage, coinage, and other mint charges as the Secretary of the Treasury with the approval of the President shall have determined: *Provided*, That in no case shall the value of the amount returned therefor be less than the fair value at the time of such order of the silver required to be delivered as such value is determined by the market price over a reasonable period terminating at the time of such order. The Secretary of the Treasury shall pay all necessary costs of the transportation of such silver and standard silver dollars, coin, or currency, including the cost of insurance, protection, and such other incidental costs as may be reasonably necessary. Any silver withheld in violation of any Executive order issued under this section or of any regulations issued pursuant thereto shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law; and, in addition, any person failing to comply with the provisions of any such Executive order or regulation shall be subject to a penalty equal to twice the monetary value of the silver in respect of which such failure occurred.

Coinage.

Seigniorage, etc., deductions.

Proviso.
Amount returned must be fair market value.

Expenses.

Hoarding.

Penalties.

Stamp taxes.
Vol. 44, p. 103; Vol. 47, p. 275.

SEC. 8. Schedule A of title VIII of the Revenue Act of 1926, as amended (relating to stamp taxes), is amended by adding at the end thereof a new subdivision to read as follows:

Sales and transfers of silver, etc.

"10. SILVER, AND SO FORTH, SALES AND TRANSFERS.—On all transfers of any interest in silver bullion, if the price for which such interest is or is to be transferred exceeds the total of the cost thereof and allowed expenses, 50 per centum of the amount of such excess. On every such transfer there shall be made and delivered by the transferor to the transferee a memorandum to which there shall be affixed lawful stamps in value equal to the tax thereon. Every such memorandum shall show the date thereof, the names and addresses of the transferor and transferee, the interest in silver bullion to which it refers, the price for which such interest is or is to be transferred and the cost thereof and the allowed expenses. Any person liable for payment of tax under this subdivision (or anyone who acts in the matter as agent or broker for any such person) who is a party to any such transfer, or who in pursuance of any such transfer delivers any silver bullion or interest therein, without a memorandum stating truly and completely the information herein required, or who delivers any such memorandum without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding $1,000 or be imprisoned not more than six months, or both. Stamps affixed under this subdivision shall be canceled (in lieu of the manner provided in section 804) by such officers and in such manner as regulations under this subdivision shall prescribe. Such officers shall cancel such stamps only if it appears that the proper tax is being paid, and when stamps with respect to any transfer are so canceled, the transferor and not the

Transfer stamps; memorandum.

Delivering silver bullion without stamp affixed memorandum.

Penalty.

Canceling stamps.
Vol. 44, p. 100.

Liability.

Expenses allowed.

transferee shall be liable for any additional tax found due or penalty with respect to such transfer. The Commissioner shall abate or refund, in accordance with regulations issued hereunder, such portion of any tax hereunder as he finds to be attributable to profits (1) realized in the course of the transferor's regular business of furnishing silver bullion for industrial, professional, or artistic use and (a) not resulting from a change in the market price of silver bullion, or (b) offset by contemporaneous losses incurred in transactions in interests in silver bullion determined, in accordance with such regulations, to have been specifically related hedging transactions; or (2) offset by contemporaneous losses attributable to changes in the market price of silver bullion and incurred in transactions in silver foreign exchange determined, in accordance with such regulations, to have been hedged specifically by the interest in silver bullion transferred. The provisions of this subdivision shall extend to all transfers in the United States of any interest in silver bullion, and to all such transfers outside the United States if either party thereto is a resident of the United States or is a citizen of the United States who has been a resident thereof within three months before the date of the transfer or if such silver bullion or interest therein is situated in the United States; and shall extend to transfers to the United States Government (the tax in such cases to be payable by the transferor), but shall not extend to transfers of silver bullion by deposit or delivery at a United States mint under proclamation by the President or in compliance with any Executive order issued pursuant to section 7 of the Silver Purchase Act of 1934. The tax under this subdivision on transfers enumerated in subdivision 4 shall be in addition to the tax under such subdivision. This subdivision shall apply (1) with respect to all transfers of any interest in silver bullion after the enactment of the Silver Purchase Act of 1934, and (2) with respect to all transfers of any interest in silver bullion on or after May 15, 1934, and prior to the enactment of the Silver Purchase Act of 1934, except that in such cases it shall be paid by the transferor in such manner and at such time as the Commissioner, with the approval of the Secretary of the Treasury, may by regulations prescribe, and the requirement of a memorandum of such transfer shall not apply.

Losses attributable to market changes.

Provisions of general application.

Transfer tax to be additional; payment, etc.

"As used in this subdivision—

Terms construed. "Cost."

"The term 'cost' means the cost of the interest in silver bullion to the transferor, except that (a) in case of silver bullion produced from materials containing silver which has not previously entered into industrial, commercial, or monetary use, the cost to a transferor who is the producer shall be deemed to be the market price at the time of production determined in accordance with regulations issued hereunder; (b) in the case of an interest in silver bullion acquired by the transferor otherwise than for valuable consideration, the cost shall be deemed to be the cost thereof to the last previous transferor by whom it was acquired for a valuable consideration; and (c) in the case of any interest in silver bullion acquired by the transferor (after April 15, 1934) in a wash sale, the cost shall be deemed to be the cost to him of the interest transferred by him in such wash sale, but with proper adjustment, in accordance with regulations under this subdivision, when such interests are in silver bullion for delivery at different times.

"Transfer."

"The term 'transfer' means a sale, agreement of sale, agreement to sell, memorandum of sale or delivery of, or transfer, whether made by assignment in blank or by any delivery, or by any paper or agreement or memorandum or any other evidence of transfer or sale; or means to make a transfer as so defined.

"The term 'interest in silver bullion' means any title or claim to, or interest in, any silver bullion or contract therefor. "Interest in silver bullion."

"The term 'allowed expenses' means usual and necessary expenses actually incurred in holding, processing, or transporting the interest in silver bullion as to which an interest is transferred (including storage, insurance, and transportation charges but not including interest, taxes, or charges in the nature of overhead), determined in accordance with regulations issued hereunder. "Allowed expenses."

"The term 'memorandum' means a bill, memorandum, agreement, or other evidence of a transfer. "Memorandum."

"The term 'wash sale' means a transaction involving the transfer of an interest in silver bullion and, within thirty days before or after such transfer, the acquisition by the same person of an interest in silver bullion. Only so much of the interest so acquired as does not exceed the interest so transferred, and only so much of the interest so transferred as does not exceed the interest so acquired, shall be deemed to be included in the wash sale. "Wash sale."

"The term 'silver bullion' means silver which has been melted, smelted, or refined and is in such state or condition that its value depends primarily upon the silver content and not upon its form." "Silver bullion."

SEC. 9. The Secretary of the Treasury is hereby authorized to issue, with the approval of the President, such rules and regulations as the Secretary of the Treasury may deem necessary or proper to carry out the purposes of this Act, or of any order issued hereunder. Rules and regulations to be prescribed.

SEC. 10. As used in this Act— Terms construed.

The term "person" means an individual, partnership, association, or corporation; "Person."

The term "the continental United States" means the States of the United States, the District of Columbia, and the Territory of Alaska; "Continental United States."

The term "monetary value" means a value calculated on the basis of $1 for an amount of silver or gold equal to the amount at the time contained in the standard silver dollar and the gold dollar, respectively; "Monetary value."

The term "stocks of silver" means the total amount of silver at the time owned by the United States (whether or not held as security for outstanding currency of the United States) and of silver contained in coins of the United States at the time outstanding; "Stocks of silver."

The term "stocks of gold" means the total amount of gold at the time owned by the United States, whether or not held as a reserve or as security for any outstanding currency of the United States. "Stocks of gold."

SEC. 11. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000, which shall be available for expenditure under the direction of the President and in his discretion, for any purpose in connection with the carrying out of this Act; and there are hereby authorized to be appropriated annually such additional sums as may be necessary for such purposes. Appropriation authorized. *Ante*, p. 1060. Annual sums authorized.

SEC. 12. The right to alter, amend, or repeal this Act is hereby expressly reserved. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby. Rights reserved. Saving provisions.

SEC. 13. All Acts and parts of Acts inconsistent with any of the provisions of this Act are hereby repealed, but the authority conferred in this Act upon the President and the Secretary of the Treasury is declared to be supplemental to the authority heretofore conferred. Inconsistent laws repealed.

Approved, June 19, 1934, 9 p.m.

[CHAPTER 675.]

JOINT RESOLUTION

June 19, 1934.
[S.J. Res. 59.]
[Pub. Res., No. 42.]

To provide for the expenses of delegates of the United States to the Ninth Pan American Sanitary Conference.

Ninth Pan American Sanitary Conference.
Amount for delegates, authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000, or so much thereof as may be necessary, for the expenses of three delegates of the United States, to be appointed by the President, to the Ninth Pan American Sanitary Conference to be held in 1933 or 1934, at Buenos Aires, Argentina, or at such time and place as may be determined hereafter. The expenses herein provided for shall include the compensation of employees, travel, subsistence, or per diem in lieu of subsistence (notwithstanding the provisions of any other Act), and such miscellaneous and other expenses as the President shall deem proper, to be expended under the direction of the Secretary of State.

Expenses.

Approved, June 19, 1934.

[CHAPTER 676.]

JOINT RESOLUTION

June 19, 1934.
[S.J.Res. 131.]
[Pub. Res., No. 43.]

Providing for membership of the United States in the International Labor Organization.

International Labor Organization.
Preamble.

Whereas progress toward the solution of the problems of international competition in industry can be made through international action concerning the welfare of wage earners; and

Whereas the failure of a nation to establish humane conditions of labor is an obstacle in the way of other nations which desire to maintain and improve the conditions in their own countries; and

Whereas the United States early recognized the desirability of international cooperation in matters pertaining to labor and took part in 1900 in establishing, and for many years thereafter supported, the International Association for Labor Legislation; and

Whereas the International Labor Organization has advanced the welfare of labor throughout the world through studies, recommendations, conferences, and conventions concerning conditions of labor; and

Whereas other nations have joined the International Labor Organization without being members of the League of Nations; and

Whereas special provision has been made in the constitution of the International Labor Organization by which membership of the United States would not impose or be deemed to impose any obligation or agreement upon the United States to accept the proposals of that body as involving anything more than recommendations for its consideration: Therefore be it

President authorized to accept membership therein.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to accept membership for the Government of the United States of America in the International Labor Organization, which, through its general conference of representatives of its members and through its International Labor Office, collects information concerning labor throughout the world and prepares international conventions for the consideration of member governments with a view to improving conditions of labor.

SEC. 2. That in accepting such membership the President shall assume on behalf of the United States no obligation under the covenant of the League of Nations.

No obligation assumed under covenant of League of Nations.

Approved, June 19, 1934.

[CHAPTER 677.]

JOINT RESOLUTION

To effectuate further the policy of the National Industrial Recovery Act.

June 19, 1934.
[H.J.Res. 375.]
[Pub. Res., No. 44.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to further effectuate the policy of title I of the National Industrial Recovery Act, and in the exercise of the powers therein and herein conferred, the President is authorized to establish a board or boards authorized and directed to investigate issues, facts, practices, or activities of employers or employees in any controversies arising under section 7a of said Act or which are burdening or obstructing, or threatening to burden or obstruct, the free flow of interstate commerce, the salaries, compensation and expenses of the board or boards and necessary employees being paid as provided in section 2 of the National Industrial Recovery Act.

National industrial labor boards. Establishment.

Ante, pp. 195, 198.

SEC. 2. Any board so established is hereby empowered, when it shall appear in the public interest, to order and conduct an election by a secret ballot of any of the employees of any employer, to determine by what person or persons or organization they desire to be represented in order to insure the right of employees to organize and to select their representatives for the purpose of collective bargaining as defined in section 7a of said Act and now incorporated herein.

Powers.

For the purposes of such election such a board shall have the authority to order the production of such pertinent documents or the appearance of such witnesses to give testimony under oath, as it may deem necessary to carry out the provisions of this resolution. Any order issued by such a board under the authority of this section may, upon application of such board or upon petition of the person or persons to whom such order is directed, be enforced or reviewed, as the case may be, in the same manner, so far as applicable, as is provided in the case of an order of the Federal Trade Commission under the Federal Trade Commission Act.

To order production of witnesses, records, etc.

Enforcement of Board's order.

SEC. 3. Any such board, with the approval of the President, may prescribe such rules and regulations as it deems necessary to carry out the provisions of this resolution with reference to the investigations authorized in section 1, and to assure freedom from coercion in respect to all elections.

Regulations with reference to investigations.

SEC. 4. Any person who shall knowingly violate any rule or regulation authorized under section 3 of this resolution or impede or interfere with any member or agent of any board established under this resolution in the performance of his duties, shall be punishable by a fine of not more than $1,000 or by imprisonment for not more than one year, or both.

Penalty provision.

SEC. 5. This resolution shall cease to be in effect, and any board or boards established hereunder shall cease to exist, on June 16, 1935, or sooner if the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by section 1 of the National Industrial Recovery Act has ended.

Duration.

SEC. 6. Nothing in this resolution shall prevent or impede or diminish in any way the right of employees to strike or engage in other concerted activities.

Right to strike not abridged.

Approved, June 19, 1934.

[CHAPTER 687.]

JOINT RESOLUTION

June 20, 1934.
[S.J.Res. 138.]
[Pub. Res., No. 45.]

To amend an Act entitled "An Act to place the cotton industry on a sound commercial basis, to prevent unfair competition and practices in putting cotton into the channels of interstate and foreign commerce, to provide funds for paying additional benefits under the Agricultural Adjustment Act, and for other purposes" (Public, Numbered 169, Seventy-third Congress), approved April 21, 1934.

Cotton control Act amended.
Ante, p. 607.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to place the cotton industry on a sound financial basis, to prevent unfair competition and practices in putting cotton into the channels of interstate and foreign commerce, to provide funds for paying additional benefits under the Agricultural Adjustment Act, and for other purposes" (Public, Numbered 169, Seventy-third Congress), approved April 21, 1934, is hereby amended by adding at the end thereof the following new section:

Tax-exemption certificates; issue.

"SEC. 25. (a) No tax-exemption certificates shall be issued to any person not engaged in production of cotton in the crop year during which such certificates are issued.

Surplus cotton; allotments.

"(b) Whenever after apportionment under sections 7 and 8 any surplus number of bales remain of the amount allotted to any county under section 5 (b) such surplus bales shall be allotted, in such quantities as the Secretary of Agriculture determines, to such other counties within the State as the Secretary of Agriculture determines have an insufficient allotment. Said bales shall be apportioned, pursuant to sections 7 and 8, within the respective counties to which allotted, but in no case shall any farm receive any of such allotment so as to receive a total allotment in excess of its estimated production for the crop year in which such allotment is made.

Method of computation.

"(c) In computing the production of any State pursuant to section 5 (a) the total production of cotton for such State in the five-year period, 1928–1932, inclusive, shall be used regardless of the length of staple of such production."

Approved, June 20, 1934.

[CHAPTER 688.]

AN ACT

June 21, 1934.
[S. 555.]
[Public, No. 439.]

To authorize the acquisition by the United States of the land upon which the Seneca Indian School, Wyandotte, Oklahoma, is located.

Seneca Indian School, Wyandotte, Okla.
Acquisition of the land of, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to acquire for Indian school purposes, the east half southwest quarter, southeast quarter northwest quarter, east half northwest quarter and west half southwest quarter southeast quarter section 21, township 27 north, range 24 east, Indian meridian, Oklahoma.

Appropriation authorized.

SEC. 2. In order to carry out the provisions of section 1 hereof there is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $10,000, which said sum when so appropriated and placed in the Treasury of the United States to the credit of the Wyandotte Tribe of Indians, shall operate as a full, complete, and perfect extinguishment of all their right, title, and interest in and to the lands above described and which sum shall be subject to disbursement under congressional authority for the benefit of the Wyandotte Tribe.

Credited to Wyandotte Tribe.

Disbursed by Congressional authority.

Approved, June 21, 1934.

[CHAPTER 689.]

AN ACT

June 21, 1934.
[S. 1825.]
[Public, No. 440.]

Authorizing the Secretary of the Interior to issue patents to the numbered school sections in place, granted to the States by the Act approved February 22, 1889, by the Act approved January 25, 1927 (44 Stat. 1026), and by any other Act of Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall upon the application by a State cause patents to be issued to the numbered school sections in place, granted for the support of common schools by the Act approved February 22, 1889, by the Act approved January 25, 1927 (44 Stat. 1026), and by any other Act of Congress, that have been surveyed, or may hereafter be surveyed, and to which title has vested or may hereafter vest in the grantee States, and which have not been reconveyed to the United States or exchanged with the United States for other lands. Such patents shall show the date when title vested in the State and the extent to which the lands are subject to prior conditions, limitations, easements, or rights, if any. In all inquiries as to the character of the land for which patent is sought the fact shall be determined as of the date when the State's title attached.

Public lands.
Patents to issue to numbered school sections in place, upon application by a State.
Vol. 25, p. 676; Vol. 44, p. 1026; Vol. 47, p. 140.

Grant to give evidence of title and prior limitation, easements, etc.

Approved, June 21, 1934.

[CHAPTER 690.]

AN ACT

June 21, 1934.
[S. 2987.]
[Public, No. 441.]

To restore homestead rights in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter any person who has heretofore made entry under the homestead laws on any lands embraced within any reservation ceded to the United States by the Indian tribes, and has paid for his land the sum of at least $1.25 per acre, shall, upon proof of such facts, if otherwise qualified, be entitled to the benefit of the homestead law as though such former entry had not been made; but the provisions of this Act shall not apply to any person who has failed to pay the full price for his former entry or whose former entry was canceled for fraud: *Provided*, That, in making any new homestead entry as authorized by this Act or the prior similar Acts of February 20, 1917 (39 Stat. 926), and February 25, 1925 (43 Stat. 981), such entry shall not include any land to which the Indian title shall not have been fully extinguished.

Public lands.
Second homestead entry allowed if former within Indian ceded lands.

Not applicable if former entry unpaid or was canceled for fraud.

Proviso.
Land to which Indian title not fully extinguished excluded.
Vol. 39, p. 926; Vol. 43, p. 981.

Approved, June 21, 1934.

[CHAPTER 691.]

AN ACT

June 21, 1934.
[H.R. 9861.]
[Public, No. 442.]

To amend the Railway Labor Act approved May 20, 1926, and to provide for the prompt disposition of disputes between carriers and their employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Railway Labor Act is amended to read as follows:

Railway Labor Act.
Vol. 44, p. 577.

Definitions.

"DEFINITIONS

"SECTION 1. When used in this Act and for the purposes of this Act—

"Carrier."

"First. The term 'carrier' includes any express company, sleeping-car company, carrier by railroad, subject to the Interstate Commerce Act, and any company which is directly or indirectly owned

or controlled by or under common control with any carrier by railroad and which operates any equipment or facilities or performs any service (other than trucking service) in connection with the transportation, receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, and handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the business of any such 'carrier':

Proviso. Street railways excluded. Exception.

Provided, however, That the term 'carrier' shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Mediation Board or upon complaint of any party interested to determine after hearing whether any line operated by electric power falls within the terms of this proviso.

Interstate Commerce Commission to determine, when requested.

"Adjustment Board."

"Second. The term 'Adjustment Board' means the National Railroad Adjustment Board created by this Act.

"Mediation Board."

"Third. The term 'Mediation Board' means the National Mediation Board created by this Act.

"Commerce."

"Fourth. The term 'commerce' means commerce among the several States or between any State, Territory, or the District of Columbia and any foreign nation, or between any Territory or the District of Columbia and any State, or between any Territory and any other Territory, or between any Territory and the District of Columbia, or within any Territory or the District of Columbia, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign nation.

"Employee."

"Fifth. The term 'employee' as used herein includes every person in the service of a carrier (subject to its continuing authority to supervise and direct the manner of rendition of his service) who performs any work defined as that of an employee or subordinate official in the orders of the Interstate Commerce Commission now in effect, and as the same may be amended or interpreted by orders hereafter entered by the Commission pursuant to the authority which is hereby conferred upon it to enter orders amending or interpreting such existing orders: *Provided, however,* That no occupational classification made by order of the Interstate Commerce Commission shall be construed to define the crafts according to which railway employees may be organized by their voluntary action, nor shall the jurisdiction or powers of such employee organizations be regarded as in any way limited or defined by the provisions of this Act or by the orders of the Commission.

Proviso. Employee organizations not limited.

"Representative."

"Sixth. The term 'representative' means any person or persons, labor union, organization, or corporation designated either by a carrier or group of carriers or by its or their employees, to act for it or them.

"District court."

"Seventh. The term 'district court' includes the Supreme Court of the District of Columbia; and the term 'circuit court of appeals' includes the Court of Appeals of the District of Columbia.

"Circuit court of appeals", includes Court of Appeals, District of Columbia.

Citation of Act.

"This Act may be cited as the 'Railway Labor Act'."

Amendments.

SEC. 2. Section 2 of the Railway Labor Act is amended to read as follows:

General purposes.

"GENERAL PURPOSES

To avoid interruption to commerce and to operation of carrier.

"SEC. 2. The purposes of the Act are: (1) To avoid any interruption to commerce or to the operation of any carrier engaged therein;

(2) to forbid any limitation upon freedom of association among employees or any denial, as a condition of employment or otherwise, of the right of employees to join a labor organization; (3) to provide for the complete independence of carriers and of employees in the matter of self-organization to carry out the purposes of this Act; (4) to provide for the prompt and orderly settlement of all disputes concerning rates of pay, rules, or working conditions; (5) to provide for the prompt and orderly settlement of all disputes growing out of grievances or out of the interpretation or application of agreements covering rates of pay, rules, or working conditions.

Freedom of association of employees to join labor organization.

Complete independence of self organization.

Settlement of disputes.

"GENERAL DUTIES

General duties.

"First. It shall be the duty of all carriers, their officers, agents, and employees to exert every reasonable effort to make and maintain agreements concerning rates of pay, rules, and working conditions, and to settle all disputes, whether arising out of the application of such agreements or otherwise, in order to avoid any interruption to commerce or to the operation of any carrier growing out of any dispute between the carrier and the employees thereof.

Agreements by carriers and employees concerning pay, working conditions, etc.

"Second. All disputes between a carrier or carriers and its or their employees shall be considered, and, if possible, decided, with all expedition, in conference between representatives designated and authorized so to confer, respectively, by the carrier or carriers and by the employees thereof interested in the dispute.

Conferences to speedily consider, etc., disputes.

"Third. Representatives, for the purposes of this Act, shall be designated by the respective parties without interference, influence, or coercion by either party over the designation of representatives by the other; and neither party shall in any way interfere with, influence, or coerce the other in its choice of representatives. Representatives of employees for the purposes of this Act need not be persons in the employ of the carrier, and no carrier shall, by interference, influence, or coercion seek in any manner to prevent the designation by its employees as their representatives of those who or which are not employees of the carrier.

Representatives.

Designation of.

"Fourth. Employees shall have the right to organize and bargain collectively through representatives of their own choosing. The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this Act. No carrier, its officers or agents, shall deny or in any way question the right of its employees to join, organize, or assist in organizing the labor organization of their choice, and it shall be unlawful for any carrier to interfere in any way with the organization of its employees, or to use the funds of the carrier in maintaining or assisting or contributing to any labor organization, labor representative, or other agency of collective bargaining, or in performing any work therefor, or to influence or coerce employees in an effort to induce them to join or remain or not to join or remain members of any labor organization, or to deduct from the wages of employees any dues, fees, assessments, or other contributions payable to labor organizations, or to collect or to assist in the collection of any such dues, fees, assessments, or other contributions: *Provided*, That nothing in this Act shall be construed to prohibit a carrier from permitting an employee, individually, or local representatives of employees from conferring with management during working hours without loss of time, or to prohibit a carrier from furnishing free transportation to its employees while engaged in the business of a labor organization.

Rights of employees.

Interference by carrier unlawful.

Proviso.
Management-employee conferences.

Agreements restricting prospective employee's right to affiliate with labor organization.

"Fifth. No carrier, its officers, or agents shall require any person seeking employment to sign any contract or agreement promising to join or not to join a labor organization; and if any such contract has been enforced prior to the effective date of this Act, then such carrier shall notify the employees by an appropriate order that such contract has been discarded and is no longer binding on them in any way.

Carrier-employee disputes.

"Sixth. In case of a dispute between a carrier or carriers and its or their employees, arising out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions, it shall be the duty of the designated representative or representatives of such carrier or carriers and of such employees, within ten days after the receipt of notice of a desire on the part of either party to confer in respect to such dispute, to specify a time and place at which such conference shall be held: *Provided*, (1) That the place so specified shall be situated upon the line of the carrier involved or as otherwise mutually agreed upon; and (2) that the time so specified shall allow the designated conferees reasonable opportunity to reach such place of conference, but shall not exceed twenty days from the receipt of such notice: *And provided further*, That nothing in this Act shall be construed to supersede the provisions of any agreement (as to conferences) then in effect between the parties.

Conferences.

Provisos.
Place.

Time limit.

Agreements in effect not superseded.

Rates of employees' pay, etc.

"Seventh. No carrier, its officers or agents shall change the rates of pay, rules, or working conditions of its employees, as a class as embodied in agreements except in the manner prescribed in such agreements or in section 6 of this Act.

Printed notices to be posted concerning handling of disputes.

"Eighth. Every carrier shall notify its employees by printed notices in such form and posted at such times and places as shall be specified by the Mediation Board that all disputes between the carrier and its employees will be handled in accordance with the requirements of this Act, and in such notices there shall be printed verbatim, in large type, the third, fourth, and fifth paragraphs of this section. The provisions of said paragraphs are hereby made a part of the contract of employment between the carrier and each employee, and shall be held binding upon the parties, regardless of any other express or implied agreements betweeen them.

Embodying provisions in contracts.

Mediation Board.

Investigation of dispute.

"Ninth. If any dispute shall arise among a carrier's employees as to who are the representatives of such employees designated and authorized in accordance with the requirements of this Act, it shall be the duty of the Mediation Board, upon request of either party to the dispute, to investigate such dispute and to certify to both parties, in writing, within thirty days after the receipt of the invocation of its services, the name or names of the individuals or organizations that have been designated and authorized to represent the employees involved in the dispute, and certify the same to the carrier. Upon receipt of such certification the carrier shall treat with the representative so certified as the representative of the craft or class for the purposes of this Act. In such an investigation, the Mediation Board shall be authorized to take a secret ballot of the employees involved, or to utilize any other appropriate method of ascertaining the names of their duly designated and authorized representatives in such manner as shall insure the choice of representatives by the employees without interference, influence, or coercion exercised by the carrier. In the conduct of any election for the purposes herein indicated the Board shall designate who may participate in the election and establish the rules to govern the election, or may appoint a committee of three neutral persons who after hearing shall

Names of representatives to be certified.

Election of representatives.

Rules.

within ten days designate the employees who may participate in the election. The Board shall have access to and have power to make copies of the books and records of the carriers to obtain and utilize such information as may be deemed necessary by it to carry out the purposes and provisions of this paragraph.

Board to have access to carriers' records, etc.

"Tenth. The willful failure or refusal of any carrier, its officers or agents to comply with the terms of the third, fourth, fifth, seventh, or eighth paragraph of this section shall be a misdemeanor, and upon conviction thereof the carrier, officer, or agent offending shall be subject to a fine of not less than $1,000 nor more than $20,000 or imprisonment for not more than six months, or both fine and imprisonment, for each offense, and each day during which such carrier, officer, or agent shall willfully fail or refuse to comply with the terms of the said paragraphs of this section shall constitute a separate offense. It shall be the duty of any district attorney of the United States to whom any duly designated representative of a carrier's employees may apply to institute in the proper court and to prosecute under the direction of the Attorney General of the United States, all necessary proceedings for the enforcement of the provisions of this section, and for the punishment of all violations thereof and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States: *Provided*, That nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent."

Penalty provisions.

Enforcement proceedings.

Proviso. Labor without consent forbidden.

Quitting not an illegal act.

SEC. 3. Section 3 of the Railway Labor Act is amended to read as follows:

Vol. 44, p. 578.

"NATIONAL BOARD OF ADJUSTMENT—GRIEVANCES—INTERPRETATION OF AGREEMENTS

National Board of Adjustment.

"SEC. 3. First. There is hereby established a Board, to be known as the 'National Railroad Adjustment Board', the members of which shall be selected within thirty days after approval of this Act, and it is hereby provided—

Establishment.

"(a) That the said Adjustment Board shall consist of thirty-six members, eighteen of whom shall be selected by the carriers and eighteen by such labor organizations of the employees, national in scope, as have been or may be organized in accordance with the provisions of section 2 of this Act.

Composition; division of membership.

"(b) The carriers, acting each through its board of directors or its receiver or receivers, trustee or trustees or through an officer or officers designated for that purpose by such board, trustee or trustees or receiver or receivers, shall prescribe the rules under which its representatives shall be selected and shall select the representatives of the carriers on the Adjustment Board and designate the division on which each such representative shall serve, but no carrier or system of carriers shall have more than one representative on any division of the Board.

Manner of selecting carriers' representative.

"(c) The national labor organizations, as defined in paragraph (a) of this section, acting each through the chief executive or other medium designated by the organization or association thereof, shall prescribe the rules under which the labor members of the Adjustment Board shall be selected and shall select such members and designate the division on which each member shall serve; but no labor organization shall have more than one representative on any division of the Board.

Method for selecting labor members of Board.

Limitation.

Filling vacancies.

"(d) In case of a permanent or temporary vacancy on the Adjustment Board, the vacancy shall be filled by selection in the same manner as in the original selection.

Mediation Board to select representative if none provided.

"(e) If either the carriers or the labor organizations of the employees fail to select and designate representatives to the Adjustment Board, as provided in paragraphs (b) and (c) of this section, respectively, within sixty days after the passage of this Act, in case of any original appointment to office of a member of the Adjustment Board, or in case of a vacancy in any such office within thirty days after such vacancy occurs, the Mediation Board shall thereupon directly make the appointment and shall select an individual associated in interest with the carriers or the group of labor organizations of employees, whichever he is to represent.

Labor organization representation.

"(f) In the event a dispute arises as to the right of any national labor organization to participate as per paragraph (c) of this section in the selection and designation of the labor members of the Adjustment Board, the Secretary of Labor shall investigate the claim of such labor organization to participate, and if such claim in the judgment of the Secretary of Labor has merit, the Secretary shall notify the Mediation Board accordingly, and within ten days after receipt of such advice the Mediation Board shall request those national labor organizations duly qualified as per paragraph (c) of this section to participate in the selection and designation of the labor members of the Adjustment Board to select a representative.

Selection of investigation board.

Such representative, together with a representative likewise designated by the claimant, and a third or neutral party designated by the Mediation Board, constituting a board of three, shall within thirty days after the appointment of the neutral member, investigate the claims of the labor organization desiring participation and decide whether or not it was organized in accordance with section 2 hereof and is otherwise properly qualified to participate in the selection of the labor members of the Adjustment Board, and the findings of such boards of three shall be final and binding.

Findings final.

Compensation.

"(g) Each member of the Adjustment Board shall be compensated by the party or parties he is to represent. Each third or neutral party selected under the provisions of (f) of this section shall receive from the Mediation Board such compensation as the Mediation Board may fix, together with his necessary traveling expenses and expenses actually incurred for subsistence, or per diem allowance in lieu thereof, subject to the provisions of law applicable thereto, while serving as such third or neutral party.

Traveling and subsistence.

Adjustment Board.

"(h) The said Adjustment Board shall be composed of four divisions, whose proceedings shall be independent of one another, and the said divisions as well as the number of their members shall be as follows:

Divisions and function.

First division.

Jurisdiction over disputes involving train, engine, and yard service.

"First division: To have jurisdiction over disputes involving train- and yard-service employees of carriers; that is, engineers, firemen, hostlers, and outside hostler helpers, conductors, trainmen, and yard-service employees. This division shall consist of ten members, five of whom shall be selected and designated by the carriers and five of whom shall be selected and designated by the national labor organizations of the employees.

Second division.

Specified mechanical forces.

"Second division: To have jurisdiction over disputes involving machinists, boilermakers, blacksmiths, sheet-metal workers, electrical workers, car men, the helpers and apprentices of all the foregoing, coach cleaners, power-house employees, and railroad-shop laborers. This division shall consist of ten members, five of whom shall be selected by the carriers and five by the national labor organizations of the employees.

"Third division: To have jurisdiction over disputes involving station, tower, and telegraph employees, train dispatchers, maintenance-of-way men, clerical employees, freight handlers, express, station, and store employees, signal men, sleeping-car conductors, sleeping-car porters, and maids and dining-car employees. This division shall consist of ten members, five of whom shall be selected by the carriers and five by the national labor organizations of employees. Third division. Miscellaneous groups.

"Fourth division: To have jurisdiction over disputes involving employees of carriers directly or indirectly engaged in transportation of passengers or property by water, and all other employees of carriers over which jurisdiction is not given to the first, second, and third divisions. This division shall consist of six members, three of whom shall be selected by the carriers and three by the national labor organizations of the employees. Fourth division. Marine equipment group.

"(i) The disputes between an employee or group of employees and a carrier or carriers growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions, including cases pending and unadjusted on the date of approval of this Act, shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes; but, failing to reach an adjustment in this manner, the disputes may be referred by petition of the parties or by either party to the appropriate division of the Adjustment Board with a full statement of the facts and all supporting data bearing upon the disputes. Reference of disputes to Board.

"(j) Parties may be heard either in person, by counsel, or by other representatives, as they may respectively elect, and the several divisions of the Adjustment Board shall give due notice of all hearings to the employee or employees and the carrier or carriers involved in any disputes submitted to them. Hearings authorized.

"(k) Any division of the Adjustment Board shall have authority to empower two or more of its members to conduct hearings and make findings upon disputes, when properly submitted, at any place designated by the division: *Provided, however*, That final awards as to any such dispute must be made by the entire division as hereinafter provided. Delegation of authority. *Proviso.* Final awards.

"(l) Upon failure of any division to agree upon an award because of a deadlock or inability to secure a majority vote of the division members, as provided in paragraph (n) of this section, then such division shall forthwith agree upon and select a neutral person, to be known as 'referee', to sit with the division as a member thereof and make an award. Should the division fail to agree upon and select a referee within ten days of the date of the deadlock or inability to secure a majority vote, then the division, or any member thereof, or the parties or either party to the dispute may certify that fact to the Mediation Board, which Board shall, within ten days from the date of receiving such certificate, select and name the referee to sit with the division as a member thereof and make an award. The Mediation Board shall be bound by the same provisions in the appointment of these neutral referees as are provided elsewhere in this Act for the appointment of arbitrators and shall fix and pay the compensation of such referees. Awards. "Referee" authorized, to act with division, upon failure to agree upon. If division fails to choose, referee to be named by Mediation Board. Appointment to be neutral.

"(m) The awards of the several divisions of the Adjustment Board shall be stated in writing. A copy of the awards shall be furnished to the respective parties to the controversy, and the awards shall be final and binding upon both parties to the dispute, except insofar as they shall contain a money award. In case a dispute Awards to be in writing. Copies to be furnished contestants; decision final.

Interpretation to be made, on request.

arises involving an interpretation of the award the division of the Board upon request of either party shall interpret the award in the light of the dispute.

Majority vote competent to making award.

"(n) A majority vote of all members of the division of the Adjustment Board shall be competent to make an award with respect to any dispute submitted to it.

Execution of award.

"(o) In case of an award by any division of the Adjustment Board in favor of petitioner, the division of the Board shall make an order, directed to the carrier, to make the award effective and, if the award includes a requirement for the payment of money, to pay to the employee the sum to which he is entitled under the award on or before a day named.

Suit in district courts allowed, where carrier fails to comply with Board's order.

"(p) If a carrier does not comply with an order of a division of the Adjustment Board within the time limit in such order, the petitioner, or any person for whose benefit such order was made, may file in the District Court of the United States for the district in which he resides or in which is located the principal operating office of the carrier, or through which the carrier operates, a petition setting forth briefly the causes for which he claims relief, and the order of the division of the Adjustment Board in the premises.

Procedure.

Such suit in the District Court of the United States shall proceed in all respects as other civil suits, except that on the trial of such suit the findings and order of the division of the Adjustment Board shall be prima facie evidence of the facts therein stated, and except

Paying court costs.

that the petitioner shall not be liable for costs in the district court nor for costs at any subsequent stage of the proceedings, unless they accrue upon his appeal, and such costs shall be paid out of the appropriation for the expenses of the courts of the United States.

Attorney's fee allowed petitioner if he prevails.

If the petitioner shall finally prevail he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit.

Powers of enforcement.

The district courts are empowered, under the rules of the court governing actions at law, to make such order and enter such judgment, by writ of mandamus or otherwise, as may be appropriate to enforce or set aside the order of the division of the Adjustment Board.

Commencement of actions at law.

"(q) All actions at law based upon the provisions of this section shall be begun within two years from the time the cause of action accrues under the award of the division of the Adjustment Board, and not after.

Headquarters of divisions of Board.

"(r) The several divisions of the Adjustment Board shall maintain headquarters in Chicago, Illinois, meet regularly, and continue in session so long as there is pending before the division any matter within its jurisdiction which has been submitted for its consideration and which has not been disposed of.

Quarters in Federal building, when practicable.

"(s) Whenever practicable, the several divisions or subdivisions of the Adjustment Board shall be supplied with suitable quarters in any Federal building located at its place of meeting.

Employees, etc.

"(t) The Adjustment Board may, subject to the approval of the Mediation Board, employ and fix the compensations of such assistants as it deems necessary in carrying on its proceedings. The compensation of such employees shall be paid by the Mediation Board.

Compensation.

Meeting, organization, etc., of Adjustment Board.

"(u) The Adjustment Board shall meet within forty days after the approval of this Act and adopt such rules as it deems necessary to control proceedings before the respective divisions and not in conflict with the provisions of this section. Immediately following the meeting of the entire Board and the adoption of such rules, the respective divisions shall meet and organize by the selection of a

Each division to select chairman, etc.

chairman, a vice chairman, and a secretary. Thereafter each division shall annually designate one of its members to act as chairman

and one of its members to act as vice chairman: *Provided, however,* That the chairmanship and vice-chairmanship of any division shall alternate as between the groups, so that both the chairmanship and vice-chairmanship shall be held alternately by a representative of the carriers and a representative of the employees. In case of a vacancy, such vacancy shall be filled for the unexpired term by the selection of a successor from the same group.

Proviso. Alternating chairmanships.

Filling vacancies.

"(v) Each division of the Adjustment Board shall annually prepare and submit a report of its activities to the Mediation Board, and the substance of such report shall be included in the annual report of the Mediation Board to the Congress of the United States. The reports of each division of the Adjustment Board and the annual report of the Mediation Board shall state in detail all cases heard, all actions taken, the names, salaries, and duties of all agencies, employees, and officers receiving compensation from the United States under the authority of this Act, and an account of all moneys appropriated by Congress pursuant to the authority conferred by this Act and disbursed by such agencies, employees, and officers.

Each division to report annually to Board.

Contents.

"(w) Any division of the Adjustment Board shall have authority, in its discretion, to establish regional adjustment boards to act in its place and stead for such limited period as such division may determine to be necessary. Carrier members of such regional boards shall be designated in keeping with rules devised for this purpose by the carrier members of the Adjustment Board and the labor members shall be designated in keeping with rules devised for this purpose by the labor members of the Adjustment Board. Any such regional board shall, during the time for which it is appointed, have the same authority to conduct hearings, make findings upon disputes and adopt the same procedure as the division of the Adjustment Board appointing it, and its decisions shall be enforceable to the same extent and under the same processes. A neutral person, as referee, shall be appointed for service in connection with any such regional adjustment board in the same circumstances and manner as provided in paragraph (l) hereof, with respect to a division of the Adjustment Board.

Establishing subordinate boards permitted.

Authority conferred.

Referee may be appointed.

"Second. Nothing in this section shall be construed to prevent any individual carrier, system, or group of carriers and any class or classes of its or their employees, all acting through their representatives, selected in accordance with the provisions of this Act, from mutually agreeing to the establishment of system, group, or regional boards of adjustment for the purpose of adjusting and deciding disputes of the character specified in this section. In the event that either party to such a system, group, or regional board of adjustment is dissatisfied with such arrangement, it may upon ninety days' notice to the other party elect to come under the jurisdiction of the Adjustment Board."

Individual agreements not prohibited.

In event of dissatisfaction, either party may elect to come under Board's jurisdiction.

Section 4 of the Railway Labor Act is amended to read as follows:

Vol. 47, p. 579.

National Mediation Board.

"NATIONAL MEDIATION BOARD

Board of Mediation abolished.

"SEC. 4. First. The Board of Mediation is hereby abolished, effective thirty days from the approval of this Act and the members, secretary, officers, assistants, employees, and agents thereof, in office upon the date of the approval of this Act, shall continue to function and receive their salaries for a period of thirty days from such date in the same manner as though this Act had not been passed. There is hereby established, as an independent agency in the executive branch of the Government, a board to be known as the 'National

National Mediation Board established as an independent executive agency.

Composition and appointment thereon.

Mediation Board', to be composed of three members appointed by the President, by and with the advice and consent of the Senate, not more than two of whom shall be of the same political party. The

Terms of first appointees.

terms of office of the members first appointed shall begin as soon as the members shall qualify, but not before thirty days after the approval of this Act, and expire, as designated by the President at the time of nomination, one on February 1, 1935, one on February 1,

Successors.

1936, and one on February 1, 1937. The terms of office of all successors shall expire three years after the expiration of the terms for

Vacancies.

which their predecessors were appointed; but any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. Vacancies in the Board shall not impair the powers nor affect the duties of the Board nor of the remaining members of the Board. Two of the members in office shall constitute a quorum for the transaction of the business of the Board.

Salary and expenses.

Each member of the Board shall receive a salary at the rate of $10,000 per annum, together with necessary traveling and subsistence expenses, or per diem allowance in lieu thereof, subject to the provisions of law applicable thereto, while away from the principal

Disqualification if having any personal interest.

office of the Board on business required by this Act. No person in the employment of or who is pecuniarily or otherwise interested in any organization of employees or any carrier shall enter upon the duties of or continue to be a member of the Board.

"All cases referred to the Board of Mediation and unsettled on the date of the approval of this Act shall be handled to conclusion by the Mediation Board.

Removals.

"A member of the Board may be removed by the President for inefficiency, neglect of duty, malfeasance in office, or ineligibility, but for no other cause.

Chairman to be designated.

Principal office.

"Second. The Mediation Board shall annually designate a member to act as chairman. The Board shall maintain its principal office in the District of Columbia, but it may meet at any other place whenever

One or more members may act as mediator.

it deems it necessary so to do. The Board may designate one or more of its members to exercise the functions of the Board in mediation

Administering oaths.

proceedings. Each member of the Board shall have power to administer oaths and affirmations. The Board shall have a seal which shall

Report to Congress.

be judicially noticed. The Board shall make an annual report to Congress.

Appointment of experts, etc.

"Third. The Mediation Board may (1) appoint such experts and assistants to act in a confidential capacity and, subject to the pro-

Other officers and employees.

visions of the civil-service laws, such other officers and employees as are essential to the effective transaction of the work of the Board; (2) in accordance with the Classification Act of 1923, fix the salaries of such experts, assistants, officers, and employees; and (3) make

Books of reference.

such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books,

Travel expenses.

periodicals, and books of reference, and for printing and binding, and including expenditures for salaries and compensation, necessary traveling expenses and expenses actually incurred for subsistence, and other necessary expenses of the Mediation Board, Adjustment Board, Regional Adjustment Boards established under paragraph (w) of section 3, and boards of arbitration, in accordance with the provisions of this section and sections 3 and 7, respectively), as may be necessary for the execution of the functions vested in the Board,

Payments.

in the Adjustment Board and in the boards of arbitration, and as may be provided for by the Congress from time to time. All expenditures of the Board shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman.

"Fourth. The Mediation Board is hereby authorized by its order to assign, or refer, any portion of its work, business, or functions arising under this or any other Act of Congress, or referred to it by Congress or either branch thereof, to an individual member of the Board or to an employee or employees of the Board to be designated by such order for action thereon, and by its order at any time to amend, modify, supplement, or rescind any such assignment or reference. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the Board. In conformity with and subject to the order or orders of the Mediation Board in the premises, and such individual member of the Board or employee designated shall have power and authority to act as to any of said work, business, or functions so assigned or referred to him for action by the Board.

Any portion of work, etc., may be assigned to a member or employee.

Board may modify or rescind assignment.

Powers conferred.

"Fifth. All officers and employees of the Board of Mediation (except the members thereof, whose offices are hereby abolished) whose services in the judgment of the Mediation Board are necessary to the efficient operation of the Board are hereby transferred to the Board, without change in classification or compensation; except that the Board may provide for the adjustment of such classification or compensation to conform to the duties to which such officers and employees may be assigned.

All necessary personnel of Board of Mediation transferred to the Board.

"All unexpended appropriations for the operation of the Board of Mediation that are available at the time of the abolition of the Board of Mediation shall be transferred to the Mediation Board and shall be available for its use for salaries and other authorized expenditures."

Available appropriations to be transferred to Mediation Board.

SEC. 5. Section 5 of the Railway Labor Act is amended to read as follows:

"FUNCTIONS OF MEDIATION BOARD

Functions of Mediation Board.

"SEC. 5. First. The parties, or either party, to a dispute between an employee or group of employees and a carrier may invoke the services of the Mediation Board in any of the following cases:

Right of either disputant to invoke service of Board.

"(a) A dispute concerning changes in rates of pay, rules, or working conditions not adjusted by the parties in conference.

"(b) Any other dispute not referable to the National Railroad Adjustment Board and not adjusted in conference between the parties or where conferences are refused.

"The Mediation Board may proffer its services in case any labor emergency is found by it to exist at any time.

Proffer of services by Board.

"In either event the said Board shall promptly put itself in communication with the parties to such controversy, and shall use its best efforts, by mediation, to bring them to agreement. If such efforts to bring about an amicable settlement through mediation shall be unsuccessful, the said Board shall at once endeavor as its final required action (except as provided in paragraph third of this section and in section 10 of this Act) to induce the parties to submit their controversy to arbitration, in accordance with the provisions of this Act.

"If arbitration at the request of the Board shall be refused by one or both parties, the Board shall at once notify both parties in writing that its mediatory efforts have failed and for thirty days thereafter, unless in the intervening period the parties agree to arbitration, or an emergency board shall be created under section 10 of this Act, no change shall be made in the rates of pay, rules, or working conditions or established practices in effect prior to the time the dispute arose.

Action if arbitration refused.

No change in pay, etc., rates to be made.

Controversies arising over interpretation of agreement, etc.

"Second. In any case in which a controversy arises over the meaning or the application of any agreement reached through mediation under the provisions of this Act, either party to the said agreement, or both, may apply to the Mediation Board for an interpretation of the meaning or application of such agreement. The said Board shall upon receipt of such request notify the parties to the controversy, and after a hearing of both sides give its interpretation within thirty days.

Duties of Board respecting arbitration of disputes.

"Third. The Mediation Board shall have the following duties with respect to the arbitration of disputes under section 7 of this Act:

To appoint remaining arbitrator if parties fail to decide.

"(a) On failure of the arbitrators named by the parties to agree on the remaining arbitrator or arbitrators within the time set by section 7 of this Act, it shall be the duty of the Mediation Board to name such remaining arbitrator or arbitrators. It shall be the duty of the Board in naming such arbitrator or arbitrators to appoint only those whom the Board shall deem wholly disinterested in the controversy to be arbitrated and impartial and without bias as between the parties to such arbitration. Should, however, the Board name an arbitrator or arbitrators not so disinterested and impartial, then, upon proper investigation and presentation of the facts, the Board shall promptly remove such arbitrator.

Qualifications.

Removal.

Selecting a successor.

"If an arbitrator named by the Mediation Board, in accordance with the provisions of this Act, shall be removed by such Board as provided by this Act, or if such an arbitrator refuses or is unable to serve, it shall be the duty of the Mediation Board, promptly, to select another arbitrator, in the same manner as provided in this Act for an original appointment by the Mediation Board.

Any member may take acknowledgment of agreement to arbitrate.

"(b) Any member of the Mediation Board is authorized to take the acknowledgment of an agreement to arbitrate under this Act. When so acknowledged, or when acknowledged by the parties before a notary public or the clerk of a district court or a circuit court of appeals of the United States, such agreement to arbitrate shall be delivered to a member of said Board or transmitted to said Board, to be filed in its office.

Procedure.

"(c) When an agreement to arbitrate has been filed with the Mediation Board, or with one of its members, as provided by this section, and when the said Board has been furnished the names of the arbitrators chosen by the parties to the controversy it shall be the duty of the Board to cause a notice in writing to be served upon said arbitrators, notifying them of their appointment, requesting them to meet promptly to name the remaining arbitrator or arbitrators necessary to complete the Board of Arbitration, and advising them of the period within which, as provided by the agreement to arbitrate, they are empowered to name such arbitrator or arbitrators.

Controversy over meaning or application of award.

"(d) Either party to an arbitration desiring the reconvening of a board of arbitration to pass upon any controversy arising over the meaning or application of an award may so notify the Mediation Board in writing, stating in such notice the question or questions to be submitted to such reconvened Board. The Mediation Board shall thereupon promptly communicate with the members of the Board of Arbitration, or a subcommittee of such Board appointed for such purpose pursuant to a provision in the agreement to arbitrate, and arrange for the reconvening of said Board of Arbitration or subcommittee, and shall notify the respective parties to the controversy of the time and place at which the Board, or the subcommittee, will meet for hearings upon the matters in controversy to be submitted to it. No evidence other than that contained in the record filed with the original award shall be received or considered by such recon-

Hearings; restriction.

Evidence to be considered.

vened Board or subcommittee, except such evidence as may be necessary to illustrate the interpretations suggested by the parties. If any member of the original Board is unable or unwilling to serve on such reconvened Board or subcommittee thereof, another arbitrator shall be named in the same manner and with the same powers and duties as such original arbitrator.

Filling vacancy.

"(e) Within sixty days after the approval of this Act every carrier shall file with the Mediation Board a copy of each contract with its employees in effect on the 1st day of April 1934, covering rates of pay, rules, and working conditions. If no contract with any craft or class of its employees has been entered into, the carrier shall file with the Mediation Board a statement of that fact including also a statement of the rates of pay, rules, and working conditions applicable in dealing with such craft or class. When any new contract is executed or change is made in an existing contract with any class or craft of its employees covering rates of pay, rules, or working conditions, or in those rates of pay, rules, and working conditions of employees not covered by contract, the carrier shall file the same with the Mediation Board within thirty days after such new contract or change in existing contract has been executed or rates of pay, rules, and working conditions have been made effective.

Employer-employee contracts concerning rates of pay, etc.
Filing with Board required.
Statement in lieu.
New contracts.

"(f) The Mediation Board shall be the custodian of all papers and documents heretofore filed with or transferred to the Board of Mediation bearing upon the settlement, adjustment, or determination of disputes between carriers and their employees or upon mediation or arbitration proceedings held under or pursuant to the provisions of any Act of Congress in respect thereto; and the President is authorized to designate a custodian of the records and property of the Board of Mediation until the transfer and delivery of such records to the Mediation Board and to require the transfer and delivery to the Mediation Board of any and all such papers and documents filed with it or in its possession."

Board to be custodian of all papers, etc., filed with Board of Mediation.

SEC. 6. Section 6 of the Railway Labor Act is amended to read as follows:

Vol. 44, p. 582.

"SEC. 6. Carriers and representatives of the employees shall give at least thirty days' written notice of an intended change in agreements affecting rates of pay, rules, or working conditions, and the time and place for the beginning of conference between the representatives of the parties interested in such intended changes shall be agreed upon within ten days after the receipt of said notice, and said time shall be within the thirty days provided in the notice. In every case where such notice of intended change has been given, or conferences are being held with reference thereto, or the services of the Mediation Board have been requested by either party, or said Board has proffered its services, rates of pay, rules, or working conditions shall not be altered by the carrier until the controversy has been finally acted upon as required by section 5 of this Act, by the Mediation Board, unless a period of ten days has elapsed after termination of conferences without request for or proffer of the services of the Mediation Board."

Notice of intended change in rates of pay, rules, working conditions.
Decision of Board required.
Ante, p. 1195.
Exception.

SEC. 7. The Railway Labor Act is amended by striking out the words "Board of Mediation" wherever they appear in sections 7, 8, 10, and 12 of such Act, and inserting in lieu thereof the words "Mediation Board."

Railway Labor Act.
Substitutions in designated sections of, authorized.
Vol. 44, pp. 582–587.

SEC. 8. If any section, subsection, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Saving provisions.
Inconsistent laws repealed.

Approved, June 21, 1934.

[CHAPTER 692.]

AN ACT

June 21, 1934.
[H.R. 9904.]
[Public, No. 443.]

To amend section 5 of Public Act Numbered 2 of the Seventy-second Congress, as amended.

Reconstruction Finance Corporation Act, amended.
Vol. 47, p. 7.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of Public Act Numbered 2 of the Seventy-second Congress, as amended, be amended by striking out the period at the end of the second paragraph thereof and inserting in lieu thereof a colon and the following: "*Provided*, That such limitation shall not apply to advances to receivers or other liquidating agents of closed banks when made for the purpose of liquidation or reorganization."

Aggregate amount of advance to any one corporation; limitation removed.

Approved, June 21, 1934.

[CHAPTER 693.]

AN ACT

June 21, 1934.
[H.R. 7922.]
[Public, No. 444.]

Authorizing the Secretary of Commerce to dispose of a portion of the Yaquina Bay Lighthouse Reservation, Oregon.

Yaquina Bay Lighthouse Reservation, Oreg.
Disposal of portion of, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is hereby authorized to convey to the State of Oregon (State Highway Commission), for public-highway and park purposes, the unused portion of Yaquina Bay Lighthouse Reservation, Oregon, containing an area of approximately thirty-two acres, more or less, excepting that part of lot 1, section 17; part of lot 1, section 18; and part of lot 5, section 8, all in township 11 south, of range 11 west, bordering on Yaquina Bay which is required for jetty purposes by the War Department, and reserving to the Commerce, Treasury, and War Departments the rights of ingress and egress over the land so transferred and to maintain thereon such facilities as these Departments may at any time require. The deed of conveyance shall describe by metes and bounds the land so transferred to the State of Oregon and contain the express condition that the grantee assumes the obligation of carrying out the purposes of the grant; and provide that the Secretary of Commerce may at any time by letter addressed to the Oregon State Highway Commission notify the grantee in the event it has not begun to perform, or has ceased to perform, any such obligations that the property so conveyed will revert to the United States; and if the grantee does not begin or resume the performance of such obligations within a period of six months from date of such notice, such property shall upon the expiration of such period revert to the United States without further notice of demand or any suit or proceeding.

Description.

Reversionary provision.

Approved, June 21, 1934.

[CHAPTER 694.]

AN ACT

June 21, 1934.
[H.R. 7982.]
[Public, No. 445.]

To establish a national military park at the battlefield of Monocacy, Maryland.

Monocacy National Military Park, Md.
Establishment, when title to land, etc., acquired.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to commemorate the Battle of Monocacy, Maryland, and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies therein, the battlefield at Monocacy, in the State of Maryland, is hereby declared a national military park to be known as the "Monocacy National Military Park", whenever the title to the lands deemed necessary by the

Secretary of the Interior shall have been acquired by the United States and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Maryland.

Condemnation proceedings to acquire lands. Vol. 25, p. 357.

SEC. 2. The Secretary of the Interior is hereby authorized to cause condemnation proceedings to be instituted in the name of the United States under the provisions of the Act of August 1, 1888, entitled "An Act to authorize condemnation of lands for sites for public buildings and for other purposes" (25 Stat.L. 357), to acquire title to the lands, interests therein, or rights pertaining thereto within the said Monocacy National Military Park, and the United States shall be entitled to immediate possession upon the filing of the petition in condemnation in the United States District Court for the District of Maryland: *Provided*, That when the owner of such lands, interests therein, or rights pertaining thereto shall fix a price for the same, which, in the opinion of the Secretary of the Interior, shall be reasonable, the Secretary may purchase the same without further delay: *Provided further*, That the Secretary of the Interior is authorized to accept, on behalf of the United States, donations of lands, interests therein, or rights pertaining thereto required for the Monocacy National Military Park: *And provided further*, That title and evidence of title to lands and interests therein acquired for said park shall be satisfactory to the Secretary of the Interior.

Provisos.
Purchase from owners.

Acceptance of donations.

Title.

Leases with owners for lands unnecessary to purchase.

SEC. 3. The Secretary of the Interior is hereby authorized to enter into leases with the owners of such of the lands, works, defenses, and buildings thereon within the Monocacy National Military Park, as in his discretion it is unnecessary to forthwith acquire title to, and such leases shall be on such terms and conditions as the Secretary of the Interior may prescribe, and may contain options to purchase, subject to later acceptance, if, in the judgment of the Secretary of the Interior, it is as economical to purchase as condemn title to the property: *Provided*, That the Secretary of the Interior may enter into agreements upon such nominal terms as he may prescribe, permitting the present owners or their tenants to occupy or cultivate their present holdings, upon condition that they will preserve the present breastworks, earthworks, walls, defenses, shelters, buildings and roads, and the present outlines of the battlefields, and that they will only cut trees or underbrush or disturb or remove the soil, under such regulations as the Secretary of the Interior may prescribe, and that they will assist in protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

Provisos.
Cultivation of holdings.

Condition.

Supervision of National Parks, etc., office.

SEC. 4. The affairs of the Monocacy National Military Park shall, subject to the supervision and direction of the Office of National Parks, Buildings, and Reservations of the Interior Department, be in charge of a superintendent, to be appointed by the Secretary of the Interior.

Duties prescribed.

SEC. 5. It shall be the duty of the superintendent, under the direction of the Office of National Parks, Buildings, and Reservations of the Interior Department, to superintend the opening or repair of such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of the Interior may determine, all breastworks, earthworks, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the park or in its vicinity.

Acceptance of gifts, etc., authorized.

SEC. 6. The said Office of National Parks, Buildings, and Reservations, acting through the Secretary of the Interior, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the Monocacy National Military

Proviso.
Contributions to be deposited to credit of special fund.

Park: *Provided*, That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Monocacy National Military Park fund", which fund shall be applied to and expended under the direction of the Secretary of the Interior, for carrying out the provisions of this Act.

States may mark lines of battle of their troops.

SEC. 7. It shall be lawful for the authorities of any State having had troops at the Battle of Monocacy to enter upon the lands and approaches of the Monocacy National Military Park for the purpose of ascertaining and marking the line of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription for the same, shall be submitted to the Secretary of the Interior and shall first receive written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the Office of National Parks, Buildings, and Reservations: *Provided*, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of the Interior may be used by any other State.

Provisos.
Approval of marking, etc.

No discrimination in designating lines.

Penalty for destroying, injuring, etc., property.

SEC. 8. If any person shall, except by permission of the Secretary of the Interior, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, enclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof, before any United States commissioner or court, of the jurisdiction in which the offense may be committed, shall for each and every such offense forfeit and pay a fine, in the discretion of the United States commissioner or court, according to the aggravation of the offense, of not less than $5 nor more than $500.

Rules, etc., to be prescribed.

SEC. 9. The Secretary of the Interior shall have the power to make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park.

Appropriation authorized.

SEC. 10. For the purposes of carrying out the provisions of this Act, the sum of $50,000 is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated.

Approved, June 21, 1934.

[CHAPTER 695.]

June 21, 1934.
[H.R. 8833.]
[Public, No. 446.]

AN ACT

To authorize the coinage of 50-cent pieces in commemoration of the three-hundredth anniversary of the founding of the Colony of Connecticut.

Tercentenary of founding Colony of Connecticut.
Silver 50-cent pieces to be coined, in commemoration of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the three-hundredth anniversary of the founding of the Colony of Connecticut, there shall be coined by the Director of the Mint twenty-five thousand silver 50-cent pieces of standard size,

weight, and fineness and of a special appropriate design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, but the United States shall not be subject to the expense of making the models for master dies or other preparations for this coinage.

No Federal expense for dies, etc.

SEC. 2. That the coins herein authorized shall be issued at par and only upon the request of the chairman or secretary of the Connecticut Tercentenary Commission.

Issue at par to Connecticut Tercentenary Commission.

SEC. 3. Such coins may be disposed of at par or at a premium by said Commission and all proceeds shall be used in furtherance of the Connecticut Tercentenary Commission projects.

Disposal of; use of proceeds.

SEC. 4. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same; regulating and guarding the process of coinage; providing for the purchase of material, and for the transportation, distribution, and redemption of the coins; for the prevention of debasement or counterfeiting; for security of the coin; or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein directed.

Coinage laws applicable.

Approved, June 21, 1934.

[CHAPTER 696.]

AN ACT

June 21, 1934.
[H.R. 8930.]
[Public, No. 447.]

To provide for the construction and operation of a vessel for use in research work with respect to ocean fisheries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, when funds are made available as authorized by section 2 of this Act, the Secretary of Commerce is authorized and directed (1) to cause plans and specifications to be prepared for the construction and equipment of a vessel for use in such research work with respect to ocean fisheries as the Secretary finds will be useful to persons engaged in the fishing industry; and (2) to contract for the construction and equipment of such vessel. Such vessel shall be maintained and operated under the supervision of the Secretary of Commerce.

Fisheries Bureau, Department of Commerce.
Construction, etc., of vessel for research work, authorized.
Supervision.

SEC. 2. There is authorized to be appropriated $500,000, or so much thereof as may be necessary, to carry out the purposes of the first sentence of section 1 of this Act.

Amount authorized.

Approved, June 21, 1934.

[CHAPTER 709.]

AN ACT

June 22, 1934.
[S. 2702.]
[Public, No. 448.]

To amend the Civil Service Retirement Act of May 29, 1930, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 12 of the Civil Service Retirement Act of May 29, 1930, as amended (U.S.C., Supp. VII, title 5, sec. 702a(c)), is amended to read as follows:

Civil Service Retirement Act of 1930, amended.
Vol. 44, p. 476.
U.S.C., Supp. VII, p. 50.

"(c) In case an annuitant shall die without having received in annuities purchased by the employee's contributions as provided in (2) of section 4 of this Act an amount equal to the total amount to his credit at time of retirement, the amount remaining to his credit and any accrued annuity shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

Annuitant dying before receiving amounts to his credit.
Payments; order of precedence.

"First, to the beneficiary or beneficiaries designated in writing by such annuitant and recorded on his individual account;

"Second, if there be no such beneficiary, to the duly appointed executor or administrator of the estate of such annuitant;

"Third, if there be no such beneficiary, or executor or administrator, payment may be made, after the expiration of thirty days from the date of the death of the annuitant, to such person or persons as may appear in the judgment of the Civil Service Commission to be legally entitled thereto, and such payment shall be a bar to recovery by any other person.

Increased annuity at employee's option.
Vol. 46, p. 472.
Vol. 46, p. 477.
U.S.C., Supp. VII, p. 50.

"In the case of an annuitant who has elected to receive an increased annuity as provided in section 4 of this Act, the amount to be paid under the provisions of this subsection shall be only the accrued annuity."

SEC. 2. Subsection (d) of such section 12 (U.S.C., Supp. VII, title 5, sec. 702a(d)) is amended to read as follows:

Deceased employee, ineligible for retirement.

"(d) In case an employee shall die without having attained eligibility for retirement or without having established a valid claim for annuity, the total amount of his deductions with interest thereon shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

Payments; precedence.

"First, to the beneficiary or beneficiaries designated in writing by such employee and recorded on his individual account;

"Second, if there be no such beneficiary, to the duly appointed executor or administrator of the estate of such employee;

"Third, if there be no such beneficiary or executor or administrator, payment may be made, after the expiration of thirty days from the date of the death of the employee, to such person or persons as may appear in the judgment of the Civil Service Commission to be legally entitled thereto, and such payment shall be a bar to recovery by any other person."

Vol. 46, p. 477.
U.S.C. Supp. VII, p. 50.

SEC. 3. Subsection (e) of such section 12 (U.S.C., Supp. VII, title 5, sec. 702a(e)) is amended to read as follows:

Employee legally incompetent.
Payment.

"(e) In case a former employee entitled to the return of the amount credited to his individual account shall become legally incompetent, the total amount due may be paid to a duly appointed guardian or committee of such former employee. If the amount of refund due such former employee does not exceed $1,000, and if there has been no demand upon the Civil Service Commission by a duly appointed guardian or committee, payment may be made, after the expiration of thirty days from date of separation from the service, to such person or persons, in the discretion of the Commission, who may have the care and custody of such former employee, and such payment shall be a bar to recovery by any other person."

Vol. 46, p. 477.
U.S.C., Supp. VII, p. 50.

SEC. 4. Subsection (f) of such section 12 (U.S.C., Supp. VII, title 5, sec. 702a(f)) is amended to read as follows:

Beneficiary, designation of.

"(f) Each employee or annuitant to whom this Act applies may, under regulations prescribed by the Civil Service Commission, designate a beneficiary or beneficiaries to whom shall be paid, upon the death of the employee or annuitant any sum remaining to his credit (including any accrued annuity) under the provisions of this Act."

Effective date.
Executive orders Nos. 6670, 6731.

This Act shall become effective upon the transfer of civil-service retirement functions from the Veterans' Administration to the Civil Service Commission, as provided in Executive order of April 7, 1934, as amended by the Executive order of June 5, 1934.

Approved, June 22, 1934.

[CHAPTER 710.]

AN ACT

June 22, 1934.
[S. 3604.]
[Public, No. 449.]

To revive and reenact the Act entitled "An Act to authorize the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge across Agate Pass connecting Bainbridge Island with the mainland in Kitsap County, State of Washington", approved March 2, 1929.

Agate Pass.
Time extended for bridging, connecting Bainbridge Island with mainland.
Vol. 45, p. 1447.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved March 2, 1929, authorizing the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across Agate Pass connecting Bainbridge Island with the mainland in Kitsap County, State of Washington, be and the same is hereby, revived and reenacted: *Provided*, That this Act shall be null and void unless the actual construction of the bridge herein referred to be commenced within one year and completed within three years from the date of approval hereof.

Proviso.
Commencement, etc.

Amendment.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 22, 1934.

[CHAPTER 711.]

AN ACT

June 22, 1934.
[S. 3618.]
[Public, No. 450.]

To grant a portion of the Fort Douglas Military Reservation to the University of Utah, Salt Lake City, Utah.

Fort Douglas Military Reservation, Utah.
Certain lands of, transferred to University of Utah.
Vol. 28, p. 117; Vol. 44, p. 1364.
Description.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the University of Utah the following-described land, lying within the United States Fort Douglas Military Reservation and adjacent to the site of said university in the State of Utah, namely: Beginning at the United States Government stone monument at the northeast corner of the University of Utah campus; thence running south along the west boundary of the United States Fort Douglas Military Reservation two thousand six hundred and thirty-two feet, more or less, to the north line of Salt Lake City Reservoir site; thence east along said north line of said reservoir site seven hundred and fifteen feet; thence in a southeasterly direction four hundred and eighty feet, more or less, along the boundary of said reservoir site to the southeast corner of said reservoir site; thence east one hundred feet; thence north on a line nine hundred and sixty-five feet from and parallel to the west boundary of the United States Fort Douglas Military Reservation three thousand one hundred and forty-four feet, more or less, to a point which is nine hundred and sixty-five feet east and fifty feet north of the point of beginning; thence west one thousand one hundred and twenty feet to the west boundary of the United States Fort Douglas Military Reservation; thence south fifty feet; thence east one hundred and fifty-five feet to the point of beginning.

Title, etc., of United States released and vested in State and University.

SEC. 2. That any and all right, title, or interest which the United States now has in and to the above-described land, be, and the same hereby are, released and granted to and vested in the State of Utah and the University of Utah, and this Act shall be deemed a conveyance in fee simple of the said land: *Provided*, That the State of Utah or the University of Utah shall improve the said property and maintain the same for university purposes, and not otherwise,

Provisos.
Use for university purposes.

Reversionary provision.

Roadway construction.

Use of waters of Red Butte Canyon Creek not included.

Maintenance of sewer to Fort Douglass.

Perpetual easement to Salt Lake City, for water supply.

Party fence to be erected.

and that in case said land shall be abandoned by the State or the University of Utah for said purposes the said land and all improvements thereon shall revert to the United States: *Provided further*, That the State of Utah or the University of Utah shall construct within three years and perpetually maintain a roadway along the eastern boundary of the above-described land hereby granted to the State of Utah and the University of Utah: *Provided further*, That the grant of said land shall in no manner carry with it any right or title in or to any portion of the waters of the Red Butte Canyon Creek: *And provided further*, That there is reserved to the United States the perpetual right to maintain, alter, rebuild, and enlarge the sewer which runs from the Fort Douglas Military Post across said tract of land, or to construct, and maintain a new sewer system across the same, should it be or become desirable to do so: *And provided further*, That there is reserved to Salt Lake City, a municipal corporation organized and existing under the laws of the State of Utah, a perpetual easement and right-of-way for the operation, maintenance, repair, and renewal of the conduit and pipe line as now constructed over and upon the Fort Douglas Military Reservation in said State, the same being connected with the water-supply system of the said city; and also for the construction, operation, maintenance, repair, and renewal of all valve houses which may be deemed necessary in connection with said pipe line: *And provided further*, That the University of Utah shall erect and maintain a suitable fence between the military reservation and the tract granted.

Approved, June 22, 1934.

[CHAPTER 712.]

June 22, 1934.
[S. 3655.]
[Public, No. 451.]

AN ACT

To amend the Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes", approved June 30, 1906, as amended.

Adulterated or misbranded foods, drugs, etc.
Vol. 34, p. 771.
U.S.C., p. 623.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes", approved June 30, 1906, as amended, is amended by adding after section 10 thereof the following new section:

Inspection of sea food.

Supervising inspectors authorized to examine methods, materials, etc., in sea food production.

"SEC. 10A. The Secretary of Agriculture, upon application of any packer of any sea food sold in interstate commerce, may at his discretion designate supervisory inspectors to examine and inspect all premises, equipment, methods, materials, containers, and labels used by such applicants in the production of such food. If the food is found to conform to the requirements of this Act, the applicant shall be authorized, in accordance with regulations prescribed by the Secretary of Agriculture, to mark the food so as to indicate such conformity. Services to any applicant under this section shall be rendered only upon payment of fees to be fixed by regulations of the Secretary of Agriculture in such amount as to cover the cost of the supervisory inspection and examination, together with the reasonable costs of administration incurred by the Secretary of Agriculture in carrying out this section. Receipts from such fees shall be covered into the Treasury and shall be available to the Secretary of Agriculture for expenditures incurred in carrying out this section. Any person who forges, counterfeits, simulates, or falsely represents, or without proper authority uses any mark, stamp, tag,

Marking.

Fees; use of.

Counterfeiting, etc.

label, or other identification devices authorized by the provisions of this section or regulations thereunder, shall be guilty of a misdemeanor, and shall on conviction thereof be subject to imprisonment for not more than one year or a fine of not less than $1,000 nor more than $5,000, or both such imprisonment and fine. Punishment for.

Approved, June 22, 1934.

[CHAPTER 713.]

AN ACT

To authorize the Postmaster General to hire vehicles from postal employees.

June 22, 1934.
[H.R. 4224.]
[Public, No. 452.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the Postmaster General to hire vehicles from village delivery carriers", approved June 18, 1930 (46 Stat. 782; U.S.C., Supp. VI, title 39, sec. 52), is hereby amended to read as follows: "*Provided*, That beginning with the fiscal year 1928, and thereafter, the Postmaster General may hire vehicles from postal employees, not filling supervisory positions, for use in the city delivery and collection service, and in the village delivery and collection service, either under an allowance or on a contract basis." Postal Service. Vol. 46, p. 782. U.S.C., Supp. VI, p. 52, amended. Vehicles may be hired from nonsupervisory employees, under allowance or contract basis.

Approved, June 22, 1934.

[CHAPTER 714.]

AN ACT

Making appropriation to restore water of high mineral content on land owned and controlled by the Federal Government.

June 22, 1934.
[H.R. 6366.]
[Public, No. 453.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum not to exceed $250 is appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the supervision of the postmaster at Lincoln, Nebraska, for the purpose of providing a pump which will restore the flow of mineral water to the fountain, the well being dug on Government square about March 15, 1872. The well was put down at large expense by the citizens of Lincoln, Nebraska, and was known as "Market Square Well." The well is now covered over by the Lincoln post-office building, but is in good state of preservation and can be restored to its former use without a large expense. After the well is restored to its former status the citizens of Lincoln are to maintain the well without expense to the Government. The Government owning and controlling the ground, the citizens in justification believe that this restoration of water of great mineral benefit to the community should be made by the Government by means of a small Federal appropriation, as stated, to purchase and install the necessary pump. Lincoln, Nebr., post-office building. Appropriation to restore mineral water on site of, authorized. Maintenance.

Approved, June 22, 1934.

[CHAPTER 715.]

AN ACT

Providing for the transfer of certain lands from the United States to the city of Wilmington, Delaware, and from the city of Wilmington, Delaware, to the United States.

June 22, 1934.
[H.R. 7428.]
[Public, No. 454.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to convey to The Mayor and Council of Wilmington, a municipal corporation of the Wilmington, Del. Exchange of lands with, authorized.

State of Delaware, for street purposes only, all the right, title, and interest of the United States to the following-described parcels of land which form a part of the new post-office site at Wilmington, Delaware:

Description.

Tract 1. Beginning at the intersection of the southeasterly side of Market Street at sixty-five feet six inches wide and the northeasterly side of Eleventh Street at sixty-nine feet wide; thence northeasterly along the said side of Market Street two hundred and sixty-five feet three inches to the southwesterly side of Twelfth Street at eighty-five feet wide; thence southeasterly along the said side of Twelfth Street ten feet six inches to a point; thence southwesterly parallel to Market Street two hundred and sixty-five feet three inches to the first-mentioned northeasterly side of Eleventh Street; thence thereby northwesterly ten feet six inches to the place of beginning, containing therein approximately two thousand seven hundred and eighty-two square feet.

Tract 2. Beginning at a point on the northeasterly side of Eleventh Street at sixty-nine feet wide distant ten feet six inches southeasterly from the southeasterly side of Market Street at sixty-five feet six inches wide; thence southeasterly along the said side of Eleventh Street two hundred feet to the northwesterly side of King Street at sixty-five feet six inches wide; thence northeasterly along the last-mentioned side of King Street eighteen feet to a point; thence northwesterly parallel to Eleventh Street two hundred feet to a point distant ten feet six inches southeasterly from the southeasterly side of Market Street at sixty-five feet six inches wide; thence southwesterly parallel to Market Street eighteen feet to the place of beginning, containing therein approximately three thousand six hundred square feet, in consideration of the conveyance by The Mayor and Council of Wilmington, a municipal corporation of the State of Delaware, to the United States of a valid title in and to the following-described parcel of land as an addition to the aforesaid post-office site:

Beginning at intersection of the northwesterly side of King Street (at sixty-five feet six inches wide) and the southwesterly side of Twelfth Street (as the same is at present established at eighty-five feet in width); thence northwesterly along the last-mentioned side of Twelfth Street two hundred feet to a point distant ten feet six inches southeasterly from the southeasterly side of Market Street as the same is at present established at sixty-five feet six inches in width; thence northeasterly parallel to Market Street thirty-two feet to a point; thence southeasterly parallel to the first-mentioned side of Twelfth Street two hundred feet to the northwesterly side of King Street extended; thence thereby southwesterly thirty-two feet to the place of beginning.

Proviso. Easement reserved for coal pit.

Provided, however, That there shall be reserved to the United States an easement in perpetuity to construct and maintain a coal pit approximately twelve feet wide extending under the sidewalk in the eighteen-foot strip of land under Eleventh Street to be conveyed to The Mayor and Council of Wilmington, a municipal corporation of the State of Delaware, from a point approximately sixteen and one half feet southeasterly from the southeasterly side of Market Street in a southeasterly direction a distance of approximately fifty feet.

Approved, June 22, 1934.

[CHAPTER 716.]

AN ACT

Relating to conveyance of letters by private hands without compensation, or by special messenger employed for the particular occasion only.

June 22, 1934.
[H.R. 7670.]
[Public, No. 455.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 186 of the Act of March 4, 1909 (35 Stat. 1124) (U.S.C., title 18, sec. 309) is hereby amended to read as follows:

Postal Service.
Vol. 17, p. 308; Vol. 35, p. 1124.
U.S.C., p. 484.

"Nothing in this chapter shall be construed to prohibit the conveyance or transmission of letters or packets by private hands without compensation, or by special messenger employed for the particular occasion only: *Provided*, That whenever more than twenty-five such letters or packets are conveyed or transmitted by such special messenger, the requirements of section 3933 of the Revised Statutes (U.S.C., title 39, sec. 500) shall be observed as to each piece."

Conveyance of letters or packets by private hands, without compensation.

Proviso.
Treatment, if number exceeds twenty-five.
R.S., sec. 3933, p. 764.
U.S.C., p. 1266.

Approved, June 22, 1934.

[CHAPTER 717.]

AN ACT

To amend section 392 of title 5 of the United States Code.

June 22, 1934.
[H.R. 8460.]
[Public, No. 456.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that part of the Act of June 16, 1921 (42 Stat. 63), incorporated in the United States Code as section 392 of title 5, is amended to read as follows:

Postal Service.
Vol. 42, p. 63.
U.S.C., p. 50.

"When any damage is done to person or property by or through the operation of the Post Office Department in any branch of its service and such damage is found by the Postmaster General upon investigation to be a proper charge against the United States, the Postmaster General is invested with power to adjust and settle any claim for such damage when his award for such damage in any case does not exceed $500, and this authority shall hereafter be construed as extending to cases caused by the negligence of any officer or employee of the Post Office Department or Postal Service acting within the scope of his employment."

Postmaster General may settle damage claims, when award does not exceed $500.

Authority extending to cases of negligence by postal personnel.

Approved, June 22, 1934.

[CHAPTER 718.]

AN ACT

To authorize the Secretary of the Treasury to amend the contract for sale of post-office building and site at Findlay, Ohio.

June 22, 1934.
[H.R. 8909.]
[Public, No. 457.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to agree to an amendment to the existing contract between the city of Findlay, Ohio, and the United States of America for the sale of the old post-office site and building at Findlay, Ohio, for the sum of $50,000, negotiated on the basis of one fourth cash and the balance in equal installments payable in three, six, nine, and twelve months with interest on deferred payments payable quarterly at 5 per centum per annum; the amended contract to provide that payment may be made in five annual installments of $10,000 each, with interest at the rate of 5 per centum per annum on the unpaid balance: *Provided*, That such extension of time for payment shall be effective upon date of execution of amended contract between the city of Findlay and the United

Findlay, Ohio.
Existing contract for sale of old building, etc., amended.

Vol. 46, p. 1592.

Negotiations on installment basis provided.

Interest rate.

Provisos.
Effective date of extension.

Effectiveness of original contract.

States of America: *Provided further*, That the provisions of the original contract between the city of Findlay, Ohio, and the United States of America shall not be modified, except as herein specified.

Approved, June 22, 1934.

[CHAPTER 719.]

AN ACT

June 22, 1934.
[H.R. 9826.]
[Public, No. 458.]

Granting the consent of Congress to the State Highway Commission to construct, maintain, and operate a free highway bridge across Eleven Points River in the northwest half of section 31, township 25 north, range 3 west, eight miles northeast of Alton, on Route B in Oregon County, Missouri.

Eleven Points River. Missouri may bridge, in Oregon County.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State Highway Commission of Missouri to construct, maintain, and operate a free highway bridge and approaches thereto across Eleven Points River in the northwest half of section 31, township 25 north, range 3 west, eight miles northeast of Alton, on Route B in Oregon County, Missouri, at a point suitable to the interests of navigation, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Construction.
Vol. 34, p. 84.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 22, 1934.

[CHAPTER 720.]

AN ACT

June 22, 1934.
[S. 3660.]
[Public, No. 459.]

To grant to the city of Monterey, California, an easement for street purposes over certain portions of the military reservation at Monterey, California.

Monterey, Calif. Easement granted, over designated portions of military reservation for street purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is authorized and directed to grant to the city of Monterey, California, an easement over certain parcels (to be used in widening Lighthouse Road in such city) of the military reservation at Monterey, California, described as follows:

Description.

Parcel 1. Beginning at a point on the southwesterly line of Lighthouse Road (sometimes called "Lighthouse Avenue"), distant south sixty-seven degrees seventeen and one half minutes east, one hundred forty and forty-three one hundredths feet from the point of intersection of the north line of the United States military reservation, Monterey, Monterey County, California, and the southwesterly line of Lighthouse Avenue, said point of intersection being distant south eighty-nine degrees thirty minutes west, seven hundred thirty-two and ninety-two one-hundredths feet from a stone monument at the northeast corner of said United States military reservation; and running thence from said point of beginning south sixty-two degrees twenty-six minutes east, five hundred eighty-six and six tenths feet to a point; thence southeasterly (following the arc of a circle whose radius is four hundred feet, and the center of which circle bears south twenty-seven degrees thirty-four minutes west, four hundred feet distant from the last-mentioned point) five hundred thirty and eight tenths feet; thence south thirteen degrees thirty-six minutes west five hundred and sixty-eight feet to a point distant north thirteen degrees thirty-six minutes east, fifty-eight feet from the point of intersection of the south line of said United States military reservation with the west line of said Lighthouse Road; thence north twenty-nine degrees forty minutes east, fifteen and seventy-five one-hundredths feet to a point on said west line of Lighthouse Road; thence along said west line of Lighthouse Road the following

courses and distances: North fifteen degrees forty-seven minutes east, five hundred sixteen and five tenths feet; thence north twelve degrees fifty-five and one half minutes east, one hundred feet; thence north five degrees two and one half minutes east, one hundred feet; thence north seven degrees twelve minutes west, one hundred feet; thence north twenty-six degrees nine minutes west, one hundred feet; thence north forty-five degrees twenty-nine minutes west, one hundred feet; thence north sixty degrees twenty-six and one half minutes west, seventy-one and sixty-three one-hundredths feet; thence north sixty-five degrees west six hundred thirty-nine and three one-hundredths feet to the point of beginning.

Parcel 2. Beginning at a point on the north line of the United States military reservation, Monterey, Monterey County, California, distant north eighty-nine degrees thirty minutes east, one hundred sixteen and thirty-four one-hundredths feet from the point of intersection of said north line of the United States military reservation with the southwesterly line of Lighthouse Avenue, said point of beginning also being distant south eighty-nine degrees thirty minutes west, six hundred sixteen and fifty-eight one-hundredths feet from a stone monument at the northeast corner of said United States military reservation; and running thence from said point of beginning north eighty-nine degrees thirty minutes east, along said north line of the United States military reservation, seventy-seven and nine tenths feet to a point; thence south sixty-two degrees twenty-six minutes east two hundred thirty-eight and ninety-six one-hundredths feet to a point on the northwesterly line of that certain part of said United States military reservation over which an easement was granted by the Secretary of War on July 14, 1926, pursuant to the Act approved June 7, 1926 (44 Stat. 699); thence south forty degrees twelve minutes west, along said northwesterly line of said grant to the city of Monterey, twenty-three and seventy-nine one-hundredths feet to a point on the northeasterly line of Lighthouse Road; thence north sixty-five degrees west, along said northeasterly line of Lighthouse Road three hundred two and seventy-five one-hundredths feet to the point of beginning.

Parcel 3. Beginning at the point of intersection of the northeasterly line of Foam Street with the northeasterly line of Lighthouse Road in the United States military reservation, Monterey, Monterey County, California, said point of beginning being the southernmost corner of that certain part of said United States military reservation granted to the city of Monterey, California, pursuant to H.R. 10203, March 10, 1926; thence south sixty-five degrees east, along said northeasterly line of Lighthouse Road, three hundred nineteen and eight tenths feet to a point; thence north sixty-two degrees twenty-six minutes west, three hundred forty-six and six tenths feet to a point on said northeasterly line of Foam Street; thence south thirty-four degrees thirty-six minutes east, along said northeasterly line of Foam Street thirty and sixty-eight one-hundredths feet to the point of beginning: *Provided*, That the Secretary of War is authorized to make such changes in the foregoing description of the three parcels as he deems necessary.

Proviso. Change authorized.

SEC. 2. The easement authorized by this Act to be granted shall continue during such period as it shall be used exclusively for street purposes, subject to such conditions, restrictions, and reservations as the Secretary of War may impose for the protection of the military reservation and subject to a right-of-way over such parcels for the use of the United States during the continuance of such easement.

Continuance of easement so long as used for street purposes.

Approved, June 22, 1934.

[CHAPTER 735.]

AN ACT

June 23, 1934.
[S. 3178.]
[Public, No. 460.]

Authorizing the George Washington Bicentennial Commission to print and distribute additional sets of the writings of George Washington.

George Washington Bicentennial Commission.
Vol. 46, p. 71.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans", approved February 21, 1930, is amended by striking out all preceding the last sentence therein and inserting in lieu thereof the following:

Edition of essential writings of George Washington to be prepared by.
Vol. 43, p. 671.

"That the United States Commission for the Celebration of the Two Hundredths Anniversary of the Birth of George Washington established by the joint resolution entitled 'Joint resolution authorizing an appropriation for the participation of the United States in the preparation and completion of plans for the comprehensive observance of that greatest of all historic events, the bicentennial of the birthday of George Washington', approved December 2, 1924 (hereinafter referred to as the 'Commission'), is authorized and directed to prepare, as a congressional memorial to George Washington, a definitive edition of all his essential writings, public and private (excluding the diaries), including personal letters from the original manuscripts or first prints, and the general orders, at a cost not to exceed $56,000 for preparation of the manuscript. Such definitive edition shall be printed and bound at the Government Printing Office and shall be in about the same form as the already published diaries of George Washington and shall consist of twenty-five volumes, more or less. There shall be three thousand sets of such edition, two thousand of which shall be sold by the Superintendent of Documents (1) at a cost of $50 per set for sets sold to public libraries, and institutions and societies of learning, and (2) the remainder of the two thousand sets, at $75 per set. The Commission shall, upon the publication of each volume of the remaining one thousand sets, distribute copies of each such volume as follows: Two each to the President, the library of the Senate, and the library of the House of Representatives; twenty-five to the Library of Congress; one to each Member of the Cabinet; one each to the Vice President and the Speaker of the House of Representatives; one to each Senator, Representative in Congress, Delegate and Resident Commissioner; one each to the Secretary of the Senate and the Clerk of the House of Representatives; one each to the libraries of the executive departments and independent establishments located in Washington City, which were not created after March 4, 1933; and one to each member and officer of the Commission. Every such recipient eligible to receive any volume or volumes of such writings at any time prior to the issue of the final volume (but not later than December 31, 1934) shall be entitled to receive a complete set of such writings. The remaining sets, if any, shall be distributed as Library of Congress directs, including such number of sets as may be necessary for foreign exchange. The usual number for congressional distribution and for depository libraries shall not be printed."

Limit of cost.
Printing and binding.

Distribution.

Cost to libraries.

To others.

Designated officials, officers, etc.

Independent offices established before Mar. 4, 1933.

Foreign exchange.
No "usual number."

Vol. 46, p. 72.

SEC. 2. Section 1 of such Act of February 21, 1930, is further amended by adding at the end thereof the following new paragraph:

Acceptance and distribution of privately printed volume.

"The one thousand extra copies (theretofore privately printed) of the first volume of such writings shall be considered to have been authorized by the Commission and the Commission may accept a donation of such extra copies for distribution for reviews, advertising, and for such other promotional purposes as it may deem advisable. If the Commission shall direct the Superintendent of

Documents to sell any such extra copies of the first volume, he shall offer the same for sale at a cost per copy equal to the cost per copy of the first volume as computed under clause (2) of the third sentence of this section. Such extra copies shall be the only copies of any volume of the set distributed or sold separately."

Approved, June 23, 1934.

[CHAPTER 736.]

AN ACT

June 23, 1934.
[H. R. 9404.]
[Public, No. 461.]

To authorize the formation of a body corporate to insure the more effective diversification of prison industries, and for other purposes.

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order more effectively to carry out the policy and purposes of the Act of May 27, 1930 (46 Stat. 391; U.S.C., title 18, sec. 711), entitled "An Act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes", the President is hereby authorized and empowered, in his discretion, to create a body corporate of the District of Columbia to be known as "Federal Prison Industries", which shall be a governmental body.

Federal Prison Industries.
Formation of.
Vol. 46, p. 391.
U.S.C., p. 514; Supp. VII, p. 355.

SEC. 2. The President shall appoint a board of directors of said corporation which shall consist of five persons, one of whom shall be a representative of industry, one a representative of labor, one a representative of agriculture, one a representative of retailers and consumers, and one a representative of the Attorney General. The board of directors shall serve at the will of the President and without compensation.

Directors, appointment.
No compensation.

SEC. 3. The President shall transfer to said corporation the duty of determining in what manner and to what extent industrial operations shall be carried on in Federal penal and correctional institutions and may transfer to said corporation any part or all of the other powers and duties now vested in the Attorney General or any other officer or employee of the United States by said Act of May 27, 1930. It shall be the duty of the board of directors to diversify so far as practicable prison industrial operations and so operate the prison shops that no single private industry shall be forced to bear an undue burden of competition from the products of the prison workshops.

Duties.

SEC. 4. The Secretary of the Treasury is hereby authorized and directed, upon the formation of the corporation, to transfer to a fund to be known as the "Prison Industries Fund" all balances then standing to the credit of the prison industries working capital fund. All moneys under the control of the corporation shall be deposited or covered into the Treasury of the United States to the credit of said fund and withdrawn therefrom only pursuant to accountable warrants or certificates of settlement issued by the General Accounting Office. All valid claims and obligations payable out of said fund shall be assumed by the corporation. The corporation is hereby authorized to employ the aforesaid fund, and any earnings that may hereafter accrue to the corporation, as operating capital for the purposes enumerated in the said Act of May 27, 1930, and in accordance with the laws generally applicable to the expenditures of the several departments and establishments of the Government, and also for the payment of compensation in such amounts as the Attorney General may authorize to inmates of penal institutions or their dependents for injuries suffered in any

"Prison Industries Fund" to be transferred to board.
Deposit and use of funds.
Vol. 47, p. 391.

Proviso. Limitation on payment. Vol. 39, p. 742. U.S.C., p. 77. Accounts.

industry: *Provided*, That in no event shall compensation be paid in a greater amount than that provided in the Federal Employees' Compensation Act of September 7, 1916, as amended. Accounts of all receipts and disbursements of the corporation shall be rendered to the General Accounting Office in such manner, to such extent, and at such times as the Comptroller General of the United States may direct for settlement and adjustment pursuant to title III of the Act of June 10, 1921 (42 Stat. 23), and such accounting shall include all fiscal transactions of the corporation, whether involving appropriated moneys, capital, or receipts from other sources.

Vol. 42, p. 23.

Report to Congress.

SEC. 5. The board of directors shall make an annual report to Congress on the conduct of the business of the corporation and on the condition of its funds.

Saving provision.

SEC. 6. This Act is supplemental to the Act of Congress approved May 27, 1930, and in the event of the failure of the corporation to act as herein authorized the Attorney General shall not be limited in carrying out the duties conferred upon him by the Act approved May 27, 1930.

Approved, June 23, 1934.

[CHAPTER 740.]

AN ACT

June 25, 1934. [H.R. 3084.] [Public, No. 462.]

Authorizing the sale of portions of the Pueblo lands of San Diego to the City of San Diego, California.

San Diego, Calif. Portion of Pueblo lands to be sold to, for street purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War, in his discretion, is authorized to sell to the city of San Diego, California, approximately eight hundred and seventy-five one-thousandths of an acre of Pueblo lots 281 and 305 of the Pueblo lands of San Diego for a public street, subject to such conditions and limitations as he may impose to safeguard the interests of the United States, for the sum of $50 and pay the proceeds into the Treasury of the United States.

Conditions imposed.

Approved, June 25, 1934.

[CHAPTER 741.]

AN ACT

June 25, 1934. [H.R. 8919.] [Public, No. 463.]

To adjust the salaries of rural letter carriers, and for other purposes.

Postal Service. Vol. 43, p. 1063; U.S.C., p. 1248.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first paragraph of section 8 of the Act entitled "An Act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes", approved February 28, 1925, as amended (U.S.C., title 39, sec. 197), is amended to read as follows:

Rural delivery service; salaries of carriers.

"SEC. 8. The salary of carriers in the Rural Mail Delivery Service for serving a rural route of thirty miles six days a week shall be $1,800; on routes less than thirty miles, $60 per mile per annum for each mile or major fraction thereof. Each rural carrier assigned to a route served six days in a week shall receive $20 per mile per annum for each mile or major fraction thereof said route is in excess of thirty miles, based on actual mileage, and each rural carrier assigned to a route served three days in the week shall receive $10 per mile per annum for each mile or major

fraction thereof said route is in excess of thirty miles, based on actual mileage."

(b) The second paragraph of such section 8 (U.S.C., title 39, sec. 200) is amended to read as follows: Vol. 43, p. 1064; U.S.C., p. 1248.

"Deductions for failure to perform service on a standard rural delivery route for thirty miles and less shall not exceed the rate of pay per mile for service for thirty miles and less; and deductions for failure to perform service on mileage in excess of thirty miles shall not exceed the rate of compensation allowed for such excess mileage." Deductions from salaries.

(c) The third paragraph of such section 8 (relating to equipment-maintenance allowance for rural carriers) (U.S.C., title 39, sec. 206) is amended by striking out "4 cents" and inserting in lieu thereof "5 cents". Such allowance shall not be changed except pursuant to law enacted after the date this Act takes effect. Vol. 43, p. 1064; U.S.C., p. 1248. Equipment allowance.

(d) In the case of any carrier in the Rural Mail Delivery Service on the date this Act takes effect, who serves six days a week a rural route of less than thirty miles, or who serves three days a week a rural route of less than sixty miles or two routes of a combined length of less than sixty miles, the annual salary of such carrier shall not be reduced more than $180 by operation of subsection (a) of this section. Limitation on reduction of annual salary.

SEC. 2. Salaries (not including equipment-maintenance allowances) of rural carriers shall, during that portion of the fiscal year 1934 which remains after the time this Act takes effect, and during the fiscal year 1935, be reduced by the percentage of reduction, if any, applicable by law to salaries of employees of the Government generally. Reductions applicable to Government employees generally.

SEC. 3. No consolidation of rural routes shall be made otherwise than on account of the resignation, death, retirement, or dismissal on charges of carriers in the Rural Mail Delivery Service. Consolidation of rural routes.

SEC. 4. This Act shall take effect on the 1st day of the calendar month next following the month in which this Act is enacted. Effective date.

Approved, June 25, 1934.

[CHAPTER 742.]

AN ACT

Authorizing associations of producers of aquatic products.

June 25, 1934.
[H.R. 9233]
[Public, No. 464.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That persons engaged in the fishery industry, as fishermen, catching, collecting, or cultivating aquatic products, or as planters of aquatic products on public or private beds, may act together in associations, corporate or otherwise, with or without capital stock, in collectively catching, producing, preparing for market, processing, handling, and marketing in interstate and foreign commerce, such products of said persons so engaged. Producers of aquatic products. Cooperative associations authorized.

The term "aquatic products" includes all commercial products of aquatic life in both fresh and salt water, as carried on in the several States, the District of Columbia, the several Territories of the United States, the insular possessions, or other places under the jurisdiction of the United States. "Aquatic products", construed.

Such associations may have marketing agencies in common, and such associations and their members may make the necessary contracts and agreements to effect such purposes: *Provided, however*, That such associations are operated for the mutual benefit of the members thereof, and conform to one or both of the following requirements: Marketing agencies; contracts and agreements. *Proviso.* Requirements.

Voting. First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein; or

Dividends. Second. That the association does not pay dividends on stock or membership capital in excess of 8 per centum per annum.

and in any case to the following:

Products of nonmembers. Third. That the association shall not deal in the products of nonmembers to an amount greater in value than such as are handled by it for members.

Association restraining trade in interstate or foreign commerce. SEC. 2. That if the Secretary of Commerce shall have reason to believe that any such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any aquatic product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than thirty days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from monopolization or restraint of trade. An association so complained of may at the time and place so fixed show cause why such order should not be entered. The evidence given on such a hearing shall be taken under such rules and regulations as the Secretary of Commerce may prescribe, reduced to writing, and made a part of the record therein. If upon such hearing the Secretary of Commerce shall be of the opinion that such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any aquatic product is unduly enhanced thereby, he shall issue and cause to be served upon the association an order reciting the facts found by him, directing such association to cease and desist from monopolization or restraint of trade. On the request of such association or if such association fails or neglects for thirty days to obey such order, the Secretary of Commerce shall file in the district court in the judicial district in which such association has its principal place of business a certified copy of the order and of all the records in the proceedings together with a petition asking that the order be enforced and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction to enter a decree affirming, modifying, or setting aside said order, or enter such other decree as the court may deem equitable, and may make rules as to pleadings and proceedings to be had in considering such order. The place of trial may, for cause or by consent of parties, be changed as in other causes.

Service of complaint. Notice of hearing. Evidence at hearing. Cease and desist order. Petition asking enforcement. Jurisdiction of district courts.

Evidence. The facts found by the Secretary of Commerce and recited or set forth in said order shall be prima facie evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the order is so filed in such district court and while pending for review therein, the court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court shall, upon conclusion of its hearing, enforce its decree by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association by service upon any officer, or agent thereof, engaged in carrying on its business, or on any attorney authorized to appear in such proceeding for such association and such service shall be binding upon such association, the officers and members thereof.

Enforcement of order. Temporary writ enjoining violation of order. Permanent injunction. Service of complaint.

Approved, June 25, 1934.

[CHAPTER 743.]

AN ACT

June 25, 1934.
[S. 3404.]
[Public, No. 465.]

Authorizing loans from the Federal Emergency Administration of Public Works for the construction of certain municipal buildings in the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are hereby authorized to borrow for the District of Columbia from the Federal Emergency Administration of Public Works, created by the National Industrial Recovery Act, and said Administration is authorized to lend to said Commissioners, the sum of $10,750,000, or any part thereof, out of funds authorized by law for said Administration, for the acquisition, purchase, construction, establishment, and development of a tuberculosis hospital, a sewage-disposal plant, an extension of or addition to Gallinger Municipal Hospital, a jail or other enclosure for prisoners at Lorton, Virginia, or any one or more of said projects as the said Commissioners may determine.

District of Columbia. Loans for certain building construction in, authorized.

Projects enumerated.

SEC. 2. The sum authorized by section 1 hereof, or any part thereof shall, when borrowed, be available to the Commissioners of the District of Columbia for the acquisition by dedication, purchase, or condemnation of the fee simple title to land, or rights or easements in land, for the public uses authorized by this Act, and for the preparation of plans, designs, estimates, models, and contracts, for architectural and other necessary professional services, without reference to the Classification Act of 1923, as amended, and section 3709 of the Revised Statutes, for the construction of buildings, including materials and labor, heating, lighting, elevators, plumbing, landscaping, and all other appurtenances, and the purchase and installation of machinery, apparatus, and any and all other expenditures necessary for or incident to the complete construction of the aforesaid buildings and plants. All contracts, agreements, and proceedings in court for condemnation or otherwise, pursuant to this Act shall be had and made in accordance with existing provisions of law, except as otherwise herein provided.

Availability for acquiring lands, easements, etc., for public uses.

Preparation of plans. Personal services. R.S., sec. 3709, p. 733. U.S.C., p. 1309.

Condemnation proceedings.

SEC. 3. That 70 per centum of so much of said sum authorized by section 1 of this Act as may be expended as therein provided shall be reimbursed to the Federal Emergency Administration of Public Works from any funds in the Treasury to the credit of the District of Columbia, as follows, to wit: Not less than $1,000,000 on the 30th day of June each year after such sum shall have been advanced to said District until the full amount expended hereunder is reimbursed, without interest for the first three years after any such advances and with interest at not exceeding 4 per centum per year thereafter on annual balances as of each June 30: *Provided*, That whenever the District of Columbia is under obligation by virtue of the provisions of section 4 of Public Act Numbered 284, Seventy-first Congress, entitled "An Act for the acquisition, establishment, and development of the George Washington Memorial Parkway, and so forth", approved May 29, 1930, to reimburse the United States for sums appropriated by the Congress under that Act, the total reimbursement required under both that Act and this Act shall be not less nor more than $1,300,000 in any one fiscal year: *Provided*, That the Commissioners may, in their discretion, repay more than said amount: *And provided further*, That the Commissioners may, in their discretion, allocate any reimbursement as between the sums due by them to the United States under the aforesaid Act and the sums due by them to the Federal Emergency Administration of

Proportion of expenses to be reimbursed to Federal Emergency Administration of Public Works, annually.

Provisos.
Total reimbursement required.
Vol. 45, p. 485.

Repaying more.

Discretionary allocation.

Necessary sums to be included in annual estimates.

Public Works under this Act: *Provided*, That such sums as may be necessary for the reimbursement herein required of or permitted by the District of Columbia, and for the payment of interest, shall be included in the annual estimates of the Commissioners of the District of Columbia, the first reimbursement to be made on June 30, 1936. Until 70 per centum of so much of said sum authorized by section 1 of this Act as may be expended as therein provided shall be reimbursed to the Federal Emergency Administration of Public Works, with interest as provided in this section, 10 cents of the tax levied and collected upon each $100 of the assessed valuation of all real and tangible personal property subject to taxation in the District of Columbia shall be deposited in the Treasury of the United States to the credit of a special account for such reimbursement to the Federal Emergency Administration of Public Works and shall not be available for any other purpose. The Commissioners may, in their discretion, anticipate from said special account the payments required by this Act.

Portion of tax receipts to be credited to reimbursement fund until sufficient sum realized.

Anticipating payments.

Annual estimates, etc., to be submitted to Congress.

SEC. 4. That the Commissioners of the District of Columbia shall submit with their annual estimates to the Senate and the House of Representatives a report of their activities and expenditures under section 1 of this Act.

Approved, June 25, 1934.

[CHAPTER 749.]

AN ACT

For the relief of the Nez Perce Tribe of Indians.

June 26, 1934.
[S. 847.]
[Public, No. 466.]

Nez Perce Indians.
Vol. 45, p. 1249.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress approved February 20, 1929 (45 Stat. 1249) entitled "An Act for the relief of the Nez Perce Tribe of Indians", be amended by inserting the following provision at the end of section 4 thereof, namely: "*Provided*, That any necessary costs and expenses heretofore incurred by the attorneys for the said Nez Perce Tribe of Indians in the prosecution of proceedings under this Act, under the terms and provisions of the attorneys' contract approved by the Secretary of the Interior, shall be paid out of the funds of the said Indians in the Treasury of the United States upon proper vouchers, to be examined and approved by the Commissioner of Indian Affairs."

Attorneys costs and expenses.

Approved, June 26, 1934.

[CHAPTER 750.]

AN ACT

To establish a Federal Credit Union System, to establish a further market for securities of the United States and to make more available to people of small means credit for provident purposes through a national system of cooperative credit, thereby helping to stabilize the credit structure of the United States.

June 26, 1934.
[S. 1639.]
[Public, No. 467.]

Federal Credit Union Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Credit Union Act".

Definitions.

DEFINITIONS

"Federal credit union."

SEC. 2. A Federal credit union is hereby defined as a cooperative association organized in accordance with the provisions of this Act for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes. When used

in this Act the term "Administration" means Farm Credit Administration, and the term "Governor" means the Governor thereof.

"Administration."
"Governor."

FEDERAL CREDIT UNION ORGANIZATION

Federal credit union.

SEC. 3. Any seven or more natural persons who desire to form a Federal credit union shall subscribe before some officer competent to administer oaths an organization certificate in duplicate which shall specifically state—

Organization procedure.
Certificate to contain specified information.

(1) The name of the association.

(2) The location of the proposed Federal credit union and the territory in which it will operate.

(3) The names and addresses of the subscribers to the certificate and the number of shares subscribed by each.

(4) The par value of the shares, which shall be $5 each.

(5) The proposed field of membership, specified in detail.

(6) The term of the existence of the corporation, which may be perpetual.

(7) The fact that the certificate is made to enable such persons to avail themselves of the advantages of this Act.

Such organization certificate may also contain any provisions approved by the Governor for the management of the business of the association and for the conduct of its affairs and relative to the powers of its directors, officers, or stockholders.

Provisions affecting business.

APPROVAL OF ORGANIZATION CERTIFICATE

Approval of organization certificate.

SEC. 4. Any such organization certificate shall be presented to the Governor for approval. Upon such approval the Federal credit union shall be a body corporate and as such, subject to the limitations herein contained, shall be vested with all of the powers and charged with all the liabilities conferred and imposed by this Act upon corporations organized hereunder. Before any organization certificate is approved an appropriate investigation shall be made for the purpose of determining (1) whether the organization certificate conforms to the provisions of this Act; (2) the general character and fitness of the subscribers thereto; and (3) the economic advisability of establishing the proposed Federal credit union. Upon approval of such organization certificate by the Governor it shall be the charter of the corporation and one of the originals thereof shall be delivered to the corporation after the payment of the fee required therefor.

Certificate to be presented to the Governor.
Upon approval, certificate to become charter of body corporate.

FEES

Fees.

SEC. 5. For the purpose of paying the costs incident to the ascertainment of whether an organization certificate should be approved the subscribers to any such certificate shall pay, at the time of filing their organization certificate, the amount prescribed by the Governor, which shall not exceed $20 in any case; and on the approval of any organization certificate they shall also pay a fee of $5. During December of each calendar year each Federal credit union shall pay to the Administration a fee of not to exceed $10, to be fixed by the Governor, for the cost of supervision: *Provided, however*, That no such annual fee shall be payable by such an organization for the fractional part of the first calendar year during which it is formed. All such fees shall be deposited with the Treasurer of the United States for the account of the Administration and may be expended by the Governor for such administrative and other expenses incurred in carrying out the provisions hereof as he may determine to be

Provisions for, to cover costs.

Annual payments.

Proviso.
Fractions of a year.

Deposit and expenditure.

proper, the purpose of such fees being to defray, as far as practicable, the administrative and supervisory costs incident to the carrying out of this Act.

Reports and examinations.

REPORTS AND EXAMINATIONS

Financial statements required.

Examinations; fees to be charged.

SEC. 6. Federal credit unions shall be under the supervision of the Governor, and shall make such financial reports to him (at least annually) as he may require. Each Federal credit union shall be subject to examination by, and for this purpose shall make its books and records accessible to any person designated by the Governor. The Governor shall fix a scale of examination fees designed, as far as is practicable, so that in each case the fee to be paid shall equal the expense of such examination, which fees shall be assessed against and paid by each Federal credit union promptly after the completion of any such examination: *Provided, however,*

Proviso. Acceptance of audit by public accountant in accounts of small unions.

That if a Federal credit union has assets of less than $25,000 the Governor may accept the audit report of a practicing public accountant in place of such examination and may relieve such Federal credit union of the obligation to pay the examination fee required by this section.

Credit of examination fees.

Examination fees collected under the provisions of this section shall be deposited to the credit of the special fund created by section 5 hereof, and shall be available for the purposes specified in said section 5.

POWERS

Corporate powers.

SEC. 7. A Federal credit union shall have succession in its corporate name during its existence and shall have power—

(1) To make contracts.

(2) To sue and be sued.

(3) To adopt and use a common seal and alter the same at pleasure.

(4) To purchase, hold, and dispose of property necessary and incidental to its operations.

To make limited loans to members.

(5) To make loans with maturities not exceeding two years to its members for provident or productive purposes upon such terms and conditions as this Act and the bylaws provide and as the credit committee may approve, at rates of interest not exceeding 1 per centum per month on unpaid balances (inclusive of all charges incident to making the loan): *Provided,*

Interest rates.

Proviso. Restrictions on loans to officers, etc.

That no loans to a director, officer, or member of a committee shall exceed the amount of his holdings in the Federal credit union as represented by shares thereof. No director, officer, or committee member shall endorse for borrowers. A borrower may repay his loan, prior to maturity, in whole or in part on any business day.

Endorsements.

Repayments.

(6) To receive from its members payments on shares.

Investment of funds.

(7) To invest its funds (a) in loans exclusively to members; (b) in obligations of the United States of America, or securities fully guaranteed as to principal and interest thereby.

Deposits.

(8) To make deposits in national banks and in State banks, trust companies, and mutual savings banks operating in accordance with the laws of the State in which the Federal credit union does business.

To borrow limited amounts.

(9) To borrow (from any source) in an aggregate amount not exceeding 50 per centum of its paid-in and unimpaired capital and surplus: *Provided,*

Proviso. Discount eligible paper with intermediate banks, etc.

That any Federal credit union may discount with or sell to any Federal intermediate credit bank any eligible obligations up to the amount of its paid-in and unimpaired capital, subject to such rules and regulations as may be prescribed by the Governor.

(10) To fine members, in accordance with the bylaws, for failure to meet promptly their obligations to the Federal credit union. To fine delinquents.

(11) To impress and enforce a lien upon the shares and dividends of any member, to the extent of any loan made to him and any dues or fines payable by him. To impress a lien for loans, etc.

(12) To exercise such incidental powers as shall be necessary or requisite to enable it to carry on effectively the business for which it is incorporated. Exercise other corporate powers.

BYLAWS Bylaws.

SEC. 8. In order to simplify the organization of Federal credit unions the Governor shall, upon the passage of this Act, cause to be prepared a form of organization certificate and a form of bylaws, consistent with this Act, which shall be used by Federal credit union incorporators, and shall be supplied to them on request. At the time of presenting the organization certificate the incorporators shall also submit proposed bylaws to the Governor for his approval. Governor to prescribe.

MEMBERSHIP Membership.

SEC. 9. Federal credit union membership shall consist of the incorporators and such other persons and incorporated and unincorporated organizations, to the extent permitted by rules and regulations prescribed by the Governor, as may be elected to membership and as shall, each, subscribe to at least one share of its stock and pay the initial installment thereon and the entrance fee; except that Federal credit union membership shall be limited to groups having a common bond of occupation, or association, or to groups within a well-defined neighborhood, community, or rural district. Limitations, requirements, fee, etc.

MEMBERS' MEETINGS Members' meetings.

SEC. 10. The fiscal year of all Federal credit unions shall end December 31. The annual meeting of each Federal credit union shall be held at such time during the month of the following January and at such place as its bylaws shall prescribe. Special meetings may be held in the manner indicated in the bylaws. No member shall be entitled to vote by proxy, but a member other than a natural person may vote through an agent designated for the purpose. Irrespective of the number of shares held by him, no member shall have more than one vote. Fiscal year. Annual and special meetings. Voting by proxy forbidden. Member to have but one vote.

MANAGEMENT Management.

SEC. 11. (a) The business affairs of a Federal credit union shall be managed by a board of not less than five directors, a credit committee of not less than three members, and a supervisory committee of three members (a majority of whom shall not be directors) all to be elected by the members (and from their number) at their annual meeting, and to hold office for such terms, respectively, as the bylaws may provide. A record of the names and addresses of the members of the board and committees and officers shall be filed with the Administration within ten days after their election. No member of the board or of either committee shall, as such be compensated. Business to be conducted by board of not less than 5 directors. Credit and supervisory committees of 3 members. Roster to be filed with Administration.

OFFICERS Officers.

(b) At their first meeting after the annual meeting of the members, the directors shall elect from their number a president, a vice president, a clerk, and a treasurer, who shall be the executive officers Directors to elect, from their number, certain executive officers.

Compensation allowed.

Duties.

Treasurer to furnish bond.

of the corporation and may be compensated for their services to such extent as the bylaws may provide. The offices of clerk and treasurer may be held by the same person. The duties of the officers shall be as determined by the bylaws, except that the treasurer shall be the general manager of the corporation. Before the treasurer shall enter upon his duties he shall give bond with good and sufficient surety, in an amount and character to be determined from time to time by the board of directors, conditioned upon the faithful performance of his trust.

Directors.

DIRECTORS

Meetings, records, powers, etc.

(c) The board of directors shall meet at least once a month and shall have the general direction and control of the affairs of the corporation. Minutes of all such meetings shall be kept. Among other things they shall act upon applications for membership; fix the amount and character of the surety bond required of any officer having custody of funds; recommend the declaration of dividends; fill vacancies in the board and in the credit committee until successors elected at the next annual meeting have qualified; have charge of investments other than loans to members; determine from time to time the maximum number of shares that may be held by any individual; and, subject to the limitations of this Act, determine the interest rates on loans and the maximum amount that may be loaned with or without security to any member.

Credit Committee.

CREDIT COMMITTEE

Meetings, etc.

(d) The credit committee shall hold such meetings as the business of the Federal credit union may require and not less frequently than once a month (of which meetings due notice shall be given to members of the committee by the treasurer) to consider applications for loans.

Loans. Approval.

No loan shall be made unless approved by a majority of the entire committee and by all of the members of the committee who are present at the meeting at which the application is considered.

Applications for.

Applications for loans shall be made on forms prepared by such committee, which shall set forth the purpose for which the loan is desired, the security, if any, and such other data as may be required.

Maximum.

No loan in excess of $50 shall be made without adequate security and no loan shall be made to any member in excess of $200 or 10 per centum of the Federal credit union's paid-in and unimpaired capital and surplus, whichever is greater.

Assignment or endorsement as security.

For the purposes of this subdivision an assignment of shares or the endorsement of a note shall be deemed security.

Supervisory committee.

SUPERVISORY COMMITTEE

Duties prescribed. Quarterly examinations and annual audits.

(e) The supervisory committee shall make, at least quarterly, an examination of the affairs of the Federal credit union, including an audit of its books; shall make an annual audit and a report to be submitted at the annual meeting of the corporation; and, by a

Suspending officers, etc.

unanimous vote, may suspend any officer of the corporation, or any member of the credit committee or of the board of directors until the next members' meeting, which said meeting, however, shall be held within seven days of said suspension and at which meeting said suspension shall be acted upon by the members; and, by a majority

Special calls to consider violations, etc.

vote, may call a special meeting of the shareholders to consider any violation of this Act, the charter, or of the bylaws, or any practice of the corporation deemed by the committee to be unsafe or unauthorized. The said committee shall fill vacancies in its own

membership until successors to be elected at the next annual meeting have qualified. The supervisory committee shall cause the passbooks and accounts of the members to be verified with the records of the treasurer from time to time and not less frequently than once every two years.

Verifying passbooks.

Reserves.

RESERVES

Entrance fees and fines and 20% net earnings to be set aside against losses.

SEC. 12. All entrance fees and fines provided by the bylaws and 20 per centum of the net earnings of each year, before the declaration of any dividends, shall be set aside, subject to terms and conditions specified in the bylaws, as a reserve fund against possible bad loans.

Dividends.

DIVIDENDS

Declaration of, on paid-up shares.

SEC. 13. At the annual meeting a dividend may be declared from the remaining net earnings on recommendation of the board of directors, which dividend shall be paid on all paid-up shares outstanding at the end of the preceding fiscal year. Shares which become fully paid up during such year shall be entitled to a proportional part of said dividend calculated from the 1st day of the month following such payment in full.

Proportional on shares paid during year.

Expulsion and withdrawal.

EXPULSION AND WITHDRAWAL

Provisions prescribed.

SEC. 14. A member may be expelled by a two-thirds vote of the members of a Federal credit union present at a special meeting called for the purpose, but only after an opportunity has been given him to be heard. Withdrawal or expulsion of a member shall not operate to relieve him from liability to the Federal credit union. The amount to be paid a withdrawing or expelled member by a Federal credit union shall be determined and paid in the manner specified in the bylaws.

Minors.

MINORS

Issue of shares to.

SEC. 15. Shares may be issued in the name of a minor or in trust, subject to such conditions as may be prescribed by the bylaws. The name of the beneficiary shall be disclosed to the Federal credit union.

Powers of Governor.

CERTAIN POWERS OF GOVERNOR

To prescribe rules of administration.

SEC. 16. (a) The Governor may prescribe rules and regulations for the administration of this Act (including, but not by way of limitation, the merger, consolidation, and/or dissolution of corporations organized under this Act).

May suspend, etc., credit union's charter, etc.

(b) The Governor may suspend or revoke the charter of any Federal credit union upon his finding that the organization is bankrupt or insolvent or has violated any provisions of its charter, its bylaws, or of this Act, or of any regulations issued thereunder.

May delegate powers to others.

(c) The Governor is hereby authorized and empowered to execute any and all functions and perform any and all duties vested in him hereby, through such persons as he shall designate or employ; and he may delegate to any person or persons, including any institution operating under the general supervision of the Administration, the performance and discharge of any authority, power, or function vested in him by this Act.

To prescribe forms for keeping books, etc.

(d) All books and records of Federal credit unions shall be kept and reports shall be made in accordance with forms approved by the Governor.

Fiscal agents and depositories.

FISCAL AGENTS AND DEPOSITORIES

Federal credit union may act as.

SEC. 17. Each Federal credit union organized under this Act, when requested by the Secretary of the Treasury, shall act as fiscal agent of the United States and shall perform such services as the Secretary of the Treasury may require in connection with the collection of taxes and other obligations due the United States and the lending, borrowing, and repayment of money by the United States, including the issue, sale, redemption or repurchase of bonds, notes, Treasury certificates of indebtedness, or other obligations of the United States; and to facilitate such purposes the Governor shall furnish to the Secretary of the Treasury from time to time the names and addresses of all Federal credit unions with such other available information concerning them as may be requested by the Secretary of the Treasury. Any Federal credit union organized under this Act, when designated for that purpose by the Secretary of the Treasury, shall be a depository of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary of the Treasury.

Services specified.

Depository of public money.
U.S.C., p. 265.

Taxation.

TAXATION

Shares of stock, as personal property may be taxed.

SEC. 18. Nothing herein contained shall prevent the shares of stock in any Federal credit union organized hereunder from being included in the valuation of the personal property of the owners or holders of such shares in assessing taxes imposed by authority of the State in which the Federal credit union is located or shall prevent the taxation of any Federal credit union or its property by authority of such State in the manner and not to exceed the rate imposed upon domestic banking corporations.

Appropriation authorized.
Vol. 47, p. 60.

SEC. 19. Not to exceed $50,000 of the fund available to the Governor under section 4 of the Act of March 3, 1932, for expenses of administration in connection with loans made thereunder to aid in the establishment of agricultural credit corporations, is hereby made available also for administrative expenses in administering this Act.

Saving provision.

SEC. 20. (a) If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Right to amend, etc., reserved.

(b) The right to alter, amend, or repeal this Act or any part thereof, or any charter issued pursuant to the provisions of this Act, is expressly reserved.

Approved, June 26, 1934.

[CHAPTER 751.]

AN ACT

June 26, 1934.
[S. 2043.]
[Public, No. 468.]

To amend the Act of May 22, 1928, entitled "An Act to authorize the collection, in monthly installments, of indebtedness due the United States from enlisted men, and for other purposes."

Army.
Collection of indebtedness from enlisted men.
Vol. 45, p. 698, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of May 22, 1928 (45 Stat. 698), entitled "An Act to authorize the collection, in monthly installments, of indebtedness due the United States from enlisted men, and for other purposes", is hereby amended by the elimination of the third proviso of that Act reading as follows: "*And provided further*, That the Secretary of War, under such regulations as he shall prescribe, may cause to be remitted and canceled, upon honorable discharge of the enlisted man from the service, any

such indebtedness incurred during the current enlistment and remaining unpaid at the time of discharge"; and the substitution therefor of the following: "*And provided further*, That the Secretary of War may cause to be remitted and canceled any part of such indebtedness remaining unpaid either on honorable discharge of the enlisted man from the service or prior thereto when in his opinion the interests of the Government are best served by such action."

Remission of indebtedness, authorized.

Approved, June 26, 1934.

[CHAPTER 752.]

AN ACT

June 26, 1934.
[S. 3408.]
[Public, No. 469.]

To provide for a preliminary examination of Cromline Creek in the State of New York, with a view to the control of its floods.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of Cromline Creek in the State of New York, with a view to control of its floods, in accordance with the provisions of section 3 of an Act entitled "An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

Cromline Creek.
Preliminary examination of.

Vol. 39, p. 541.
U.S.C., p. 1090.

Approved, June 26, 1934.

[CHAPTER 753.]

AN ACT

June 26, 1934.
[S. 3419.]
[Public, No. 470.]

To exempt articles of machinery belting from the tax on floor stocks imposed by the Agriculture Adjustment Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section 16 of the Agricultural Adjustment Act, as amended, shall not apply to articles of machinery belting processed wholly or in chief value from cotton, if such processing was completed prior to January 1, 1930.

Agricultural Adjustment Act amended.
Floor stocks; taxes.
Exemption, machinery belting processed from cotton.
Ante, p. 40.

SEC. 2. Any tax which has been assessed or paid under such section on any such article prior to the enactment of this Act shall be credited or refunded to the taxpayer, or abated if remaining unpaid: *Provided*, That claim therefor must be filed within three months after the date of enactment of this Act: *Provided further*, That no such credit, refund, or abatement shall be made with respect to any such article which was disposed of by the taxpayer prior to the filing of the claim therefor.

Credits and refunds.

Provisos.
Filing claims.

Refund prohibited if article has been disposed of.

Approved, June 26, 1934.

[CHAPTER 754.]

AN ACT

June 26, 1934.
[S. 3533.]
[Public, No. 471.]

To amend the Act entitled "An Act creating the Mount Rushmore National Memorial Commission and defining its powers and purposes", approved February 25, 1929, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act creating the Mount Rushmore National Memorial Commission and defining its powers and purposes", approved February 25, 1929, is amended by adding at the end thereof

Mount Rushmore National Memorial Commission.
Vol. 45, p. 1300, amended.

Successor to be appointed, in case of death, disability, etc.

the following new sentence: "If by reason of death, disability, or other cause, any individual to whom functions are assigned under this section has been or shall be rendered unable to perform such functions, the Commission is authorized to designate or employ such other person as it deems competent to perform such functions."

Federal contribution. Vol. 45, p. 1300.

SEC. 2. Section 5 of such Act of February 25, 1929, is amended to read as follows:

Appropriation authorized.

"SEC. 5. There is hereby authorized to be appropriated the sum of not to exceed $250,000 for the purpose of defraying the cost of such memorial and landscaping. Such sums as may be appropriated pursuant to this Act shall be advanced to the treasurer of said Commission from time to time by the Secretary of the Treasury upon requisition of the executive committee provided for by this Act."

Advances, from sums available.

Continuation of appropriations.

SEC. 3. Any funds heretofore made available for expenditure under the provisions of such Act of February 25, 1929, are hereby made available for expenditure under such Act as amended by this Act.

Approved, June 26, 1934.

[CHAPTER 755.]

June 26, 1934.
[S. 3764.]
[Public, No. 472.]

AN ACT

To reduce the fee to accompany applications for entry as second-class matter of publications of limited circulation.

Second-class matter, postal service.
Fees for entry of publications as.
Vol. 47, p. 647; U.S.C., Supp. VII, p. 874.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of the Act entitled "An Act to provide for fees for entry of a publication as second-class matter, and for other purposes", approved July 7, 1932 (47 Stat. 647; 39 U.S.C., Supp. VII, sec. 226a), is hereby amended by striking out the first semicolon and inserting in lieu thereof a colon and the following proviso: "*Provided*, That the fee to accompany applications for entry as second-class matter of publications having a circulation of not more than two thousand copies shall be $25; and of publications having a circulation of not more than five thousand copies shall be $50:

Provisos.
Reductions of, for publications of limited editions.

One-half to be returned, if failing entry.

Provided further, That one-half of all fees collected under this section shall be returnable to the applicant upon the failure of the applicant's publication to obtain entry under the provisions of this section;".

Approved, June 26, 1934.

[CHAPTER 756.]

June 26, 1934.
[H.R. 9410.]
[Public, No. 473.]

AN ACT

Providing that permanent appropriations be subject to annual consideration and appropriation by Congress, and for other purposes.

Permanent appropriation repeal Act.
Designated appropriations, from general fund repealed.
Effective date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (a) That effective July 1, 1935, such portions of any Acts as provide permanent or continuing appropriations from the general fund of the Treasury to be disbursed under the appropriation accounts appearing on the books of the Government, and listed in subsection (b) of this section, are hereby repealed, and any unobligated balances under such accounts as of June 30, 1935, shall be covered into the surplus fund of the Treasury.

Balances to be covered in.

U.S.C., title 12, sec. 864.

(b) (1) Preparation, custody, and delivery of farm-loan bonds, reimbursable (2x152).

U.S.C., title 12, sec. 1042

(2) Preparation, custody, and delivery of Federal intermediate credit bank securities, reimbursable (2x153).

(3) Preparation and issue of Federal Reserve notes, reimbursable (2x151). U.S.C., title 12, sec. 422.

(4) Debentures and other charges (customs). R.S., sec. 3689.

(5) Payment for lands sold for direct taxes (2x435). R.S., sec. 3689.

(6) Refunding corporation- and income-tax penalties (Internal Revenue) (2x425). 38 Stat. 1225.

(7) Refunding stamp tax on export bills of lading (2x427). 32 Stat. 406.

(8) Refunding stamp tax on foreign bills of exchange (2x433). 35 Stat. 590.

(9) Refunding tax on contingent beneficial interests (2x428). 32 Stat. 406.

(10) Refunding tax on certain legacies (2x426). 32 Stat. 406.

(11) Surplus proceeds, property sold for internal-revenue taxes (2x441). R.S., sec. 3195.

(12) Payment of Cape Cod Canal bonds (2x087). 44 Stat. 1015; 45 Stat. 914.

(13) Surveying within land grants (reimbursable) (4x164). U.S.C., title 43, secs. 886, 908.

(14) Fees on certain Indian allotments (4x025). 24 Stat. 389; 26 Stat. 795.

(15) Distribution of United States Code, Revised Statutes, and so forth (4x019). 32 Stat. 631; 36 Stat. 1154.

(16) Transportation of Volunteers, War with Spain (8x175). 30 Stat. 1358.

(17) Powder and projectiles, proceeds of sales (8x423). 21 Stat. 468.

Specified appropriations repealed and annual appropriations authorized.

SEC. 2. (a) Effective July 1, 1935, the permanent appropriations under the appropriation titles listed in subsection (b) of this section are repealed, and such portions of any Acts as make permanent appropriations to be expended under such accounts are amended so as to authorize, in lieu thereof, annual appropriations from the general fund of the Treasury in identical terms and in such amounts as now provided by the laws providing such permanent appropriations, except that any appropriation for "Adjusted losses and contingencies, postal fund", is authorized to be made from the postal revenues. Any unobligated balances remaining in the permanent appropriations under these accounts on June 30, 1935, shall be covered into the surplus fund of the Treasury: *Provided*, That in addition to amounts in lieu of the permanent appropriation "Meat Inspection, Bureau of Animal Industry (fiscal year)" there is authorized to be appropriated such other sums as may be necessary in the enforcement of the meat inspection laws (U.S.C., title 21, secs. 71 to 96, inclusive).

To be expended in identical terms and amounts as now authorized.

Adjusted losses, etc., postal fund, from postal revenues.

Proviso.
Meat inspection.

U.S.C., title 21, secs. 71–96.

(b) (1) Interest on Indian trust funds. U.S.C., title 25, sec. 161.

(2) Civilization of the Sioux (4x950). 25 Stat. 895; 29 Stat. 334; 34 Stat. 326; 45 Stat. 684.

(3) Meat inspection, Bureau of Animal Industry (fiscal year) (3–114). U.S.C., title 21, sec. 95.

(4) National Forest Reservation Commission (fiscal year) (3–494). U.S.C., title 16, sec. 514.

(5) Pay of consular agents for services to American vessels and seamen (1x561). U.S.C., title 22 sec. 89; title 46, sec. 101.

(6) Allowance or drawback (Internal Revenue) (2x438). U.S.C., title 26, secs. 788, 852.

(7) Redemption of stamps (Internal Revenue) (2x432). U.S.C., title 31, secs. 711–4.

(8) Refunding legacy taxes, Act March 30, 1928 (2x430). 30 Stat. 464; 45 Stat. 398.

(9) Refund of excessive duties (Customs) (2x324). 26 Stat. 140; 46 Stat. 739.

(10) Debentures or drawbacks, bounties, or allowances (Customs) (2x321). U.S.C., title 19, sec. 1557.

(11) Allowance or drawback (Industrial Alcohol) (2x440). U.S.C., title 26, sec. 377.

(12) Permanent International Commission of Congresses of Navigation (fiscal year) (8–887). U.S.C., title 22, sec. 266.

(13) Operating and care of canals and other works of navigation (8x881). U.S.C., title 33, sec. 5.

(14) Removing sunken vessels or craft obstructing or endangering navigation (8x888). U.S.C., title 33, sec. 414.

(15) Removing obstructions in Mississippi, Atchafalaya, and Old Rivers (fiscal year (8–961.58). 25 Stat. 424; 35 Stat. 817.

(16) Maintenance of channel, South Pass, Mississippi River (fiscal year) (8–961.55). U.S.C., title 33, sec. 602.

U.S.C., title 33, sec. 4.

U.S.C., title 33, sec. 602.

U.S.C., title 31, sec. 320.

U.S.C., title 19, sec. 1563.

U.S.C., title 12, sec. 547.

U.S.C., title 20, sec. 11.

R.S., sec. 3221.

U.S.C., title 39, sec. 49.

U.S.C., title 19, secs. 1493, 1559; title 31, sec. 711.

U.S.C., title 19, sec. 1613; title 31, sec. 711.

U.S.C., title 33, secs. 604, 605.

U.S.C., title 33, sec. 606.

(17) Gauging waters of the Mississippi and its tributaries (fiscal year) (8–961.54).

(18) Examinations and surveys at South Pass, Mississippi River (fiscal year) (8–961.53).

(19) Recoinage of silver coins (2x106).

(20) Refunding duties on goods destroyed (Customs) (2x330).

(21) Refunding to national banking associations excess of duty (2x228).

(22) Salaries and expenses, Federal Board for Vocational Education (fiscal year) (0–801).

(23) Repayment of taxes on distilled spirits destroyed by casualty (2x431).

(24) Adjusted losses and contingencies, postal fund (9x256).

(25) Refunding proceeds of unclaimed merchandise (Customs) (2x326).

(26) Proceeds of goods seized and sold (Customs) (2x322).

(27) Operating snag and dredge boats on upper Mississippi, Illinois, and Minnesota Rivers (fiscal year) (8–962.60).

(28) Operating snag boats on the Ohio River (fiscal year) (8–962.51).

Repeal of certain specified permanent appropriations and balances carried in.

SEC. 3. (a) Effective July 1, 1935, the permanent or continuing appropriation accounts appearing on the books of the Government and listed in subsection (b) of this section are hereby abolished, and any unobligated balances under such accounts as of June 30, 1935, shall be covered into the surplus fund of the Treasury. Any appropriations to which expenditures under such accounts have been chargeable prior to July 1, 1935, are hereby repealed. Any claims accruing on and after July 1, 1935, which, but for this section properly would have been charged to these appropriation titles, shall, upon proper audit, be certified to Congress for appropriation from the general fund of the Treasury, which is hereby authorized.

Future claims herein to be certified to Congress.

30 Stat. 1073, 1074.

30 Stat. 784, 1073; 31 Stat. 217.

U.S.C., title 31, secs. 218, 222.

21 Stat. 283.

U.S.C., title 46, sec. 748.

30 Stat. 1225.

30 Stat. 1225.

U.S.C., title 31, sec. 711.

38 Stat. 1214–1215.

40 Stat. 19.

28 Stat. 962, 40 Stat. 389.

42 Stat. 1767.

R.S., sec. 4635, p. 902; 30 Stat. 1007; 31 Stat. 1052; 33 Stat. 422.

41 Stat. 69.

45 Stat. 2047; 46 Stat. 2128.

U.S.C., title 49, sec. 77.

(b) (1) Extra pay to Regular Army, War with Spain (8x172).

(2) Extra pay to Volunteers, War with Spain (8x173).

(3) Claims of officers and men of the Army for destruction of private property (8x123).

(4) Bounty to Fifteenth and Sixteenth Missouri Cavalry Volunteers (8x164).

(5) Judgments in admiralty suits under Act of March 9, 1920, War Department (8x143).

(6) Reimbursement for bringing home remains of officers and others (Navy) (7x816).

(7) Reimbursement for bringing home remains of officers and others (War) (8x765).

(8) Indemnity for swamp land to States (4x160).

(9) Proceeds of mineral or reserved lands, Tanana Valley, Alaska, special fund (4x167).

(10) Proceeds of town sites for schools in Oklahoma (4x464).

(11) Indemnity to seamen and marines for lost clothing (7x977).

(12) Reimbursement to certain persons for loss of private funds while patients at United States Naval Hospital, Naval Operating Base, Hampton Roads, Virginia (7x973).

(13) Judgments, bounty for destruction of enemies' vessels (7x956).

(14) Judgment, owners, and so forth, barkentine Mabel I. Meyers, under Act of August 21, 1916 (7x959).

(15) Relief of claimants, explosion at Naval Ammunition Depot, Lake Denmark, New Jersey (7x975).

(16) Guaranty to carriers after termination of Federal control (0x961).

(17) Reimbursement to carriers of deficits during Government control (0x963). 49 U.S.C., title 49, sec. 73.

(18) Guaranty to American Railway Express Company during guaranty period (0x965). 41 Stat. 466.

(19) Judgments in admiralty suits under Act of March 9, 1920, United States Shipping Board (0x556). 46 U.S.C., title 46, sec. 748.

(20) Judgments of courts (Revised Statutes, section 3754) (7x965). 40 U.S.C., title 40, sec. 309.

(21) Bounty for destruction of enemies' vessels (7x961). 30 Stat. 1007.

(22) Claims arising from operations under Wheat Price Guarantee Act of March 4, 1919 (0x482). 45 Stat. 1148; 46 Stat. 1627.

(23) Proceeds sale of town lots, Lawton, Oklahoma (4s174). 26 Stat. 91; 32 Stat. 63; 38 Stat. 1192.

(24) Proceeds of certain lands in township 8-North, Nebraska (4s176).

SEC. 4. (a) Effective July 1, 1935, all receipts of the character theretofore credited to the appropriation accounts appearing on the books of the Government and listed in subsection (b) of this section shall be deposited into the Treasury as miscellaneous receipts, and amounts equal thereto are authorized to be appropriated annually from the general fund of the Treasury for the same purposes for which such receipts are now appropriated. Appropriations to which expenditures under such accounts have been chargeable theretofore are hereby repealed, effective on such date: *Provided*, That if the total of receipts for any one fiscal year for any of the foregoing purposes under this authority is greater than the amounts appropriated for such purpose, such excess is authorized to be appropriated for the following fiscal year.

Special funds, etc.

Listed receipts form, carried in.

Sums equal to credited receipts authorized to be drawn annually for same purposes.

Permanent appropriation repealed.

Proviso.
If receipts greater than appropriation excess to be drawn following year.

(b) (1) Wagon roads, bridges, and trails, Alaska fund (4s524). 37 Stat. 728; 47 Stat. 446.

(2) Public schools, Alaska fund (4s366). U.S.C., title 48, sec. 41.

(3) Coos Bay Wagon Road Grant fund (4s168). 40 Stat. 1180.

(4) Payment to Oklahoma from royalties, oil and gas, south half of Red River (4s028). 44 Stat. 740; 42 Stat. 1448.

(5) Five per centum fund of net proceeds of sales of agricultural lands in Colorado (4s183). U.S.C., title 31, sec. 711.

(6) Annette Islands reserve, Alaska, fund from leases (5s740). U.S.C., title 48, sec. 358.

(7) Relief of the indigent, Alaska fund (2s108). U.S.C., title 48, sec. 41.

(8) Naturalization fees, publishing citizenship textbooks, Bureau of Naturalization (6–836). U.S.C., title 8, sec. 387.

(9) Additional income tax on railroads in Alaska (2s442). U.S.C., title 48, sec. 309.

(10) Ordnance material, proceeds of sales (War) (8s422). 18 Stat. 388.

(11) Maintenance and operation of dams and other improvements of navigable waters (8s876). U.S.C., title 16, sec. 810.

(12) Construction, irrigation system, Wapato Project, Washington, Act February 14, 1920 (5s781). 41 Stat. 431.

(13) Maintenance, irrigation system (name of project), Act August 1, 1914. 38 Stat. 583.

(14) Maintenance, irrigation system (name of project), Act May 18, 1916. 39 Stat. 142.

(15) Maintenance, power system, Flathead Reservation, Montana, Act May 10, 1926 (5s796). 44 Stat. 465.

(16) Power plant, Coolidge Dam, Arizona, electric-current fund, Act March 7, 1928 (5s804.9). 45 Stat. 211.

(17) The Oregon and California Land Grant fund (4s169). 39 Stat. 218; 44 Stat. 915.

(18) Redistribution, funds for indigent, Alaska fund (2s109). U.S.C., title 48, sec. 41.

(19) Building or purchase of vessels for the Coast Guard from proceeds of sales (2s373). U.S.C., title 14, sec. 69.

(20) Rebuilding and improving Coast Guard stations from proceeds of sales (2s363). U.S.C., title 14, sec. 109.

(21) Military post construction fund (8s250). U.S.C., title 10, sec. 1597.

U.S.C., title 32, sec. 47.

(22) National Guard, section 87, National Defense Act (fiscal year) (8–715).

30 Stat. 944; 33 Stat. 211.

(23) Indian-school improvements, Act April 21, 1904 (4x794).

43 Stat. 1101.

(24) Purchase of lands for landless Indians in California, Act March 3, 1925 (4x812).

39 Stat. 868.

(25) Yuma Auxiliary Irrigation Project, Arizona (4s507).

U.S.C., title 48, sec. 39.

(26) Alaskan reindeer fund (4s365).

(27) United States Naval prison activities fund (7s925).

43 Stat. 612, 625.

(28) Injury claims assigned, Veterans' Administration (0s878).

40 Stat. 755.

(29) After June 30, 1936, migratory bird conservation fund (3s362).

40 Stat. 103.

(30) Losses on war-risk insurance of American vessels, their cargoes, and so forth, special fund (0s865).

44 Stat. 1387.

(31) Gas production, helium plants, Bureau of Mines (6s685).

40 Stat. 1322; 43 Stat. 527.

(32) Perry's Victory Memorial (0s727).

41 Stat. 1149.

(33) Inland and Coastwise Waterways Service Fund (8x875).

U.S.C., title 31, sec. 711.

(34) Five Percent Funds to States (4s166).

Permanent appropriations from special funds abolished.

SEC. 5. (a) Effective July 1, 1935, the appropriation accounts appearing on the books of the Government and listed in subsection (b) of this section are abolished, and any unobligated balances under such accounts as of that date shall be covered into the surplus fund of the Treasury. Any appropriations to which expenditures under such accounts have been chargeable theretofore are hereby repealed, effective on such date. To the extent that the annual appropriations, which are hereby authorized to be made from the general fund of the Treasury for the same purposes for which expenditures are now made from said accounts, are insufficient, there are hereby authorized to be appropriated from the general fund of the Treasury such additional amounts as may be necessary, to the extent that the amounts of such receipts are in excess of the amounts appropriated.

Balances covered in.

Sums authorized, equal to receipts plus deficiency, if any.

U.S.C., title 7, sec. 55.

(b) (1) Expenses, Cotton Standards Act (3s535).

U.S.C., title 7, sec. 54.

(2) Classification of cotton, revolving fund (3s320).

46 Stat. 1467.

(3) Extra compensation for overtime, Immigration Service (6s803).

Deposit of Patent Office fees as miscellaneous receipts.

SEC. 6. (a) Effective July 1, 1935, receipts theretofore authorized to be credited to the appropriation accounts appearing on the books of the Government and listed in subsection (b) of this section shall be deposited into the Treasury of the United States as miscellaneous receipts, and there are hereby authorized to be appropriated from the general fund of the Treasury such amounts as may be necessary for the Patent Office: *Provided*, That this paragraph shall be subject to section 18 insofar as such section is applicable to Patent Office fees.

Appropriation authorized.

Proviso. Refunds.

47 Stat. 513.

(b) (1) Salaries and expenses, Patent Office (6s289).

Trust fund accounts.

SEC. 7. (a) Effective July 1, 1935, any balances credited to the following appropriation accounts on the books of the Government and listed in subsection (b) of this section shall be covered into the surplus fund of the Treasury, and any appropriations to which expenditures under such accounts have been chargeable theretofore are hereby repealed. Claims or payments chargeable to said accounts, upon proper audit, shall be certified to Congress for appropriation from the general fund of the Treasury, which is hereby authorized.

R.S., sec. 3689; 30 Stat. 1007.

(b) (1) Prize money to captors (7T987).

R. S. 3689; 30 Stat. 1007.

(2) Prize money to captors, Spanish War (7T988).

(3) Prize money, Battle of Manila Bay (7T986).

(4) Spanish Indemnity, Interest (2T082).

(5) Spanish Indemnity, Principal (2T082.1).

(6) Trust-fund Interest for Support of Free Schools in South Carolina (2T084).

"Recreation fund, Army", abolished.

SEC. 8. Effective July 1, 1935, the appropriation account on the books of the Government entitled "Recreation Fund, Army" (8T078), is abolished and the balance thereof shall be covered into the surplus fund of the Treasury: *Provided*, That an amount equal to the amount so covered into the surplus fund of the Treasury is hereby authorized to be appropriated from the general fund of the Treasury in the event of war, for the recreation, amusement, comfort, contentment and health of the enlisted personnel of the Military Establishment.

Proviso. Use in event of war.

Naval Pension Fund abolished.

SEC. 9. Effective July 1, 1935, (a) the Naval Pension Fund (7t982) is abolished, any unobligated balance therein, as of that date, shall be covered into the surplus fund of the Treasury, and interest on such fund shall cease; (b) moneys theretofore required by law to be paid into such fund shall be deposited into the Treasury of the United States as miscellaneous receipts; and (c) commencing with the fiscal year 1936 annual appropriations in such amounts as may be necessary are authorized from the general fund of the Treasury for the maintenance, operation, and improvement of the Naval Home.

Annual appropriations authorized.

Sundry replacement accounts.

SEC. 10 (a) Effective July 1, 1935, credit shall be made to the replacement accounts appearing in subsection (b) of this section of only such amounts as represent sales of stores, materials and supplies at actual cost to the War Department.

(b) (1) Replacing Army transportation (fiscal year) (8–228). 36 Stat. 257; 38 Stat. 353.

(2) Replacing clothing and equipage (fiscal year) (8–231). 36 Stat. 257; 38 Stat. 353.

(3) Replacing subsistence of the Army (8s666). U.S.C., title 10, sec. 1281.

(4) Replacing regular supplies of the Army (fiscal year) (8–234). 36 Stat. 257; 38 Stat. 353.

(5) Replacing Signal Corps supplies and equipment (fiscal year) (8–545). U.S.C., title 10, sec. 1282.

(6) Replacing medical supplies (fiscal year) (8–511). U.S.C., title 10, sec. 1285.

(7) Replacing engineer equipment of troops (fiscal year) (8–315). U.S.C., title 10, sec. 1284.

(8) Replacing engineer operations in the field (fiscal year) (8–316). U.S.C., title 10, sec. 1284.

(9) Replacing engineer depots (fiscal year) (8–317). U.S.C., title 10, sec. 1284.

(10) Replacing ordnance and ordnance stores (fiscal year) (8–425). U.S.C., title 50, sec. 73.

(11) Replacing barracks and quarters (fiscal year) (8–209). 36 Stat. 257; 38 Stat. 353.

(12) Replacing water and sewers at military posts (fiscal year) (8–233). 36 Stat. 257; 38 Stat. 353.

Receipts from assessments authorized from designated sources covered in.

SEC. 11. Effective July 1, 1935, the amounts received from assessments authorized to be made against the Federal home-loan banks for salaries and expenses of the Federal Home Loan Bank Board, and assessments on carriers under section 14 of the Emergency Railroad Transportation Act of June 16, 1933, shall be covered into the Treasury as miscellaneous receipts. Commencing with the fiscal year 1936 there are authorized to be appropriated annually, from the general fund of the Treasury, such sums as may be necessary to defray the cost of such activities.

Annual appropriations authorized.

Unpaid money orders over a year old.

SEC. 12. Effective July 1, 1935, the appropriation account "Unpaid Money Orders More Than One Year Old", carried on the books of the Government, is hereby abolished, and the balance therein shall be covered into the postal revenues, and any appropriations to which expenditures under such accounts have been chargeable theretofore are hereby repealed. There is hereby authorized to be appropriated from postal revenues such sums as may be necessary to make any expenditures which, but for its abolition, would be chargeable to this account.

Permanent appropriations from District of Columbia revenues.

SEC. 13. (a) Effective July 1, 1935, such portion of any Acts as provide appropriations from the appropriation accounts appearing on the books of the Government and listed in subsection (b) of this section are hereby repealed, and any balances remaining in, or but for this provision would accrue to, such accounts shall be covered into the Treasury of the United States to the credit of the District of Columbia. Any claims accruing on or after July 1, 1935, which but for this section properly would have been charged to these appropriation accounts shall, upon proper audit, be certified to Congress for appropriation, which is hereby authorized.

31 Stat. 845. (b) (1) Militia fund from fines, District of Columbia (DCs592).

29 Stat. 411. (2) Industrial Home School fund, District of Columbia (DCs463).

28 Stat. 257. (3) Sanitary fund, District of Columbia (DCt619).

44 Stat. 1386. (4) New site and buildings, Industrial Home School, District of Columbia (DCs460).

41 Stat. 298. (5) Payment to tenants excess rentals recovered by Rent Commission, District of Columbia (DCs087).

31 Stat. 1251. (6) Escheated estates relief fund, District of Columbia (DCs612).

20 Stat. 102–108. (7) Redemption of tax-lien certificates, District of Columbia (DCt618).

20 Stat. 102–108. (8) Washington special tax fund, District of Columbia (DCt623).

20 Stat. 102–108. (9) Redemption of assessment certificates, District of Columbia (DCt617).

Annual appropriations in lieu.

SEC. 14. (a) On and after July 1, 1935, appropriations for the District of Columbia appearing on the books of the Government and listed in subsection (b) of this section are abolished as such, and so much of the several Acts as provide for such appropriations is amended so as to authorize in lieu thereof annual definite appropriations, estimates for which shall be incorporated in the estimates of annual appropriations for the District of Columbia.

20 Stat. 102–107; 22 Stat. 143. (b) (1) Refunding water rents, and so forth, District of Columbia (DCx602).

18 Stat. 116; 20 Stat. 103. (2) Refunding taxes, District of Columbia (DCx601).

30 Stat. 1345; 36 Stat. 268; 37 Stat. 950. (3) Extension, and so forth, of streets and avenues, District of Columbia (fiscal year) (DC–114).

23 Stat. 316; 39 Stat. 718, 809; 43 Stat. 560; 46 Stat. 839, 1398. (4) Policemen and firemen's relief fund, District of Columbia (DCt614).

"Reserve Material, Navy" account repealed. U.S.C., title 34, sec. 530.

SEC. 15. So much of the Acts of March 4, 1917, and June 15, 1917 (U.S.C., title 34, sec. 530), as provides for the account "Reserve Material, Navy" (7x718), are hereby repealed, and any unexpended balance therein on June 30, 1935, under appropriations provided by such Acts, shall be covered into the surplus fund of the Treasury.

"Pay, miscellaneous, Navy." U.S.C., title 31, sec. 639.

SEC. 16. That portion of the Act of March 3, 1893 (U.S.C., title 31, sec. 644), which provides that "The accounting officers of the Treasury are hereby authorized to credit the appropriation 'Pay, Miscellaneous' with all receipts for interest on the account of the Navy Department with the London fiscal agents, premiums arising from the sales of bills of exchange, and from any depreciation in the value of foreign coin", is hereby repealed, and hereafter such receipts shall be covered into the Treasury as miscellaneous receipts.

Unclaimed moneys of individuals.

SEC. 17. (a) Effective July 1, 1935, the appropriation accounts appearing on the books of the Government and listed in subsection (b) of this section, as well as appropriation accounts bearing similar titles on the books of the Government, are abolished, and any unobligated balances under such accounts as of June 30, 1935, shall be covered into a trust fund receipt account in the Treasury to be designated "Unclaimed Moneys of Individuals Whose Whereabouts Are Unknown." Any appropriations to which expenditures under such accounts have been chargeable theretofore are hereby repealed.

There are authorized to be appropriated, annually, from such account such sums as may be necessary to meet any expenditures of the character now chargeable to the appropriation accounts abolished by this section. The Secretary of the Treasury or the Commissioners of the District of Columbia, as the case may be, shall submit with their annual estimates of appropriations an amount necessary to meet expenditures properly chargeable to this account.

Annual appropriations authorized.

Estimates to be submitted.

(b) (1) Unclaimed moneys, Food Administration (0t548).

(2) Unclaimed moneys of individuals whose whereabouts are unknown (Veterans' Administration) (0t881).

(3) Unclaimed moneys of former patients, Veterans' Administration hospital (0t879).

(4) Unclaimed moneys of individuals whose whereabouts are unknown (relief of American citizens in Europe) (0t542).

(5) Unclaimed moneys of individuals whose whereabouts are unknown (Interior, civil) (4t033).

(6) Unclaimed moneys of individuals whose whereabouts are unknown (Justice) (1t755).

(7) Unclaimed moneys of individuals whose whereabouts are unknown (Labor) (6t750).

(8) Unclaimed moneys of individuals whose whereabouts are unknown (Navy) (7t978).

(9) Unclaimed moneys of individuals whose whereabouts are unknown (State) (1t554).

U.S.C., title 31, sec. 547.

(10) Unclaimed moneys of individuals whose whereabouts are unknown (Treasury) (2t080).

(11) Unclaimed moneys of individuals whose whereabout are unknown (War) (8t117).

(12) Unclaimed individual Indian moneys (5t009).

(13) Unclaimed funds of discharged patients, Saint Elizabeths Hospital (4t548).

(14) Return of unclaimed money deposited by clerks of courts (1x792).

U.S.C., title 28, sec. 852; title 18, sec. 570.

(15) Outstanding liabilities, lands (4t184).

U.S.C., title 43, sec. 91, 92, 99.

(16) Return of subscriptions to Liberty Bond issues placed through American consulates (1T631).

(17) Return of subscriptions to Liberty Bond issues by civilian employees of Naval Establishment (7t979).

(18) Refund to depositors, excess licenses, under section 10 (c), Trading with the Enemy Act (0T523).

42 Stat. 410.

(19) Return of subscriptions to Liberty Bond issues placed through the postmaster at Philadelphia, Pennsylvania (9t340).

(20) Unclaimed funds of Federal prisoners (1t952).

(21) Rosa Goldman—cash bail exacted (6T472).

(22) Unclaimed funds of Jei Bei Ota, deceased Japanese alien (6T473).

Refunding moneys erroneously received.

SEC. 18. (a) Effective July 1, 1935, the appropriation accounts appearing on the books of the Government and listed in subsection (b) of this section, as well as appropriation accounts bearing similar titles on the books of the Government, are abolished, and any unobligated balances under such accounts as of June 30, 1935, shall be covered into the surplus fund of the Treasury. Any appropriations, to which expenditures under such accounts have been chargeable theretofore, are repealed. On July 1, 1935, there shall be established on the books of the Government an account to be designated "Refund of Moneys Erroneously Received and Covered", and there is authorized to be appropriated such sums as may be necessary to meet any expenditures of the character now chargeable to the appropriation accounts herein abolished and other collections erroneously

Various appropriations for, repealed.

Annual appropriation established to pay all refunds from one fund.

Estimates to be submitted.

Proviso
Limitation.

received and covered which are not properly chargeable to any other appropriation. The Secretary of the Treasury shall submit with his annual estimates of appropriations an amount necessary to meet expenditures properly chargeable to this account: *Provided*, That this authority shall not be deemed to apply to any refunds which, under existing law, may be charged to any accounts for which separate provision is made in this Act.

U.S.C., title 31, sec. 711.

(b) (1) Refunding moneys erroneously received and covered (Navy) (7x972).

U.S.C., title 26, secs. 377, 788.

(2) Refunding moneys erroneously received and covered (Industrial Alcohol) (2x445).

U.S.C., title 31, secs. 711–713.

(3) Refunding moneys erroneously received and covered (War) (8x191).

U.S.C., title 31, sec. 711.

(4) Refunding moneys erroneously received and covered (State) (1x552).

U.S.C., title 31, sec. 711.

(5) Refunding moneys erroneously received and covered (Customs) (2x323).

U.S.C., title 31, sec. 711.

(6) Refunding moneys erroneously received and covered (Treasury) (2x088).

U.S.C., title 31, sec. 711.

(7) Refunding moneys erroneously received and covered (Justice) (1x791).

U.S.C., title 31, sec. 711.

(8) Refunding moneys erroneously received and covered (Commerce) (6x050).

U.S.C., title 31, sec. 711.

(9) Refunding moneys erroneously received and covered (Agriculture) (3x010).

U.S.C., title 31, sec. 711.

(10) Refunding moneys erroneously received and covered (Labor) (6x741).

U.S.C., title 31, sec. 711.

(11) Refunding moneys erroneously received and covered (Interior) (4x032).

39 stat. 286.

(12) Refund of tonnage taxes and light dues to citizens of Philippine Islands (6x053).

U.S.C., title 22, sec. 216.

(13) Refunding passport fees (1x551).

U.S.C., title 31, sec. 711; title 43, secs. 95–97, 263.

(14) Repayment for lands erroneously sold (4x161).

U.S.C., title 18, sec. 643.

(15) Refunding penalties or charges erroneously exacted (Customs) (2x325).

U.S.C., title 18, sec. 643.

(16) Refunding penalties or charges erroneously exacted (State) (1x552).

U.S.C., title 5, sec. 600; title 18, sec. 643.

(17) Refunding penalties or charges erroneously exacted (Commerce) (6x052).

U.S.C., title 16, sec. 499.

(18) Refund to depositors, excess of deposits, national-forests fund (3x208).

U.S.C., title 31, sec. 711.

(19) Refunding moneys erroneously received and covered (Internal Revenue) (2x434).

Trust fund accounts established for sums held by disbursing offices.

SEC. 19. Effective July 1, 1935, moneys received as Patent Office fees; unearned moneys, lands (Interior Department); reentry permit fees (Labor Department); naturalization fees (Labor Department); and registry fees (Labor Department); and held in the official checking accounts of disbursing officers, shall be deposited in the Treasury of the United States to appropriately designated trust-fund receipt accounts and shall be available for refunds, and for transfer of the earned portions thereof into appropriate receipt fund titles on the books of the Government: *Provided*, That donations, quasi-public and unearned moneys carried in official checking accounts of disbursing officers and of others required to account to the Comptroller General (including clerks and marshals of the United States District Courts), administered by officers of the United States by virtue of their official capacity, shall be deposited similarly into the Treasury as trust funds and are hereby appropriated and made available for disbursement under the terms of the trust.

Proviso.
Deposit of unearned moneys carried in disbursing clerk's checking account.

SEC. 20. (a) The funds appearing on the books of the Government and listed in subsections (b) and (c) of this section shall be classified on the books of the Treasury as trust funds. All moneys accruing to these funds are hereby appropriated, and shall be disbursed in compliance with the terms of the trust. Hereafter moneys received by the Government as trustee analogous to the funds named in subsections (b) and (c) of this section, not otherwise herein provided for, except moneys received by the Comptroller of the Currency or the Federal Deposit Insurance Corporation, shall likewise be deposited into the Treasury as trust funds with appropriate title, and all amounts credited to such trust-fund accounts are hereby appropriated and shall be disbursed in compliance with the terms of the trust: *Provided*, That, effective July 1, 1935, expenditures from the trust fund "Soldiers' Home, Permanent Fund" (8t184) shall be made only in pursuance of appropriations annually made by Congress, and such appropriations are hereby authorized: *Provided further*, That personal funds of deceased inmates, Naval Home, now deposited with the pay officer of the Naval Home, shall be deposited in the Treasury to the credit of the trust fund account "Personal Funds of Deceased Inmates, Naval Home" (7t989): *Provided further*, That on June 30 of each year there shall be transferred to the trust fund receipt account directed to be established in section 17 of this Act, such portion of the balances in any trust-fund account hereinbefore or hereafter listed or established, except the balances in the accounts listed in subsection (c) of this section, which have been in any such fund for more than one year and represent moneys belonging to individuals whose whereabouts are unknown, and subsequent claims therefor shall be disbursed from the trust fund receipt account "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown", directed to be established in section 17 of this Act.

Certain funds established as trust fund accounts.

Disbursement.

Funds received analogous to trust funds.

Provisos.
Disbursement of "Soldiers' Home, Permanent Fund."

Disposition of funds of deceased inmates, Naval Home.

Yearly transfers of sums in trust funds representing moneys of persons whose whereabouts are unknown.

(1) Philippine special fund (Customs duties) (2s332). 36 Stat. 84; 46 Stat. 685.
(2) Philippine special fund (Internal Revenue) (2s443). U.S.C., Supp. VII, title 19, sec. 1301.
(3) Unclaimed condemnation awards, Treasury Department (2t921). U.S.C., title 40, sec. 120.
(4) Naval reservation, Olangapo civil fund (7s967).
(5) Personal funds of deceased inmates, Naval Home (7t989). 38 Stat. 398.
(6) Return to deported aliens of passage money collected from steamship companies (6t749). U.S.C., title 8, sec. 216.
(7) Vocational rehabilitation, special fund (0c980). 40 Stat. 619, 1179; 43 Stat. 611.
(8) Library of Congress gift fund (0c260). 30 Stat. 751; 37 Stat. 319; 43 Stat. 788.
(9) Library of Congress trust fund, investment account (0c249). U.S.C., title 2, sec. 157.
(10) Library of Congress trust fund, income from investment account (0c246). U.S.C., title 2, sec. 157.
(11) Library of Congress trust fund, permanent loan (0c248). U.S.C., title 2, sec. 158.
(12) Relief and rehabilitation, Longshoremen's and Harbor Workers' Compensation Act (0t476). U.S.C., Supp. VII, title 33, secs. 908, 944.
(13) Cooperative work, Forest Service (3c209). 47 Stat. 625.
(14) Wages and effects of American seamen, Department of Commerce (6t055). 34 Stat. 684; 47 Stat. 628.
(15) Pension money, Saint Elizabeths Hospital (4t545). U.S.C., title 24, sec. 165.
(16) Personal funds of patients, Saint Elizabeths Hospital (4t546). U.S.C., title 24, sec. 165.
(17) National Park Service, donations (4c470). U.S.C., title 16, sec. 6.
(18) Purchase of lands, national parks, donations (4c408). 44 Stat. 966; 45 Stat. 237, 1600.
(19) Extension of winter-feed facilities of game animals of Yellowstone National Park, donations (4c410). 45 Stat. 237, 1600.
(20) Indian moneys, proceeds of labor, agencies, schools, and so forth (5t301). U.S.C., Supp. VII, title 16, sec. 37.
(21) Funds of Federal prisoners (1t951). 22 Stat. 500; 46 Stat. 584.

U.S.C., title 34, secs. 933, 934.
U.S.C., title 34, sec. 933.
U.S.C., title 34, sec. 975.
U.S.C., title 10, sec. 906.
39 Stat. 385.
U.S.C., Supp. VII, title 33, sec. 560.
45 Stat. 539; U.S.C., Supp. VII, sec. 704.
R.S., sec. 306.
U.S.C., title 43, sec. 39.
46 Stat. 379.
46 Stat. 379.
U.S.C., title 24, sec. 711.
44 Stat. 1093; U.S.C., Supp. VII, title 16, sec. 425 (e).
U.S.C., Supp. VII, title 16, sec. 423 (d).
45 Stat. 491.
45 Stat. 75, 1106.
29 Stat. 32.
29 Stat. 32.
45 Stat. 1509.
U.S.C., title 24, secs. 111, 136, 139.
U.S.C., title 31, sec. 711; title 43, sec. 760.
U.S.C., title 31, sec. 711; title 43, sec. 760.
U.S.C., title 31, sec. 711; title 43, sec. 760.
U.S.C., title 48, sec. 327.
44 Stat. 617.
20 Stat. 103; 32 Stat. 635.
28 Stat. 247.
U.S.C., title 40, sec. 120.
U.S.C., title 40, sec. 120.
20 Stat. 102; 33 Stat. 368.
19 Stat. 398; 20 Stat. 103.
U.S.C., Supp. VII, title 33, secs. 908, 944.
45 Stat. 1290.
U.S.C., title 31, sec. 711; title 24, sec. 44.
43 Stat. 788.
37 Stat. 319; 30 Stat. 751.
U.S.C., title 26, sec. 1164.

(22) Commissary funds, Federal prisons (1t953).
(23) Pay of the Navy, deposit fund (7t980).
(24) Pay of Marine Corps, deposit fund (7t981).
(25) Pay of the Army, deposit fund (8t183).
(26) Preservation birthplace of Abraham Lincoln (4c395).
(27) Funds contributed for flood control, Mississippi River, its outlets and tributaries (8c961.86).
(28) Funds contributed for flood control, Sacramento River, California (8c946.54).
(29) Effects of deceased employees, Treasury Department (2t089).
(30) Money and effects of deceased patients, Public Health Service (2t607).
(31) Effects of deceased employees, Department of Commerce (6t054).
(32) Topographic survey of the United States, contributions (6c303).
(33) National Institute of Health, gift fund (2c616).
(34) National Institute of Health, conditional gift fund (2c617).
(35) Patients' deposits, United States Marine Hospital, Carville, Louisiana (2t623).
(36) Estates of deceased personnel, War Department (8t180).
(37) Effects of deceased employees, Department of Interior (4t029).
(38) Fredericksburg and Spotsylvania County Battlefields memorial fund (8c813).
(39) Petersburg National Military Park fund (8c814).
(40) Gorgas memorial laboratory quotas (1c304).
(41) Contributions to International Boundary Commission, United States and Mexico (1c398).
(42) Salvage proceeds, American vessels (1t581).
(43) Wages due American seamen (1t630).
(44) Federal Industrial Institution for Women, contributions for chapel (1c948).
(45) General post fund, National Homes, Veterans' Administration (0t930).
(46) Repatriation of American seamen (1s555).
(47) Expenses, public survey work, general (4s172).
(48) Expenses, public survey work, Alaska (4s173).
(49) Funds contributed for improvement of roads, bridges, and trails, Alaska (4c528).
(50) Protective works and measures, Lake of the Woods and Rainy River, Minnesota (8s863).
(51) Washington redemption fund (DCt622).
(52) Permit fund, District of Columbia (DCt615).
(53) Unclaimed condemnation awards, National Capital Park and Planning Commission, District of Columbia (DCt629).
(54) Unclaimed condemnation awards, Rock Creek and Potomac Parkway Commission, District of Columbia (DCt620).
(55) Miscellaneous trust-fund deposits, District of Columbia (DCt613).
(56) Surplus fund, District of Columbia (DCt621).
(57) Relief and rehabilitation, District of Columbia Workmen's Compensation Act (DCt604).
(58) Inmates' fund, workhouse and reformatory, District of Columbia (DCt605).
(59) Soldiers' Home, permanent fund (8t184).
(60) Chamber Music Auditorium, Library of Congress (0s259).
(61) Bequest of Gertrude Hubbard (0t256).
(62) Puerto Rico special fund (Internal Revenue).

(63) Miscellaneous trust funds, Department of State. U.S.C., title 31, sec. 547.
(64) Funds contributed for improvement of (name of river or harbor). 37 Stat. 827; 38 Stat. 1053.
(65) Funds advanced for improvement of (name of river or harbor). U.S.C., title 33, sec. 561.
(66) Funds contributed for Indian projects. 21 Stat. 70; 34 Stat. 1221; 39 Stat. 158.
(67) Miscellaneous trust funds of Indian tribes. U.S.C., title 34, secs. 533, 542.
(68) Ship's stores profits, Navy (7s985). 47 Stat. 424.
(69) Completing Surveys within Railroad Land Grants (4t186). U.S.C., title 43, sec. 908.
(70) Memorial to Women of World War, Contributions (0c075). 43 Stat. 665.
(71) Funds contributed for Memorial to John Ericsson (0s163). 39 Stat. 671; 40 Stat. 126.
(72) American National Red Cross Building, Contributions (0c426). 46 Stat. 66.
(73) Estates of Decedents, Department of State, Trust Fund (1t580). U.S.C., title 22, sec. 75.
(74) Funds due Incompetent Beneficiaries, Veterans' Administration (0t852).
(75) To promote the Education of the Blind (principal) (2t092).
(76) Paving Government Road across Fort Sill Military Reservation, Okla. (8c664). 46 Stat. 1423.
(77) Bequest of William F. Edgar, Museum and Library, office of Surgeon General of the Army (8c504).
(78) Funds Contributed for Flood Control (name of river, harbor, or project). 37 Stat. 827; 38 Stat. 1053.
(79) Matured obligations of the District of Columbia (2t070). 33 Stat. 574.
(80) Naval hospital fund (7s815). U.S.C., title 24, secs. 3-6.
(81) Navy fines and forfeitures (7s984). U.S.C., title 34, sec. 962.
(82) To promote the education of the blind (interest) (2x093). U.S.C., title 20, sec. 101.
(83) Soldiers' Home, interest account (8x185). U.S.C., title 31, sec. 711; title 24, sec. 44.
(c) (1) United States Government life insurance fund, Veterans' Administration (0t875). U.S.C., title 38, secs. 443, 513.
(2) Estates of deceased soldiers, United States Army (8t189). U.S.C., title 24, sec. 711.
(3) Teachers' Retirement Fund Deductions, District of Columbia (DCt624). 41 Stat. 387, 852; 44 Stat. 727.
(4) Teachers Retirement Fund, Government Reserves, District of Columbia (DCt627). 44 Stat. 729.
(5) Expenses of Smithsonian Institution Trust Fund (principal) (0t596). U.S.C., title 20, secs. 54; title 31, sec. 711.
(6) Civil Service Retirement and Disability Fund (0t843). U.S.C., title 5, sec. 719.
(7) Canal Zone Retirement and Disability Fund (0t850).
(8) Foreign Service Retirement and Disability Fund (1t560). U.S.C., Supp. VII, title 22, sec. 21.

Trust fund account established for Government checks more than one year old.

SEC. 21. Hereafter all checks drawn on the Treasurer of the United States, except those issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, shall be payable only until the close of the fiscal year next following the fiscal year in which such checks were issued, and the amounts of all such checks properly due and payable which have not been presented for payment within such period shall be deposited into the Treasury to the credit of a trust fund account entitled "Outstanding Liabilities (fiscal year)", designated by fiscal years in which the checks were issued. The balances in the oustanding liabilities account now carried on the books of the Government, representing the amounts of unclaimed checks, shall be transferred to the account "Outstanding Liabilities, 1934", and any balances remaining therein, or in any succeeding fiscal year account, unclaimed for two fiscal years after the deposit therein shall be covered into the surplus fund of the Treasury: *Provided*, That the balances to the credit of the outstanding liabilities account of any fiscal year which has not been covered into the surplus fund of the Treasury shall be

If unclaimed in two years, to be covered in.

Proviso.
Sums so credited, available for paying claims of balances, etc.

available to pay claims on account of any check, the amount of which has been included in any balance so covered into the surplus fund.

Advances for land surveys. U.S.C., title 43, sec. 863.

SEC. 22. So much of the Act of August 18, 1894 (U.S.C., title 43, sec. 863), as authorizes the Governors of the States therein named to advance money from time to time for the survey of certain townships located within such States, which money shall be reimbursable, is hereby repealed.

Moneys in U.S. court registries.

SEC. 23. Moneys in, or payable into, the registry of any United States court, in the discretion of the court, may be deposited in official checking accounts with the Treasurer of the United States, subject to disbursement on order approved by the court.

Survey of certain accounts to be made by Comptroller General.

SEC. 24. The Comptroller General of the United States shall cause a survey to be made of all inactive and permanent appropriations and/or funds on the books of the Government and also funds in the official custody of officers and employees of the United States, in which the Government is financially concerned, for which no accounting is rendered to the General Accounting Office; and he shall submit to the Congress annually, in a special report, his recommendations for such changes in existing law relating thereto as, in his judgment, may be in the public interest.

Report to Congress.

Existing provisions not affected.

SEC. 25. The provisions of this Act shall not be construed to alter or amend any existing authorization for an appropriation.

Saving clause.

SEC. 26. All Acts and/or parts of Acts inconsistent or in conflict with the provisions of this Act are hereby repealed to the extent of such inconsistency or conflict.

Short title.

SEC. 27. The short title of this Act shall be the "Permanent Appropriation Repeal Act, 1934."

Approved, June 26, 1934.

[CHAPTER 757.]

AN ACT

June 26, 1934.
[H.R. 9741.]
[Public, No. 474.]

To provide for the taxation of manufacturers, importers, and dealers in certain firearms and machine guns, to tax the sale or other disposal of such weapons, and to restrict importation and regulate interstate transportation thereof.

National Firearms Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of this Act—

Limitation of terms for purposes of Act.

"Firearm."

(a) The term "firearm" means a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition.

"Machine gun."

(b) The term "machine gun" means any weapon which shoots, or is designed to shoot, automatically or semiautomatically, more than one shot, without manual reloading, by a single function of the trigger.

"Person."

(c) The term "person" includes a partnership, company, association, or corporation, as well as a natural person.

"Continental United States."

(d) The term "continental United States" means the States of the United States and the District of Columbia.

"Importer."

(e) The term "importer" means any person who imports or brings firearms into the continental United States for sale.

"Manufacturer."

(f) The term "manufacturer" means any person who is engaged within the continental United States in the manufacture of firearms, or who otherwise produces therein any firearm for sale or disposition.

(g) The term "dealer" means any person not a manufacturer or importer engaged within the continental United States in the business of selling firearms. The term "dealer" shall include wholesalers, pawnbrokers, and dealers in used firearms. "Dealer." Exceptions.

(h) The term "interstate commerce" means transportation from any State or Territory or District, or any insular possession of the United States (including the Philippine Islands), to any other State or to the District of Columbia. "Interstate commerce."

(i) The term "Commissioner" means the Commissioner of Internal Revenue. "Commissioner."

(j) The term "Secretary" means the Secretary of the Treasury. "Secretary."

(k) The term "to transfer" or "transferred" shall include to sell, assign, pledge, lease, loan, give away, or otherwise dispose of. "To transfer" or "transferred."

SEC. 2. (a) Within fifteen days after the effective date of this Act, or upon first engaging in business, and thereafter on or before the 1st day of July of each year, every importer, manufacturer, and dealer in firearms shall register with the collector of internal revenue for each district in which such business is to be carried on his name or style, principal place of business, and places of business in such district, and pay a special tax at the following rates: Importers or manufacturers, $500 a year; dealers, other than pawnbrokers, $200 a year; pawnbrokers, $300 a year. Where the tax is payable on the 1st day of July in any year it shall be computed for one year; where the tax is payable on any other day it shall be computed proportionately from the 1st day of the month in which the liability to the tax accrued to the 1st day of July following. Registration requirements. Taxes. Fractional parts of year.

(b) It shall be unlawful for any person required to register under the provisions of this section to import, manufacture, or deal in firearms without having registered and paid the tax imposed by this section. Failure to register and pay tax unlawful.

SEC. 3. (a) There shall be levied, collected, and paid upon firearms transferred in the continental United States a tax at the rate of $200 for each firearm, such tax to be paid by the transferor, and to be represented by appropriate stamps to be provided by the Commissioner, with the approval of the Secretary; and the stamps herein provided shall be affixed to the order for such firearm, hereinafter provided for. The tax imposed by this section shall be in addition to any import duty imposed on such firearm. Transfer tax; stamps.

(b) All provisions of law (including those relating to special taxes, to the assessment, collection, remission, and refund of internal revenue taxes, to the engraving, issuance, sale, accountability, cancelation, and distribution of tax-paid stamps provided for in the internal-revenue laws, and to penalties) applicable with respect to the taxes imposed by section 1 of the Act of December 17, 1914, as amended (U.S.C., Supp. VII, title 26, secs. 1040 and 1383), and all other provisions of the internal-revenue laws shall, insofar as not inconsistent with the provisions of this Act, be applicable with respect to the taxes imposed by this Act. Applicable administrative provisions of narcotic tax law to govern. Vol. 38, p. 785; Vol. 44, p. 92. U.S.C., Supp. VII, pp. 592, 644.

(c) Under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe, and upon proof of the exportation of any firearm to any foreign country (whether exported as part of another article or not) with respect to which the transfer tax under this section has been paid by the manufacturer, the Commissioner shall refund to the manufacturer the amount of the tax so paid, or, if the manufacturer waives all claim for the amount to be refunded, the refund shall be made to the exporter. Refund, if for exportation.

SEC. 4. (a) It shall be unlawful for any person to transfer a firearm except in pursuance of a written order from the person seeking to obtain such article, on an application form issued in Unlawful transfers.

blank in duplicate for that purpose by the Commissioner. Such order shall identify the applicant by such means of identification as may be prescribed by regulations under this Act: *Provided*, That, if the applicant is an individual, such identification shall include fingerprints and a photograph thereof.

Proviso. Identification.

Preparation and distribution of forms.

(b) The Commissioner, with the approval of the Secretary, shall cause suitable forms to be prepared for the purposes above mentioned, and shall cause the same to be distributed to collectors of internal revenue.

Identifying marks, etc., to be indicated in orders.

(c) Every person so transferring a firearm shall set forth in each copy of such order the manufacturer's number or other mark identifying such firearm, and shall forward a copy of such order to the Commissioner. The original thereof with stamps affixed, shall be returned to the applicant.

Transferor to transfer stamp-affixed order for each prior transfer.

(d) No person shall transfer a firearm which has previously been transferred on or after the effective date of this Act, unless such person, in addition to complying with subsection (c), transfers therewith the stamp-affixed order provided for in this section for each such prior transfer, in compliance with such regulations as may be prescribed under this Act for proof of payment of all taxes on such firearms.

Notice to Commissioner of transfers exempted.

(e) If the transfer of a firearm is exempted from the provisions of this Act as provided in section 13 hereof, the person transferring such firearm shall notify the Commissioner of the name and address of the applicant, the number or other mark identifying such firearm, and the date of its transfer, and shall file with the Commissioner such documents in proof thereof as the Commissioner may by regulations prescribe.

Registered importers, etc.

(f) Importers, manufacturers, and dealers who have registered and paid the tax as provided for in section 2(a) of this Act shall not be required to conform to the provisions of this section with respect to transactions in firearms with dealers or manufacturers if such dealers or manufacturers have registered and have paid such tax, but shall keep such records and make such reports regarding such transactions as may be prescribed by regulations under this Act.

Possessors of firearms to register with collector within 60 days.

SEC. 5. (a) Within sixty days after the effective date of this Act every person possessing a firearm shall register, with the collector of the district in which he resides, the number or other mark identifying such firearm, together with his name, address, place where such firearm is usually kept, and place of business or employment, and, if such person is other than a natural person, the name and home address of an executive officer thereof: *Provided*, That no person shall be required to register under this section with respect to any firearm acquired after the effective date of, and in conformity with the provisions of, this Act.

Proviso. Acquisitions after effective date need not be registered.

Prosecutions. Presumption raised by possession.

(b) Whenever on trial for a violation of section 6 hereof the defendant is shown to have or to have had possession of such firearm at any time after such period of sixty days without having registered as required by this section, such possession shall create a presumption that such firearm came into the possession of the defendant subsequent to the effective date of this Act, but this presumption shall not be conclusive.

Unlawfully receiving or possessing.

SEC. 6. It shall be unlawful for any person to receive or possess any firearm which has at any time been transferred in violation of section 3 or 4 of this Act.

Seizure and forfeiture.

SEC. 7. (a) Any firearm which has at any time been transferred in violation of the provisions of this Act shall be subject to seizure and

forfeiture, and (except as provided in subsection (b)) all the provisions of internal-revenue laws relating to searches, seizures, and forfeiture of unstamped articles are extended to and made to apply to the articles taxed under this Act, and the persons to whom this Act applies.

Provisions of internal-revenue laws extended.

(b) In the case of the forfeiture of any firearm by reason of a violation of this Act: No notice of public sale shall be required; no such firearm shall be sold at public sale; if such firearm is in the possession of any officer of the United States except the Secretary, such officer shall deliver the firearm to the Secretary; and the Secretary may order such firearm destroyed or may sell such firearm to any State, Territory, or possession (including the Philippine Islands), or political subdivision thereof, or the District of Columbia, or retain it for the use of the Treasury Department or transfer it without charge to any Executive department or independent establishment of the Government for use by it.

Sale, etc., forbidden.

Disposition of.

SEC. 8. (a) Each manufacturer and importer of a firearm shall identify it with a number or other identification mark approved by the Commissioner, such number or mark to be stamped or otherwise placed thereon in a manner approved by the Commissioner.

Identification marks.

(b) It shall be unlawful for anyone to obliterate, remove, change, or alter such number or other identification mark. Whenever on trial for a violation of this subsection the defendant is shown to have or to have had possession of any firearm upon which such number or mark shall have been obliterated, removed, changed, or altered, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant explains such possession to the satisfaction of the jury.

Obliteration, etc., unlawful.

Possession of, deemed sufficient evidence for conviction.

Exception.

SEC. 9. Importers, manufacturers, and dealers shall keep such books and records and render such returns in relation to the transactions in firearms specified in this Act as the Commissioner, with the approval of the Secretary, may by regulations require.

Importers, manufacturers, etc., required to keep records.

SEC. 10. (a) No firearm shall be imported or brought into the United States or any territory under its control or jurisdiction (including the Philippine Islands), except that, under regulations prescribed by the Secretary, any firearm may be so imported or brought in when (1) the purpose thereof is shown to be lawful and (2) such firearm is unique or of a type which cannot be obtained within the United States or such territory.

Regulation of traffic in firearms in places under control of United States.

(b) It shall be unlawful (1) fraudulently or knowingly to import or bring any firearm into the United States or any territory under its control or jurisdiction (including the Philippine Islands), in violation of the provisions of this Act; or (2) knowingly to assist in so doing; or (3) to receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of any such firearm after being imported or brought in, knowing the same to have been imported or brought in contrary to law. Whenever on trial for a violation of this section the defendant is shown to have or to have had possession of such firearm, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant explains such possession to the satisfaction of the jury.

Unlawful acts.
Fraudulent importations, possession, etc.

Receiving, concealing, etc.

Possession deemed sufficient evidence for conviction; exception.

SEC. 11. It shall be unlawful for any person who is required to register as provided in section 5 hereof and who shall not have so registered, or any other person who has not in his possession a stamp-affixed order as provided in section 4 hereof, to ship, carry, or deliver any firearm in interstate commerce.

Transportation in interstate commerce.

Rules, etc., to be prescribed.

SEC. 12. The Commissioner, with the approval of the Secretary, shall prescribe such rules and regulations as may be necessary for carrying the provisions of this Act into effect.

Transfers, when provisions not applicable.

SEC. 13. This Act shall not apply to the transfer of firearms (1) to the United States Government, any State, Territory, or possession of the United States, or to any political subdivision thereof, or to the District of Columbia; (2) to any peace officer or any Federal officer designated by regulations of the Commissioner; (3) to the transfer of any firearm which is unserviceable and which is transferred as a curiosity or ornament.

Penalty provision.

SEC. 14. Any person who violates or fails to comply with any of the requirements of this Act shall, upon conviction, be fined not more than $2,000 or be imprisoned for not more than five years, or both, in the discretion of the court.

Excise taxes. Firearms herein defined exempt from. Vol. 44, p. 93; Vol. 47, p. 264. U.S.C., Supp. VII, p. 604.

SEC. 15. The taxes imposed by paragraph (a) of section 600 of the Revenue Act of 1926 (U.S.C., Supp. VII, title 26, sec. 1120) and by section 610 of the Revenue Act of 1932 (47 Stat. 169, 264), shall not apply to any firearm on which the tax provided by section 3 of this Act has been paid.

Saving clause.

SEC. 16. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Effective date.

SEC. 17. This Act shall take effect on the thirtieth day after the date of its enactment.

Citation of title.

SEC. 18. This Act may be cited as the "National Firearms Act."

Approved, June 26, 1934.

[CHAPTER 758.]

AN ACT

June 26, 1934. [H.R. 9769.] [Public, No. 475.]

To amend the Act of June 19, 1930 (46 Stat. 788), entitled "An Act providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes."

Choctaw and Chickasaw Indians, Okla. Vol. 46, p. 788. Sales of coal and asphalt deposits authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 19, 1930 (46 Stat. 788), entitled "An Act providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes", is hereby amended so as to permit the Secretary of the Interior, in his discretion, to sell under the provisions of said Act the coal and asphalt deposits referred to therein in tracts of less than nine hundred and sixty acres where such smaller tract or acreage adjoins a developed tract on which active mining operations are being conducted and is needed by the operator in further developing the existing mine: *Provided*, That where the sale of such smaller tract or acreage is not deemed advisable, the Secretary of the Interior may in his discretion, lease said tract under the same terms and conditions as developed tracts are leased under the Act of April 21, 1932 (47 Stat. 88), with the exception that the minimum tonnage requirement contained therein is hereby waived as to leases on such small tracts.

Proviso. Leases.

Vol. 47, p. 89. Minimum tonnage requirement waived.

Approved, June 26, 1934.

CHAPTER 759.]

AN ACT

To amend the Agricultural Adjustment Act with respect to the processing tax on hogs.

June 26, 1934.
[H.R. 9829.]
[Public, No. 476.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (I) section 16 of the Agricultural Adjustment Act is amended by adding thereto the following new section:

Agricultural Adjustment Act amendment.
Ante, p. 40.

"(C) Upon the sale or other disposition of any article processed wholly or in chief value from any commodity with respect to which the existing rate of the processing tax is to be increased, or decreased, that on the date such increase, or decrease, first takes effect with respect to the commodity, is held for sale or other disposition (including articles in transit) by any person, and upon the production of any article from a commodity in process on the date on which the rate of the processing tax is to be increased or decreased, there shall be made a tax adjustment as follows:

Processing tax on hogs.
Tax adjustments.

"(1) Whenever the rate of the processing tax on the processing of the commodity generally or for any designated use or uses, or as to any designated product or products thereof for any designated use or uses, or as to any class of products, is decreased, there shall be credited or refunded to such person an amount equivalent to the difference between the rate of the processing tax payable or paid at the time immediately preceding the decrease in rate and the rate of the processing tax which would have been payable with respect to the commodity from which processed, if the processing had occurred on such date: *Provided, however*, That no such credit or refund shall be made unless the rate of the processing tax immediately preceding said decrease is equal to, or less than, the rate of the processing tax in effect on the date on which any floor stocks tax was paid prior to the adoption of this amendment.

Adjustment when tax rate is decreased.

Proviso.
Condition.

"(2) Whenever the rate of the processing tax on the processing of the commodity generally, or for any designated use or uses, or as to any designated product or products thereof for any designated use or uses, or as to any class of products, is increased, there shall be levied, assessed and collected a tax to be paid by such person equivalent to the difference between the rate of the processing tax payable or paid at the time immediately preceding the increase in rate and the rate of the processing tax which would be payable with respect to the commodity from which processed, if the processing had occurred on such date.

When increased.

"(3) Whenever the processing tax is suspended or is to be refunded pursuant to a certification of the Secretary of Agriculture to the Secretary of the Treasury, under section 15 (a) of this Act, the provisions of subdivision (1) of subsection (c) of this section shall become applicable.

When tax is suspended or to be refunded, provisions governing.
Ante, p. 39.

"(4) Whenever the Secretary of Agriculture revokes any certification to the Secretary of the Treasury under section 15 (a) of this Act, the provisions of subdivision (2) of subsection (c) shall become applicable.

Revocation of certificate.

"(5) The provisions of this amendment shall be effective on and after June 1, 1934."

Effective date.

(II) Section 15 (a) of the Agricultural Adjustment Act, as amended, is amended to read as follows:

Ante, p. 39.

"(a) If at any time the Secretary of Agriculture finds, upon investigation and after due notice and opportunity for hearing to interested parties, that any class of products of any commodity is of such low value, considering the quantity of the commodity used

Commodities of low value.

Effect of tax upon, to be studied.

for their manufacture, that the imposition of the processing tax would prevent in whole or in large part the use of the commodity in the manufacture of such products and thereby substantially reduce consumption and increase the surplus of the commodity, then the Secretary of Agriculture shall so certify to the Secretary of the Treasury, specifying whether such result will in his judgment most

Suspension, etc.

effectively be prevented by a suspension of the imposition of the processing tax or a refund of the tax paid, with respect to such amount of the commodity or any product thereof as is used in the manufacture of such products, and thereafter, as shall be specified in such certification, (1) the imposition of the processing tax shall be suspended with respect to such amount of the commodity as is used in the manufacture of such products, and thereafter, as shall be

Temporary suspension, pending further investigation.

specified in such certification, (2) the imposition of the processing tax shall be suspended with respect to such amount of the commodity as is used in the manufacture of such products until such time as the Secretary of Agriculture, after further investigation and due notice and opportunity for hearing to interested parties, revokes

Refunds.

his certification to the Secretary of the Treasury, or (3) the Secretary of the Treasury shall refund (in accordance with the provisions of, to such persons and in such manner as shall be specified in, such certification) the amount of any tax paid (prior to the date of any revocation by the Secretary of Agriculture of his certification to the Secretary of the Treasury, upon further investigation and after due notice and opportunity for hearing to interested parties) under this title with respect to such amount of the commodity or any product thereof as is used after the date of such certification in the manufacture of such products."

Ante, p. 36, repealed.

SEC. 2. (a) Paragraph (4) of subsection (d) of section 9 of the Agricultural Adjustment Act, as amended, is repealed.

Ante, pp. 528, 675.

(b) Paragraph (7) of subsection (d) of such section 9 is amended to read as follows:

Definition of "processing" as applied to other commodities.

"(7) In the case of any other commodity, the term 'processing' means any manufacturing or other processing involving a change in the form of the commodity or its preparation for distribution or use, as defined by regulations of the Secretary of Agriculture; and in prescribing such regulations the Secretary shall give due weight to the customs of the industry."

Collecting taxes. *Ante*, p. 41.

SEC. 3. Section 19 (b) of the Agricultural Adjustment Act, as amended, is amended by striking out the word "ninety" and inserting in lieu thereof the words "one hundred and eighty".

Approved, June 26, 1934.

[CHAPTER 760.]

JOINT RESOLUTION

June 26, 1934.
[S.J.Res. 115.]
[Pub. Res., No. 46.]

Whereas it is learned that the Federal Trade Commission, because of lack of time, money, and personnel, intends to close its utilities investigation under S.Res. 83, Seventieth Congress, first session, without investigating various important corporations included among those described in said resolution; and

Whereas it is in the public interest that certain of said corporations be investigated: Therefore be it

Federal Trade Commission.
Directed to complete its investigations of utilities.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Trade Commission be, and it is hereby, authorized and directed to proceed under the Senate resolution aforesaid until it has investigated such of said corporations as in its judgment should be investigated, but the investigation shall be completed and the Commission's final report, with recommendations, shall be submitted to the Congress not later than the First Monday in January 1936.

Final report, etc., not later than January 1936.

Approved, June 26, 1934.

[CHAPTER 761.]

JOINT RESOLUTION

Authorizing an appropriation to defray the expense of erecting the completed Navy and Marine Memorial Monument.

June 26, 1934.
[H.J.Res. 342.]
[Pub. Res., No. 47.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in the joint resolution entitled "Joint resolution authorizing the erection on public grounds in the city of Washington, District of Columbia, of a memorial to the navy and marine services, to be known as 'Navy and Marine Memorial Dedicated to Americans Lost at Sea'", approved February 16, 1924, is amended to read as follows: "*Provided*, That the site chosen and the design of the memorial shall be approved by the Commission of Fine Arts."

Navy and Marine Memorial to Americans lost at sea.
Vol. 43, p. 14, amended.

Proviso.
Approval by Commission of Fine Arts.

SEC. 2. There is authorized to be appropriated the sum of $13,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Navy (1) for the transportation of the Navy and Marine Memorial Monument to the site on Columbia Island, District of Columbia, chosen for such memorial in accordance with the provisions of such joint resolution of February 16, 1924, (2) for the erection of such memorial on the granite pedestal base already constructed on such site, and (3) for the landscaping and approach work of land adjacent to such base as the Secretary may deem necessary and appropriate.

Sum authorized for transportation and erection.

For landscaping, etc.

Approved, June 26, 1934.

[CHAPTER 762.]

JOINT RESOLUTION

To simplify the administration of air-mail routes and contracts.

June 26, 1934.
[H.J.Res. 366.]
[Pub. Res., No. 48.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 3 of the Act entitled "An Act to revise air-mail laws, and to establish a commission to make a report to the Congress recommending an aviation policy", approved June 12, 1934, is hereby amended by adding at the end thereof the following sentence: "The Commission created under section 20 of this Act shall review the designations made by the Postmaster General under this subsection, and include in its report to Congress its conclusions reached upon such review."

Air-mail routes and contracts, postal service.
Ante, p. 933.

Air-mail Commission directed to review designations of Postmaster General.

Report to Congress.

SEC. 2. The first sentence of section 15 of such Act is hereby amended to read as follows: "After March 1, 1935, no person holding a contract or contracts for carrying air mail on a primary route shall be awarded or hold any contact [1] for carrying air mail on any other primary route, nor on more than two additional routes other than primary routes."

Limiting number of contracts to a contractor.

Approved, June 26, 1934.

[CHAPTER 763.]

JOINT RESOLUTION

June 26, 1934.
[H.J. Res. 371]
[Pub. Res. No. 49.]

Authorizing the creation of a Federal Memorial Commission to consider and formulate plans for the construction, on the apex block, Constitution and Pennsylvania Avenues, in the city of Washington, District of Columbia, of a permanent memorial to the memory of Thomas Jefferson, third President of the United States and author of the Declaration of Independence.

Thomas Jefferson Memorial Commission.

[1] So in original.

Whereas there exists no adequate permanent national memorial to Thomas Jefferson in the Nation's Capital; and

Whereas the American people feel a deep debt of gratitude to Thomas Jefferson and in honor of the services rendered by him: Therefore be it

Commission established.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a commission, to be known as the "Thomas Jefferson Memorial Commission", for the purpose of considering and formulating plans for designing and constructing a permanent memorial in the city of Washington, District of Columbia. Said Commission shall be composed of twelve commissioners as follows: Three persons to be appointed by the President of the United States, three Senators by the President of the Senate, three Members of the House of Representatives by the Speaker of the House of Representatives, and three members of the Thomas Jefferson Memorial Foundation, Incorporated, to be selected by such foundation.

Purpose.

Composition.

Acceptance of contributions, etc.

SEC. 2. The Thomas Jefferson Memorial Commission may in its discretion accept from any source, public or private, money or property to be used for the purpose of making surveys and investigations, formulating, preparing, and considering plans and estimates for the improvement, construction, or other expenses incurred, or to be incurred.

Reports.

SEC. 3. That said Commission shall annually submit to Congress a report of the progress of the work of the Commission.

Approved, June 26, 1934.

[CHAPTER 764.]

June 26, 1934.
[H.J.Res. 376.]
[Pub. Res. No. 50.]

JOINT RESOLUTION

To provide an appropriation to enable the United States Army to send certain units to participate in the International Celebration at Fort Niagara, New York.

International celebration at Fort Niagara, N.Y.
Appropriation for participating expenses.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable the War Department to pay the expenses of participation of certain units of the Army of the United States in the events and ceremonies incident to the International Celebration at Fort Niagara, New York, under such regulations as the Secretary of War may prescribe, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,000, to remain available until June 30, 1935.

Approved, June 26, 1934.

[CHAPTER 765.]

June 26, 1934.
[H.J.Res. 452.]
[Pub. Res. No. 51.]

JOINT RESOLUTION

To provide an additional appropriation for expenses of special and select committees of the House of Representatives for the fiscal year 1935.

House of Representatives.
Appropriation for expenses of special, etc., committees.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That for the payment of expenses of special and select committees authorized by the House of Representatives, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $110,000 for the fiscal year 1935: *Provided*, That no person shall be employed under this appropriation or under the appropriation for this purpose in the Legislative Branch Appropriation Act, 1935, at a rate of compensation in excess of $3,600 per annum.

Proviso.
Pay limitation.

Marine Band attendance at veterans' encampments.

To carry out the purposes of H.R. 9145, Seventy-third Congress, second session, providing for the attendance of the Marine Band at the National Encampment of the Grand Army of the Republic to be held at Rochester, New York, and the National convention of the Disabled American Veterans of the World War to be held at Colorado Springs, Colorado, there is hereby appropriated, out of any other money in the Treasury not otherwise appropriated, the sum of $11,000.

Approved, June 26, 1934.

[CHAPTER 845.]

AN ACT

June 27, 1934.
[H.R. 5330.]
[Public, No. 477.]

To amend the Act of March 2, 1917, entitled "An Act to provide a civil government for Puerto Rico, and for other purposes."

Puerto Rico civil government.
Vol. 39, p. 953.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a new section is hereby inserted between sections 5a and 6 of the Act entitled "An Act to provide a civil government for Puerto Rico, and for other purposes", approved March 2, 1917, as amended, as follows:

Persons declared to be citizens of United States.

"SEC. 5b. All persons born in Puerto Rico on or after April 11, 1899 (whether before or after the effective date of this Act) and not citizens, subjects, or nationals of any foreign power, are hereby declared to be citizens of the United States: *Provided*, That this Act shall not be construed as depriving any person, native of Puerto Rico, of his or her American citizenship heretofore otherwise lawfully acquired by such person; or to extend such citizenship to persons who shall have renounced or lost it under the treaties and/or laws of the United States or who are now residing permanently abroad and are citizens or subjects of a foreign country: *And provided further*, That any woman, native of Puerto Rico and permanently residing therein, who, prior to March 2, 1917, had lost her American nationality by reason of her marriage to an alien eligible to citizenship, or by reason of the loss of the United States citizenship by her husband, may be naturalized under the provisions of section 4 of the Act of September 22, 1922, entitled 'An Act relative to the naturalization and citizenship of married women', as amended."

Provisos.
Native not to be deprived of citizenship lawfully acquired.

Naturalization of certain native women.
Vol. 42, p. 1022.

Approved, June 27, 1934.

[CHAPTER 846.]

AN ACT

June 27, 1934.
[H.R. 8662.]
[Public, No. 478.]

To modify the operation of the Indian liquor laws on lands which were formerly Indian lands.

Indian liquor laws.
Operation of, on former Indian lands, modified.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the special Indian liquor laws shall not apply to former Indian lands now outside of any existing Indian reservation in any case where the land is no longer held by Indians under trust patents or under any other form of deed or patent which contains restrictions against alienation without the consent of some official of the United States Government: *Provided, however*, That nothing in this Act shall be construed to discontinue or repeal the provisions of the Indian liquor laws which prohibit the sale, gift, barter, exchange, or other disposition of beer, wine, and other liquors to Indians of the classes set forth in the Act of January 30, 1897 (29 Stat.L. 506), and section 241, title 25, of the United States Code.

Proviso.
Traffic in intoxicants in Indian country, forbidden.

Vol. 29, p. 506.
U.S.C. p. 704.

Approved, June 27, 1934.

[CHAPTER 847.]

AN ACT

June 27, 1934.
[H.R. 9620.]
[Public, No. 479.]

To encourage improvement in housing standards and conditions, to provide a system of mutual mortgage insurance, and for other purposes.

National Housing Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Housing Act."

TITLE I—HOUSING RENOVATION AND MODERNIZATION

Federal Housing Administration.

CREATION OF FEDERAL HOUSING ADMINISTRATION

Creation.

SECTION 1. The President is authorized to create a Federal Housing Administration, all of the powers of which shall be exercised by a Federal Housing Administrator (hereinafter referred to as the "Administrator"), who shall be appointed by the President, by and with the advice and consent of the Senate, shall hold office for a term of four years, and shall receive compensation at the rate of $10,000 per annum. In order to carry out the provisions of this title and titles II and III, the Administrator may establish such agencies, accept and utilize such voluntary and uncompensated services, utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees, and appoint such other officers and employees as he may find necessary, and may prescribe their authorities, duties, responsibilities, and tenure and fix their compensation, without regard to the provisions of other laws applicable to the employment or compensation of officers or employees of the United States. The Administrator may delegate any of the functions and powers conferred upon him under this title and titles II and III to such officers, agents, and employees as he may designate or appoint, and may make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for law books and books of reference, and for paper, printing, and binding) as are necessary to carry out the provisions of this title and titles II and III, without regard to any other provisions of law governing the expenditure of public funds. All such compensation, expenses, and allowances shall be paid out of funds made available by this Act.

Administrator.

Appointment; term of office.

Powers.

Delegation of functions.

Insurance of financial institutions.

INSURANCE OF FINANCIAL INSTITUTIONS

Authority of Administrator to grant.
Post, p. 1263.

SEC. 2. The Administrator is authorized and empowered, upon such terms and conditions as he may prescribe, to insure banks, trust companies, personal finance companies, mortgage companies, building and loan associations, installment lending companies, and other such financial institutions, which are approved by him as eligible for credit insurance, against losses which they may sustain as a result of loans and advances of credit, and purchases of obligations representing loans and advances of credit, made by them subsequent to the date of enactment of this Act and prior to January 1, 1936, or such earlier date as the President may fix by proclamation, for the purpose of financing alterations, repairs, and improvements upon real property. In no case shall the insurance granted by the Administrator under this section to any such financial institution exceed 20 per centum of the total amount of the loans, advances of credit, and purchases made by such financial institution for such purpose; and the total liability incurred by the Administrator for such insurance shall in no case exceed in the aggregate $200,000,000. No insurance

Purposes.

Limit on amount to any institution.

On total liability incurred by administrator.

shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it the face amount of which exceeds $2,000; nor unless the obligation bears such interest, has such maturity, and contains such other terms, conditions, and restrictions, as the Administrator shall prescribe. Requirements.

LOANS TO FINANCIAL INSTITUTIONS Loans to financial institutions.

SEC. 3. The Administrator is further authorized and empowered to make loans to institutions which are insured under section 2, and to enter into loan agreements with such institutions, upon the security of obligations which meet the requirements prescribed under section 2. Such loans or agreements may be made for the full face value of the obligations offered as security, and shall be at such rates and upon such terms and conditions as the Administrator shall determine. Authority to make. Amounts; rates; terms.

ALLOCATION OF FUNDS Allocation of funds.

SEC. 4. For the purposes of carrying out the provisions of this title and titles II and III, the Reconstruction Finance Corporation shall make available to the Administrator such funds as he may deem necessary, and the amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized and empowered to have outstanding at any one time under existing law is hereby increased by an amount sufficient to provide such funds: *Provided*, That the President, in his discretion, is authorized to provide suuch [1] funds or any portion thereof by allotment to the Administrator from any funds that are available, or may hereafter be made available, to the President for emergency purposes. From Reconstruction Finance Corporation. Increase of outstanding obligations of Corporation. *Proviso.* Allotment of funds by President.

ANNUAL REPORT Annual report.

SEC. 5. The Administrator shall make an annual report to the Congress as soon as practicable after the 1st day of January in each year of his activities under this title and titles II and III of this Act.

TITLE II—MUTUAL MORTGAGE INSURANCE Mutual Mortgage Insurance.

DEFINITIONS Definitions.

SECTION 201. As used in this title—

(a) The term "mortgage" means a first mortgage on real estate in fee simple or on a leasehold (1) under a lease for not less than ninety-nine years which is renewable, or (2) under a lease having a period of not less than fifty years to run from the date the mortgage was executed, upon which there is located a dwelling for not more than four families which is used in whole or in part for residential purposes, irrespective of whether such dwelling has a party wall or is otherwise physically connected with another dwelling; and the term "first mortgage" means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby. "Mortgage." "First mortgage."

(b) The term "mortgagee" includes the original lender under a mortgage, and his successors and assigns approved by the Administrator; and the term "mortgagor" includes the original borrower under a mortgage and his successors and assigns. "Mortgagee." "Mortgagor."

[1] So in original.

Mutual Mortgage Insurance Fund.

MUTUAL MORTGAGE INSURANCE FUND

Creation.
Use.

SEC. 202. There is hereby created a Mutual Mortgage Insurance Fund (hereinafter referred to as the "Fund"), which shall be used by the Administrator as a revolving fund for carrying out the provisions of this title as hereinafter provided, and there shall be allocated immediately to such Fund the sum of $10,000,000 out of funds made available to the Administrator for the purposes of this title.

Insurance of mortgages.

INSURANCE OF MORTGAGES

Authority to insure mortgage upon application of mortgagee.

SEC. 203. (a) The Administrator is authorized, upon application by the mortgagee, to insure as hereinafter provided any mortgage offered to him within one year from the date of its execution which is eligible for insurance as hereinafter provided, and, upon such terms as the Administrator may prescribe, to make commitments for the insuring of such mortgages prior to the date of their execution or disbursement thereon: *Provided*, That except with the approval of the President, (1) the aggregate principal obligation of all mortgages on property and low-cost housing projects existing on the date of enactment of this Act and insured under this title shall not exceed $1,000,000,000, and (2) the insurance of mortgages on property and low-cost housing projects constructed after the passage of this Act shall be limited to a similar amount.

Terms.

Proviso.
Limits on aggregate principal obligations.

Requirements, eligibility for insurance.

(b) To be eligible for insurance under this section a mortgage shall—

(1) Have, or be held by, a mortgagee approved by the Administrator as responsible and able to service the mortgage properly.

(2) Involve a principal obligation (including such initial service charges and appraisal and other fees as the Administrator shall approve) in an amount not to exceed $16,000, and not to exceed 80 per centum of the appraised value of the property as of the date the mortgage is executed.

(3) Have a maturity satisfactory to the Administrator, but not to exceed twenty years.

(4) Contain complete amortization provisions satisfactory to the Administrator requiring periodic payments by the mortgagor not in excess of his reasonable ability to pay as determined by the Administrator.

(5) Bear interest (exclusive of premium charges for insurance) at not to exceed 5 per centum per annum on the amount of the principal obligation outstanding at any time, or not to exceed 6 per centum per annum if the Administrator finds that in certain areas or under special circumstances the mortgage market demands it.

(6) Provide, in a manner satisfactory to the Administrator, for the application of the mortgagor's periodic payments (exclusive of the amount allocated to interest and to the premium charge which is required for mortgage insurance as hereinafter provided) to amortization of the principal of the mortgage.

(7) Contain such terms and provisions with respect to insurance, repairs, alterations, payment of taxes, default reserves, delinquency charges, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters as the Administrator may in his discretion prescribe.

Premium charge for insurance of mortgages.
Determination.

(c) The Administrator is authorized to fix a premium charge for the insurance of mortgages under this section (to be determined in accordance with the risk involved) which in no case shall be less than one-half of 1 per centum nor more than 1 per centum per annum of the original face value of the mortgage, and which shall

Amount.

Payment.

be payable annually in advance by the mortgagee. If the Administrator finds upon the presentation of a mortgage for insurance and the tender of the initial premium charge that the mortgage complies with the provisions of this section, such mortgage may be accepted for insurance by endorsement or otherwise as the Administrator may prescribe; but no mortgage shall be accepted for insurance under this section unless the Administrator finds that the project with respect to which the mortgage is executed is economically sound.

Acceptance of mortgage.

Finding of economic soundness of project, required.

(d) The Administrator is authorized and directed to make such rules and regulations as may be necessary to carry out the provisions of this section.

Rules and regulations.

PAYMENT OF INSURANCE

Payment of insurance.

SEC. 204. (a) In any case in which the mortgagee under an insured mortgage shall have foreclosed and taken possession of the mortgaged property in accordance with regulations of, and within a period to be determined by, the Administrator, or shall, with the consent of the Administrator, have otherwise acquired such property from the mortgagor after default, the mortgagee shall be entitled, upon the prompt conveyance to the Administrator of title to such property satisfactory to him and the assignment to him of all claims of the mortgagee against the mortgagor arising out of the mortgage transaction or foreclosure proceedings, to receive the benefits of the insurance as hereinafter provided. Upon such conveyance and assignment the obligation of the mortgagee to pay the annual premium charges for insurance shall cease and the Administrator shall issue to the mortgagee debentures having a total face value equal to the value of the mortgage on the date of the delivery of the property to the Administrator, and a certificate of claim, as hereinafter provided. For the purposes of this subsection, the value of the mortgage shall be determined by adding to the amount of the principal of the mortgage which is unpaid on the date of such delivery the amount of all payments which have been made by the mortgagee for taxes and insurance on the property mortgaged in accordance with rules and regulations prescribed by the Administrator.

To mortgagee upon foreclosure of insured mortgage.

Requirements.

Payment of annual premium charges to cease.

Issue of debentures to mortgagee.

Certificate of claim.

Determination of value of mortgage.

(b) The debentures issued by the Administrator under this section to any mortgagee shall bear interest at a rate determined by the Administrator at the time the mortgage was offered for insurance, but not to exceed 3 per centum per annum, payable semi-annually on the 1st day of January and the 1st day of July of each year, and shall mature three years after the 1st day of July following the maturity date of the mortgage in exchange for which the debentures were issued. All such debentures shall be subject only to such Federal, State, and local taxes as the mortgages in exchange for which they are issued would be subject to in the hands of the holder of the debentures and shall be a liability of the Fund only; except that debentures issued in exchange for mortgages insured under this section prior to July 1, 1937, shall be fully guaranteed as to principal and interest by the United States. In the event that the amount in the Fund is insufficient to pay upon demand, when due, the principal of or interest on any debentures so guaranteed, the Secretary of the Treasury shall pay to the holders the amount thereof which is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such debentures.

Interest rate on debentures.

Maturity date.

Taxation of.

To be liability of Fund.

Exception, mortgages fully guaranteed.

Payments on debentures when Fund insufficient.

Certificate of claim. Amount.

(c) The certificate of claim issued by the Administrator to any mortgagee shall be for an amount which the Administrator determines to be sufficient, when added to the face value of the debentures issued to the mortgagee, to equal the amount which the mortgagee would have received if, at the time of the conveyance to the Administrator of the property covered by the mortgage, the mortgagor had redeemed the property and paid in full all obligations under the mortgage and those arising out of the foreclosure proceedings. Each such certificate of claim shall provide that there shall accrue to the holder of such certificate with respect to the face amount of such certificate, an increment at the rate of 3 per centum per annum. The amount to which the holder of any such certificate shall be entitled shall be determined as provided in subsection (d).

Increment.

Determination of amount to which holder entitled.

(d) If the net amount realized from any property conveyed to the Administrator under this section and the claims assigned therewith, after deducting all expenses incurred by the Administrator in handling, dealing with, and disposing of such property and in collecting such claims, exceeds the face amount of the debentures issued in exchange for the mortgage covering such property plus all interest paid on such debentures, such excess shall be divided as follows:

(1) If such excess is greater than the total amount payable under the certificate of claim issued in connection with such property, the Administrator shall pay to the holder of such certificate the full amount so payable; and any excess remaining thereafter shall be paid to the mortgagor of such property.

(2) If such excess is equal to or less than the total amount payable under such certificate of claim, the Administrator shall pay to the holder of such certificate the full amount of such excess.

Authority of Administrator in real estate transactions.

(e) Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, the Administrator shall have power to deal with, rent, renovate, modernize, or sell for cash or credit, in his discretion, any properties conveyed to him in exchange for debentures and certificates of claim as provided in this section; and notwithstanding any other provision of law, the Administrator shall also have power to pursue to final collection, by way of compromise or otherwise, all claims against mortgagors assigned by mortgagees to the Administrator as provided in this section.

In collection of claims against mortgagors.

Conveyed property; exclusive rights of Administrator.

(f) No mortgagee or mortgagor shall have, and no certificate of claim shall be construed to give to any mortgagee or mortgagor, any right or interest in any property conveyed to the Administrator or in any claim assigned to him; nor shall the Administrator owe any duty to any mortgagee or mortgagor with respect to the handling or disposal of any such property or the collection of any such claim.

Classification of mortgages and reinsurance fund.

CLASSIFICATION OF MORTGAGES AND REINSURANCE FUND

Mortgages, classification into groups.

SEC. 205. (a) Mortgages accepted for insurance under this title shall be so classified into groups that the mortgages in any group shall involve substantially similar risk characteristics and have similar maturity dates. Premium charges received for the insurance of any mortgage, the receipts derived from the property covered by the mortgage and claims assigned to the Administrator in connection therewith, and all earnings on the assets of the group account, shall be credited to the account of the group to which the mortgage is assigned. The principal of and interest paid and to be paid on debentures issued in exchange for any mortgage, payments made or to be made to the mortgagee and the mortgagor as provided in sec-

Credit of receipts and earnings to group.

Payments therefrom.

tion 204, and expenses incurred in the handling of the property covered by the mortgage and in the collection of claims assigned to the Administrator in connection therewith, shall be charged to the account of the group to which such mortgage is assigned.

General reinsurance account.

(b) The Administrator shall also provide, in addition to the several group accounts, a general reinsurance account, the credit in which shall be available to cover charges against such group accounts where the amounts credited to such accounts are insufficient to cover such charges. General expenses of operation of the Federal Housing Administration under this title may be allocated in the discretion of the Administrator among the several group accounts or charged to the general reinsurance account, and the amount allocated to the fund under section 202 shall be credited to the general reinsurance account.

Allocation of general expenses of operation.

Termination of insurance of group.

When credit balance exceeds unpaid principal.

(c) Whenever the credit balance in any group account exceeds the remaining unpaid principal of the then outstanding mortgages assigned to such group by an amount equal to 10 per centum of the total premium payments which have theretofore been credited to such account, the Administrator shall terminate the insurance as to that group of mortgages (1) by paying to each of the mortgagees holding an outstanding mortgage assigned to such group a sum sufficient, if such mortgage is in good standing, to pay off such mortgage in full, the payment in each case being for the benefit and account of the mortgagor, and (2) by transferring the remainder of such credit balance to the general reinsurance account provided for in subsection (b).

Methods.

When credit balance fails to exceed unpaid principal of outstanding mortgages.

(d) If the credit balance in any group account fails to exceed, until the final year prior to the maturity date of the mortgages assigned to such group, the remaining unpaid principal of the then outstanding mortgages assigned to such group by an amount equal to 10 per centum of the total premium payments which have theretofore been credited to such account, the Administrator shall terminate the insurance as to that group of mortgages (1) by transferring to the general reinsurance account provided for in subsection (b) an amount equal to 10 per centum of the total premium charges theretofore credited to such group account, and (2) by distributing the remainder of such credit balance, if any, pro rata to the mortgagees for the benefit and account of the mortgagors of the mortgages assigned to such group.

Vested rights in credit balance denied.

(e) No mortgagor or mortgagee of any mortgage insured under this title shall have any vested right in the credit balance in any such account, and the determination of the Administrator as to the amount to be paid by him to any mortgagee or mortgagor under this title shall be final and conclusive.

Finality of Administrator's action.

Payment of premium charges.

To cease when foreclosure on insured mortgage and property not conveyed to administrator.

When mortgagor pays obligation.

(f) In the event that any mortgagee under an insured mortgage forecloses on the mortgaged property but does not convey such property to the Administrator in accordance with section 204, or in the event that the mortgagor pays the obligation under the mortgage in full prior to the maturity thereof, the obligation to pay the premium charge for insurance shall, upon due notice to the Administrator, cease, and all rights of the mortgagee and the mortgagor under section 204 shall likewise terminate. Thereupon the mortgagor shall be entitled to receive a share of the credit balance of the group account of the group to which the mortgage has been assigned, in such amount as the Administrator shall determine to be equitable and not inconsistent with the preservation of the solvency of the group account and of the Fund.

Entitlement of mortgagor to share in credit balance.

Investment of funds.

INVESTMENT OF FUNDS

Deposit of surplus Fund money.

SEC. 206. Moneys in the Fund not needed for the current operations of the Federal Housing Administration shall be deposited in the Treasury of the United States to the credit of the Fund, or invested in bonds or other obligations of the United States. The Treasurer of the United States is hereby directed to pay interest semiannually on any amount so deposited at a rate not greater than the prevailing rate on long-term Government bonds, such rate to be computed on the average amount of such bonds outstanding during any such semiannual period. The Administrator may, with the approval of the Secretary of the Treasury, purchase, at not to exceed par, in the open market, debentures issued under the provisions of section 204. Debentures so purchased shall be canceled and not reissued, and the several group accounts to which such debentures have been charged shall be charged with the amounts used in making such purchases.

Interest.

Purchase of debentures.

Cancellation.

Low-cost housing insurance.

LOW-COST HOUSING INSURANCE

Insurance of first mortgages.

SEC. 207. The Administrator may also insure first mortgages, other than mortgages defined in section 201 (a) of this title, covering property held by Federal or State instrumentalities, private limited dividend corporations, or municipal corporate instrumentalities of one or more States, formed for the purpose of providing housing for persons of low income which are regulated or restricted by law or by the Administrator as to rents, charges, capital structure, rate of return, or methods of operation. Such mortgages shall contain terms, conditions, and provisions satisfactory to the Administrator but need not conform to the eligibility requirements of section 203. Subject to the right of the Administrator to impose a premium charge in excess of, or less than, the amount specified for mortgages defined in section 201 (a), the provisions of sections 204 and 205 shall be applicable to mortgages insured under this section: *Provided*, That the insurance with respect to any low-cost housing project shall not exceed $10,000,000.

Terms of mortgages.

Premium charges.

Sections applicable.

Ante, p. 1247.

Proviso.

Aggregate amount.

Taxation provisions.

TAXATION PROVISIONS

Exemption not accorded property acquired by Administrator.

SEC. 208. Nothing in this title shall be construed to exempt any real property acquired and held by the Administrator under this title from taxation by any State or political subsidivision thereof, to the same extent, according to its value, as other real property is taxed.

Statistical and economic surveys.

STATISTICAL AND ECONOMIC SURVEYS

Authority to make.

SEC. 209. The Administrator shall cause to be made such statistical surveys and legal and economic studies as he shall deem useful to guide the development of housing and the creation of a sound mortgage market in the United States, and shall publish from time to time the results of such surveys and studies. Expenses of such studies and surveys, and expenses of publication and distribution of the results of such studies and surveys, shall be charged as a general expense of the Fund.

Publication of results.

Expenses.

National Mortgage Associations.

TITLE III—NATIONAL MORTGAGE ASSOCIATIONS

Creation and powers.

CREATION AND POWERS OF NATIONAL MORTGAGE ASSOCIATIONS

Administrator to provide for establishing.

SECTION 301. (a) The Administrator is further authorized and empowered to provide for the establishment of national mortgage associations as hereinafter provided, which shall be authorized, sub-

Authority.

ject to rules and regulations to be prescribed by the Administrator, (1) to purchase and sell first mortgages and such other first liens as are commonly given to secure advances on real estate held in fee simple or under a lease for not less than ninety-nine years, under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby, such mortgages not to exceed 80 per centum of the appraised value of the property as of the date the mortgage is purchased; and (2) to borrow money for such purposes through the issuance of notes, bonds, debentures, or other such obligations as hereinafter provided.

Transactions in first mortgages.

Borrow money.

(b) Any number of natural persons, not less than five, may apply to the Administrator for authority to establish a national mortgage association, and at the time of such application shall transmit to the Administrator articles of association, signed and sealed by each of the incorporators and acknowledged before a judge of any court of record or a notary public, which shall contain (1) the name of the association, (2) the place where its principal office or place of business is to be located, and (3) such information with respect to its capital stock as the Administrator may by regulation require. If the Administrator is of the opinion that the incorporators transmitting the articles of association are responsible persons and that such articles of association are satisfactory in all respects, he shall issue or cause to be issued to such incorporators a certificate of approval, and the association shall become, as of the date of issuance of such certificate, a body corporate by the name set forth in its articles of association.

Application for authority to establish.

Articles of association to accompany.

Contents.

Issue of certificate of approval.

(c) Each national mortgage association created under this section shall have succession from the date of its organization unless it is dissolved by act of its shareholders, or its franchise becomes forfeited by order of the Administrator as hereinafter provided, or it is dissolved by Act of Congress, and shall have power—

Powers of association.

(1) To adopt and use a corporate seal.

(2) To make contracts.

(3) To sue and be sued, complain and defend, in any court of law or equity, State or Federal.

(4) To conduct its business in any State of the United States or in the District of Columbia and to have one or more offices in such State or in the District of Columbia, one of which offices shall be designated at the time of organization as its principal office.

(5) To do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

(d) No association shall transact any business except such as is incidental to its organization until it has been authorized to do so by the Administrator. Each such association shall have a capital stock of a par value of not less than $5,000,000, and no authorization to commence business shall be granted by the Administrator to any such association until he is satisfied that such capital stock has been subscribed for at not less than par and paid in full in cash or Government securities.

Limitation on transaction of business.

Capital stock requirement.

(e) Each national mortgage association, for the purpose of all actions by or against it, real, personal, or mixed, and all suits in equity, shall be deemed a citizen of the State in which its principal office is located.

Actions by or against association.

(f) No individual, association, partnership, or corporation, except associations organized under this section, shall hereafter use the words "national mortgage association", or any combination of such words, as the name or a part thereof under which he or it shall do business. Every individual, partnership, association, or corporation

Exclusive use of term, "National Mortgage Association."

Penalty for violation.

violating this prohibition shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding $100 or imprisonment not exceeding thirty days, or both, for each day during which such violation is committed or repeated. The provisions of section 5243 of the Revised Statutes shall not apply to associations created under this title.

R. S., sec. 5243, p. 1014, applicable.

Obligations of associations.

OBLIGATIONS OF NATIONAL MORTGAGE ASSOCIATIONS

Authority to have outstanding.

Aggregate amount.

SEC. 302. Each national mortgage association is authorized to issue and have outstanding at any time notes, bonds, debentures, or other such obligations in an aggregate amount not to exceed (1) ten times the aggregate par value of its outstanding capital stock, and in no event to exceed (2) the current face value of mortgages held by it and insured under the provisions of title II of this Act, plus the amount of its cash on hand and on deposit and the amount of its investments in bonds or obligations of, or guaranteed as to principal and interest by, the United States. No national mortgage association shall borrow money except through the issuance of such notes, bonds, debentures, or other obligations, or issue any such notes, bonds, debentures, or other obligations, except with the approval of the Administrator and under such rules and regulations as he shall prescribe.

Borrowing by association, restriction.

Investment of funds.

INVESTMENT OF FUNDS

SEC. 303. Moneys of any national mortgage association not invested in first mortgages or other liens as provided in section 301, or in operating facilities approved by the Administrator, shall be kept in cash on hand or on deposit, or invested in bonds or other obligations of, or guaranteed as to principal and interest by the United States; except that each such association shall keep and maintain such reserves as the Administrator shall by rules and regulations prescribe.

Rules governing maintenance of reserves.

Management of acquired property.

MANAGEMENT OF ACQUIRED PROPERTIES

SEC. 304. Subject to such rules and regulations as the Administrator shall prescribe, any national mortgage association shall have power to deal with, rent, renovate, modernize, or sell for cash or credit, or otherwise dispose of, with a view to assuring a maximum financial return to the association, any property acquired by it as a result of foreclosure proceedings.

Examinations and liquidation.

Powers of Administrator.

EXAMINATIONS AND LIQUIDATION

SEC. 305. The Administrator shall have power to provide for the periodic examination of the affairs of every national mortgage association and shall have power to terminate the existence of any such association and order its liquidation and the winding up of its affairs

When finding of violations hereof.

in any case in which the Administrator finds that the association is violating any provisions of this title or any rule or regulation thereunder, or in any case in which he finds that the association is conducting its business in an unsafe and unbusinesslike manner. In any case in which the Administrator finds, upon examination of the affairs of any such association, that the capital of such association is substantially impaired, and if, within thirty days after the Administrator has notified the association of the existence of such impairment, the capital is not restored to the satisfaction of the Administrator, he shall terminate the existence of such association and shall

Of impairment of capital.

order the liquidation and winding up of its affairs. The expenses of examination of any such association shall be assessed upon and paid for by the association in such manner and under such rules and regulations as the Administrator shall prescribe. For the purposes of this section, examiners appointed by the Administrator shall be subject to the same requirements, responsibilities, and penalties as are applicable to examiners under the national banking laws and the Federal Reserve Act, as amended, and, in the exercise of their functions, shall have the same powers and privileges as are vested in such examiners by law.

Examination expenses.

Examiners, liabilities of.

RULES AND REGULATIONS

Rules and regulations.

Governing liquidation, reorganization, consolidation, merger.

Appointment of conservator or receiver.

SEC. 306. The Administrator shall have power to provide by rules and regulations for the liquidation, reorganization, consolidation, or merger of national mortgage associations, including the power to appoint a conservator or a receiver to take charge of the affairs of any such association, to require an equitable readjustment of its capital structure, to release it from the control of a conservator or receiver, and to permit its further operation.

TAXATION PROVISIONS

Taxation provisions.

Exemptions.

SEC. 307. National mortgage associations shall be subject to taxation to the same extent as State-chartered corporations, except that no State or political subdivision thereof shall impose any tax on any such association or its franchise, capital, reserves, surplus, loans, income, or stock, or its securities or the income therefrom, at a greater rate than that imposed by such State on corporations, domestic or foreign, engaged in similar business within the State. Nothing herein shall be construed to exempt the real property of such associations from taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed.

Real property taxes.

DEPOSITARIES OF PUBLIC MONEYS

Depositaries of public moneys.

Designation by Administrator.

SEC. 308. When designated for that purpose by the Secretary of the Treasury any national mortgage association shall be a depositary of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; and it may also be employed as a financial agent of the Government; and it shall perform all such reasonable duties as a depositary of public money and financial agent of the Government as may be required of it. Any national mortgage association may act as agent for any other instrumentality of the United States when designated for that purpose by such instrumentality.

TITLE IV—INSURANCE OF SAVINGS AND LOAN ACCOUNTS

Insurance of Savings and Loan Accounts.

DEFINITIONS

Definitions.

SCTION [1] 401. As used in this title—

"Insured institution."

(a) The term "insured institution" means an institution whose accounts are insured under this title.

"Insured member."

(b) The term "insured member" means an individual, partnership, association, or corporation which holds an insured account.

"Insured account."

(c) The term "insured account" means a share, certificate, or deposit account of a type approved by the Federal Savings and Loan Insurance Corporation which is held by an insured member

[1] So in original.

in an insured institution and which is insured under the provisions of this title.

"Default." (d) The term "default" means an adjudication or other official determination of a court of competent jurisdiction or other public authority pursuant to which a conservator, receiver, or other legal custodian is appointed for an insured institution for the purpose of liquidation.

Federal Savings and Loan Insurance Corporation.

CREATION OF FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Creation. SEC. 402. (a) There is hereby created a Federal Savings and Loan Insurance Corporation (hereinafter referred to as the "Corporation"), which shall insure the accounts of institutions eligible for insurance as hereinafter provided, and shall be under the direction

Composition. of a board of trustees to be composed of five members and operated by it under such bylaws, rules, and regulations as it may prescribe

Board of trustees. for carrying out the purposes of this title. The members of the Federal Home Loan Bank Board shall constitute the board of trustees of the Corporation and shall serve as such without additional compensation. The principal office of the Corporation shall

Principal office. be in the District of Columbia.

Capital stock, amount. (b) The Corporation shall have a capital stock of $100,000,000, which shall be divided into shares of $100 each. The total amount

Subscription. of such capital stock shall be subscribed for by the Home Owners' Loan Corporation which is hereby authorized and directed to subscribe for such stock and make payment therefor in bonds of the

Payment. Home Owners' Loan Corporation. The Corporation shall issue to

Receipts to issue. the Home Owners' Loan Corporation receipts for payment for or on account of such stock, which shall serve as evidence of the ownership thereof, and the Home Owners' Loan Corporation shall be

Dividends. entitled to the payment of dividends on such stock out of net earnings at a rate equal to the interest rate on such bonds, which dividends shall be cumulative.

Corporate powers. (c) Upon the date of enactment of this Act, the Corporation shall become a body corporate, and shall be an instrumentality of the United States, and as such shall have power—

(1) To adopt and use a corporate seal.

(2) To have succession until dissolved by Act of Congress.

(3) To make contracts.

(4) To sue and be sued, complain and defend, in any court of law or equity, State or Federal.

(5) To appoint and to fix the compensation, by its board of trustees, of such officers, employees, attorneys, or agents, as shall be necessary for the performance of its duties under this title, without regard to the provisions of any other laws relating to the employment or compensation of officers or employees of

Appointments. the United States. Nothing in this title or any other provision of law shall be construed to prevent the appointment and compensation as an officer, attorney, or employee of the Corporation, of any officer, attorney, or employee of any board, corporation, commission, establishment, executive department, or

Assistance of other Federal establishments. instrumentality of the Government. The Corporation, with the consent of any board, corporation, commission, establishment, executive department, or instrumentality of the Government, including any field service thereof, may avail itself of the use of information, services, and facilities thereof in carrying out the provisions of this title.

Fiscal transactions. (d) For the purposes of this title, the Corporation shall have power to borrow money, and to issue notes, bonds, debentures, or

other such obligations upon such terms and conditions as the board of trustees may determine. Moneys of the Corporation not required for current operations shall be deposited in the Treasury of the United States, or upon the approval of the Secretary of the Treasury, in any Federal Reserve bank, or shall be invested in obligations of, or guaranteed as to principal and interest by, the United States. When designated for that purpose by the Secretary of the Treasury, the Corporation shall be a depositary of public money under such regulations as may be prescribed by the Secretary of the Treasury, and may also be employed as fiscal agent of the United States, and it shall perform all such reasonable duties as depositary of public money and fiscal agent as may be required of it.

Deposit of surplus moneys.

Investments.

Corporation as fiscal agent.

(e) All notes, bonds, debentures, or other such obligations issued by the Corporation shall be exempt, both as to principal and interest, from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. The Corporation, including its franchise, capital, reserves, surplus, and income, shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority; except that any real property of the Corporation shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

Tax exemptions; corporate bonds, debentures, etc.

Franchise, capital, reserves, etc.

Real property taxes.

(f) The Corporation shall make an annual report of its operations to the Congress as soon as practicable after the 1st day of January in each year.

Annual report.

(g) No individual, association, partnership, or corporation shall use the words "Federal Savings and Loan Insurance Corporation", or any combination of any of these words which would have the effect of leading the public in general to believe there was any connection, actually not existing, between such individual, association, partnership, or corporation and the Federal Savings and Loan Insurance Corporation, as the name under which he or it shall hereafter do business. No individual, association, partnership, or corporation shall advertise or otherwise represent falsely by any device whatsoever that his or its accounts are insured or in anywise guaranteed by the Federal Savings and Loan Insurance Corporation, or by the Government of the United States, or by any instrumentality thereof; and no insured member shall advertise or otherwise represent falsely by any device whatsoever the extent to which or the manner in which its accounts are insured by the Federal Savings and Loan Insurance Corporation. Every individual, partnership, association, or corporation violating this subsection shall be punished by a fine of not exceeding $1,000, or by imprisonment not exceeding one year, or both.

Exclusive use of term "Federal Savings and Loan Insurance Corporation."

Prohibited acts.
Misrepresentation respecting insurance of accounts.

Respecting extent to which accounts are insured.

Penalty provisions.

INSURANCE OF ACCOUNTS AND ELIGIBILITY PROVISIONS

Insurance of accounts, eligibility provisions.

Organizations eligible for insurance.

SEC. 403. (a) It shall be the duty of the Corporation to insure the accounts of all Federal savings and loan associations, and it may insure the accounts of building and loan, savings and loan, and homestead associations and cooperative banks organized and operated according to the laws of the State, District, or Territory in which they are chartered or organized.

Applications.

(b) Application for such insurance shall be made immediately by each Federal savings and loan association, and may be made at any time by other eligible institutions. Such applications shall be in

Form.

Agreement to pay examination costs.

such form as the Corporation shall prescribe, and shall contain an agreement (1) to pay the reasonable cost of such examinations as the Corporation shall deem necessary in connection with such insurance,

To permit examinations after insurance granted.

and (2) if the insurance is granted, to permit and pay the cost of such examinations as in the judgment of the Corporation may from time to time be necessary for its protection and the protection of other insured institutions, to permit the Corporation to have access to any information or report with respect to any examination made by any public regulatory authority and to furnish any additional information with respect thereto as the Corporation may require,

To pay premium charges.

and to pay the premium charges for insurance as hereinafter provided.

Additional agreement.

Each applicant for such insurance shall also file with its application an agreement that during the period that the insurance

Fifty-mile limit on loans.

is in force it will not make any loans beyond fifty miles from its principal office except with the approval of, and pursuant to regulations of, the Corporation, but any applicant which, prior to the date of enactment of this Act, has been permitted to make loans beyond such fifty mile limit may continue to make loans within the territory

Agree not to issue securities guaranteeing definite return or maturity.

in which the applicant is operating on such date; will not, after it becomes an insured institution, issue securities which guarantee a definite return or which have a definite maturity except with the specific approval of the Corporation, or issue any securities the form

To carry on unauthorized sales plan.

of which has not been approved by the Corporation; will not carry on any sales plan or practices, or any advertising, in violation of

Agree to provide adequate reserves.

regulations to be made by the Corporation; will provide adequate reserves satisfactory to the Corporation, to be established in accordance with regulations made by the Corporation, before paying dividends to its insured members;

Regulations.

but such regulations shall require the building up of reserves to 5 per centum of all insured accounts within

To prohibit payment of dividends from reserves.

a reasonable period, not exceeding ten years, and shall prohibit the payment of dividends from such reserves, or the payment of any dividends if any losses are chargeable to such reserves.

Rejection of application.
Grounds for.

(c) The Corporation shall reject the application of any applicant if it finds that the capital of the applicant is impaired or that its financial policies or management are unsafe; and the Corporation may reject the application of any applicant if it finds that the character of the management of the applicant or its home financing policy is inconsistent with economical home financing or with the

Notification of approval.

purposes of this title. Upon the approval of any application for insurance the Corporation shall notify the applicant, and upon the payment of the initial premium charge for such insurance, as

Certificate to issue.

provided in section 404, the Corporation shall issue to the applicant a certificate stating that it has become an insured institution. In considering applications for such insurance the Corporation shall give

Factors to be considered when application pending.

full consideration to all factors in connection with the financial condition of applicants and insured institutions, and shall have power to make such adjustments in their financial statements as the Corporation finds to be necessary.

Admission fee.

(d) Any applicant which applies for insurance under this title after the first year of the operation of the Corporation, shall pay an admission fee based upon the reserve fund of the applicant which, in the judgment of the Corporation, is an equitable contribution.

Premiums on insurance.

PREMIUMS ON INSURANCE

Payment by institution having approved application.

SEC. 404. (a) Each institution whose application for insurance is approved by the Corporation shall pay to the Corporation, in such manner as it shall prescribe, a premium charge for such insurance

Amount.

equal to one-fourth of 1 per centum of the total amount of all

accounts of the insured members of such institution plus any creditor obligations of such institution. Such premium shall be paid at the time the certificate is issued by the Corporation under section 403, and thereafter annually until a reserve fund has been established by the Corporation equal to 5 per centum of all insured accounts and creditor obligations of all insured institutions; except that under regulations prescribed by the Corporation such premium charge may be paid semiannually. If at any time such reserve fund falls below such 5 per centum, the payment of such annual premium charge for insurance shall be resumed and shall be continued until the reserve is brought back to such 5 per centum. For the purposes of this subsection, the amount in all accounts of insured members and the amount of creditor obligations of any institution may be determined from adjusted statements made within one year prior to the approval of the application of such institution for insurance, or in such other manner as the Corporation may by rules and regulations prescribe.

Time of payment.

Annual payments until reserve fund established.

Resumption of payments.

Determination of amount of accounts and obligations.

(b) The Corporation is further authorized to assess against each insured institution additional premiums for insurance until the amount of such premiums equals the amount of all losses and expenses of the Corporation; except that the total amount so assessed in any one year against any such institution shall not exceed one-fourth of 1 per centum of the total amount of the accounts of its insured members and its creditor obligations.

Assessment of additional premiums.

PAYMENT OF INSURANCE

Payment of insurance.

SEC. 405. (a) Each institution whose application for insurance under this title is approved by the Corporation shall be entitled to insurance up to the full withdrawal or repurchasable value of the accounts of each of its members and investors (including individuals, partnerships, associations, and corporations) holding withdrawable or repurchasable shares, investment certificates, or deposits, in such institution; except that no member or investor of any such institution shall be insured for an aggregate amount in excess of $5,000.

Amount of insurance institution having approved application entitled to.

(b) In the event of a default by any insured institution the Corporation shall promptly determine the insured members thereof and the amount of their insured accounts, and shall make available to each of them, after notice by mail at his last-known address as shown by the books of the insured institution, and upon surrender and transfer to the Corporation of his insured account, either (1) a new insured account in an insured institution not in default, in an amount equal to the insured account so transferred, or (2) at the option of the insured member, the amount of his account which is insured under this section, as follows: Not to exceed 10 per centum in cash, and 50 per centum of the remainder within one year, and the balance within three years from the date of such default, in negotiable noninterest-bearing debentures of the Corporation. The Corporation shall furnish to all insured institutions a certificate stating that the insurance of accounts in such institution is to be paid in the manner described in this subsection.

Procedure upon default of insured corporation.

Certificate regarding payment of insured deposits.

LIQUIDATION OF INSURED INSTITUTIONS

Liquidation of insured institutions.

SEC. 406. (a) In order to facilitate the liquidation of insured institutions, the Corporation is authorized (1) to contract with any insured institution with respect to the making available of insured accounts to the insured members of any insured institution in default, or (2) to provide for the organization of a new Federal savings and loan association for such purpose subject to the approval of the Federal Home Loan Bank Board.

Authority of Corporation.

Contracts with insured institution.

Organization of new savings and loan association.

Appointment of corporation as conservator, receiver. Powers.

(b) In the event that a Federal savings and loan association is in default, the Corporation shall be appointed as conservator or receiver and is authorized as such (1) to take over the assets of and operate such association, (2) to take such action as may be necessary to put it in a sound and solvent condition, (3) to merge it with another insured institution, (4) to organize a new Federal savings and loan association to take over its assets, or (5) to proceed to liquidate its assets in an orderly manner, whichever shall appear to be to the best interests of the insured members of the association in default; and in any event the Corporation shall pay the insurance as provided in section 405 and all valid credit obligations of such association. The net proceeds which may arise from the orderly liquidation of the assets of any such association, after reimbursement of the Corporation of all amounts paid by it for such insurance, shall be distributed pro rata among the shareholders of the association.

Distribution of net proceeds.

Corporation as legal custodian of insured institution other than savings and loan association.

(c) In the event any insured institution other than a Federal savings and loan association is in default, the Corporation shall have authority to act as conservator, receiver, or other legal custodian of such insured institution, and the services of the Corporation are hereby tendered to the court or other public authority having the power of appointment. If the Corporation is so appointed, it shall have the same powers and duties with respect to the insured institution in default as are conferred upon it under subsection (b) with respect to Federal savings and loan associations. If the Corporation is not so appointed it shall pay the insurance as provided in section 405, and shall have power (1) to bid for the assets of the insured institution in default, (2) to negotiate for the merger of the insured institution or the transfer of its assets, or (3) to make any other disposition of the matter as it may deem in the best interests of all concerned.

Powers upon appointment.

Powers when not appointed.

(d) In connection with the liquidation of insured institutions in default, the Corporation shall have power to carry on the business of and to collect all obligations to the insured institutions, to settle, compromise, or release claims in favor of or against the insured institutions, and to do all other things that may be necessary in connection therewith, subject only to the regulation of the court or other public authority having jurisdiction over the matter.

Annual report of corporation.

(e) The Corporation shall make an annual report to the Congress of the operation by it of insured institutions in default, and shall keep a complete record of the administration by it of the assets of such insured institutions which shall be subject to inspection by any officer of any such insured institution or by any other interested party, and, if any such insured institution is operated under the laws of any State, Territory, or possession of the United States, or of the District of Columbia, such annual report shall also be filed with the public authority which has jurisdiction over the insured institution.

Termination of insurance.

TERMINATION OF INSURANCE

At option of insured institution.

Notice.

Rights to terminate.

SEC. 407. (a) Any institution which is insured under the provisions of this title may, upon not less than ninety days' written notice to the Corporation, terminate its status as an insured institution upon a majority vote of its shareholders entitled to vote, or upon a majority vote of its board of directors or other similar governing body which is authorized to act for the institution. Thereupon its status as an insured institution shall immediately cease and all rights of its insured members to insurance under this

title shall immediately terminate; but the obligation of the institution to pay the premium charges for insurance shall continue for a period of three years after the date of such termination.

Obligation to pay premium charge to continue.

(b) The Corporation shall have power to terminate the insured status of any insured institution at any time, after ninety days' notice in writing, for violation of any provision of this title, or of any rule or regulation made thereunder, or of any agreement made pursuant to section 403. In the event the insured status of any insured institution is so terminated it shall be unlawful thereafter for it to advertise or represent itself as an insured institution, but the insured accounts of its members existing on the date of such termination shall continue as such for a period of five years thereafter, and the institution shall be required to continue the payment of the premium charge for insurance during such five-year period.

Termination by corporation.

For violation thereof.

Misrepresentation of status thereafter unlawful.

Insured accounts.

Payment of premium charge.

TITLE V—MISCELLANEOUS

Miscellaneous.

SECTION 501. Section 10(a) of the Federal Home Loan Bank Act is amended to read as follows:

Federal Home Loan Bank Act, amendment. Vol. 47, p. 731; U.S. C., Supp. VII, p. 226.

"SEC. 10. (a) Each Federal Home Loan Bank is authorized to make advances to its members, upon the security of home mortgages, subject to such regulations, restrictions, and limitations as the board may prescribe. Any such advance shall be subject to the following limitations as to amount:

Advances to members.

Limitations on amount.

"(1) If secured by a mortgage insured under the provisions of title II of the National Housing Act, the advance may be for an amount not in excess of 90 per centum of the unpaid principal of the mortgage loan.

"(2) If secured by a home mortgage given in respect of an amortized home mortgage loan which was for an original term of eight years or more, or in cases where shares of stock, which are pledged as security for such loan, mature in a period of eight years or more, the advance may be for an amount not in excess of 65 per centum of the unpaid principal of the home mortgage loan; but in no case shall the amount of the advance exceed 60 per centum of the value of the real estate securing the home mortgage loan.

"(3) If secured by a home mortgage given in respect of any other home mortgage loan, the advance shall not be for an amount in excess of 50 per centum of the unpaid principal of the home mortgage loan; but in no case shall the amount of such advance exceed 40 per centum of the value of the real estate securing the home mortgage loan."

SEC. 502. The Federal Home Loan Bank Act is further amended by adding after section 10 thereof the following new section:

"SEC. 10a. Until July 1, 1936, each Federal Home Loan Bank is authorized to make advances to its members, in order to enable such members to finance home repairs, improvements, and alterations. Such advances shall not be subject to the provisions and restrictions of section 10 of this Act, but shall be made upon the security of notes representing obligations incurred pursuant to, and insurable under, section 2 of the National Housing Act. Advances made under the terms of this section shall be at such rates of interest and upon such terms and conditions as shall be determined by the Federal Home Loan Bank Board."

Advances for home repairs, improvements, and alterations.

Security.

Ante, p. 1246.

Interest rate; terms and conditions.

SEC. 503. Section 11 of the Federal Home Loan Bank Act is amended to read as follows:

Vol. 47, p. 736; U.S. C., Supp. VII, p. 227.

"SEC. 11. (a) Each Federal Home Loan Bank shall have power, subject to rules and regulations prescribed by the board to borrow

Powers and duties of banks.

Borrow money.

Issue debentures, bonds.

and give security therefor and to pay interest thereon, to issue debentures, bonds, or other obligations upon such terms and conditions as the board may approve, and to do all things necessary for carrying out the provisions of this Act and all things incident thereto.

Issue of consolidated Federal Home Loan Bank debentures.

"(b) The board may issue consolidated Federal Home Loan Bank debentures which shall be the joint and several obligations of all Federal Home Loan Banks organized and existing under this Act, in order to provide funds for any such bank or banks, and such debentures shall be issued upon such terms and conditions as the board may prescribe. No such debentures shall be issued at any time if any of the assets of any Federal Home Loan Bank are pledged to secure any debts or subject to any lien, and neither the board nor any Federal Home Loan Bank shall have power to pledge any of the assets of any Federal Home Loan Bank, or voluntarily to permit any lien to attach to the same while any of such debentures so issued are outstanding. The debentures issued under this section and outstanding shall at no time exceed five times the total paid-in capital of all the Federal Home Loan Banks as of the time of the issue of such debentures. It shall be the duty of the board not to issue debentures under this section in excess of the notes or obligations of member institutions held and secured under section 10 (a) of this Act by all the Federal Home Loan Banks.

Limitation.

Aggregate amount.

Amount to members.

Retirement of debentures.

"(c) At any time that no debentures are outstanding under this Act, or in order to refund all outstanding consolidated debentures issued under this section, the board may issue consolidated Federal Home Loan Bank bonds which shall be the joint and several obligations of all the Federal Home Loan Banks, and shall be secured and be issued upon such terms and conditions as the board may prescribe.

Deposit of additional collateral.

"(d) The board shall have full power to require any Federal Home Loan Bank to deposit additional collateral or to make substitutions of collateral or to adjust equities between the Federal Home Loan Banks.

Deposits, acceptance authorized.

"(e) Each Federal Home Loan Bank shall have power to accept deposits made by members of such bank or by any other Federal Home Loan Bank or other instrumentality of the United States, upon such terms and conditions as the board may prescribe, but no Federal Home Loan Bank shall transact any banking or other business not authorized by this Act.

Limitation on transacting banking business.

Rediscounting notes of members.

"(f) The board is authorized and empowered to permit, or whenever in the judgment of at least four members of the board an emergency exists requiring such action, to require, Federal Home Loan Banks, upon such terms and conditions as the board may prescribe, to rediscount the discounted notes of members held by other Federal Home Loan Banks, or to make loans to, or make deposits with, such other Federal Home Loan Banks, or to purchase any bonds or debentures issued under this section.

Terms and conditions.

Purchase of bonds, debentures.

Reserves to be maintained.

Amount.

"(g) Each Federal Home Loan Bank shall at all times have an amount equal to the sums paid in on outstanding capital subscriptions of its members, plus an amount equal to the current deposits received from its members, invested in (1) obligations of the United States, (2) deposits in banks or trust companies, (3) advances with a maturity of not to exceed one year which are made to members or nonmember borrowers, upon such terms and conditions as the board may prescribe, and (4) advances with a maturity of not to exceed one year which are made to members or nonmember borrowers whose creditor liabilities (not including advances from the Federal Home Loan Bank) do not exceed 5 per centum of their net assets, and

which may be made without the security of home mortgages or other security, upon such terms and conditions as the board may prescribe.

Investment of surplus funds.

"(h) Such part of the assets of each Federal Home Loan Bank (except reserves and amounts provided for in subsection (g)) as are not required for advances to members or nonmember borrowers, may be invested, to such extent as the bank may deem desirable and subject to such regulations, restrictions, and limitations as may be prescribed by the board, in obligations of the United States and in such securities as fiduciary and trust funds may be invested in under the laws of the State in which the Federal Home Loan Bank is located."

Farm Credit Act, amendments.
Ante, p. 273.

SEC. 504. The Farm Credit Act of 1933 is amended by adding after section 86 thereof the following new section:

Production Credit Associations.

"SEC. 86a. With the approval of the Governor of the Farm Credit Administration and under rules and regulations to be prescribed by the Production Credit Commissioner, production credit associations organized under the provisions of the Farm Credit Act of 1933 are authorized and empowered (without regard to the provisions of this Act relating to the requirement for the ownership of Class B stock or any other limitations therein contained) (1) to make loans to farmers for the purpose of enabling them to make home alterations, repairs, and improvements, (2) to sell, discount, assign, or otherwise dispose of any loans made by them under the provisions of this section, under such restrictions and limitations as to endorsement and liability as may be approved by the Governor of the Farm Credit Administration, (3) to avail themselves of the benefits of insurance under the provisions of section 2 of the National Housing Act, and (4) to do all such things as may be reasonably necessary to carry out the provisions of this section."

Powers.

Loans to farmers.

Transactions in loans.

Insurance under National Housing Act.
Ante, p. 1246.

General powers.

Federal Reserve Act, amendment.
Vol. 38, p. 273; U.S.C., p. 283.

SEC. 505. (a) Section 24 of the Federal Reserve Act, as amended, is amended by adding at the end of the third sentence thereof the following: "*Provided*, That in the case of loans secured by real estate which are insured under the provisions of title II of the National Housing Act, such restrictions as to the amount of the loan in relation to the actual value of the real estate and as to the five-year limit on the terms of such loans shall not apply."

Proviso.
Loans on real estate.
Restrictions not applicable.

(b) Section 24 of such Act, as amended, is further amended by adding at the end thereof the following new paragraph:

Loans to finance construction of residential or farm buildings.

"Loans made to finance the construction of residential or farm buildings and having maturities of not to exceed six months, whether or not secured by a mortgage or similar lien on the real estate upon which the residential or farm building is being constructed, shall not be considered as loans secured by real estate within the meaning of this section but shall be classed as ordinary commercial loans: *Provided*, That no national banking association shall invest in, or be liable on, any such loans in an aggregate amount in excess of 50 per centum of its actually paid-in and unimpaired capital. Notes representing such loans shall be eligible for discount as commercial paper within the terms of the second paragraph of section 13 of the Federal Reserve Act, as amended, if accompanied by a valid and binding agreement to advance the full amount of the loan upon the completion of the building entered into by an individual, partnership, association, or corporation acceptable to the discounting bank."

Classification.

Proviso.
Investments in loans, national banking associations.
Eligibility of loans for discount.
Vol. 38, p. 263; U.S.C., p. 281.

SEC. 506. (a) The first sentence of section 4(c) of the Home Owners' Loan Act of 1933, as amended, is further amended to read as follows:

Home Owners' Loan Act of 1933.
Ante, pp. 129, 643.

"(c) The Corporation is authorized to issue bonds in an aggregate amount not to exceed $3,000,000,000, which may be exchanged as hereinafter provided, or which may be sold by the Corporation to

Bond issues by Corporation.
Aggregate amount.

obtain funds for carrying out the purposes of this section or for the redemption of any of its outstanding bonds called in for retirement; and the Corporation is further authorized to increase its total bond issue in an amount equal to the amount of the bonds so called in and retired."

(b) Section 4(m) of the Home Owners' Loan Act of 1933, as amended, is amended by striking out "$200,000,000" and inserting in lieu thereof "$300,000,000".

Federal Home Loan Bank Act, amendment.
Vol. 47, p. 725.

SEC. 507. Subdivision (6) of section 2 of the Federal Home Loan Bank Act is amended so as to read as follows:

"Home Mortgage", defined.

"(6) The term 'home mortgage' means a mortgage upon real estate, in fee simple, or on a leasehold (1) under a lease for not less than ninety-nine years which is renewable or (2) under a lease having a period of not less than fifty years to run from the date the mortgage was executed, upon which there is located a dwelling for not more than three families, and shall include, in addition to first mortgages, such classes of first liens as are commonly given to secure advances on real estate by institutions authorized under this Act to become members, under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby."

Home Owners' Loan Act, amendments.
Ante, p. 129.
"Home mortgage", defined.

SEC. 508. (a) Section 2(c) of the Home Owners' Loan Act of 1933, as amended, is amended by striking out "under a renewable lease for not less than ninety-nine years" and inserting in lieu thereof "(1) under a lease for not less than ninety-nine years which is renewable, or (2) under a lease having a period of not less than fifty years to run from the date the mortgage was executed".

Ante, pp. 129, 643.

(b) Section 4(c) of such Act, as amended, is amended by striking out "under a lease renewable for not less than ninety-nine years" and inserting in lieu thereof "(1) under a lease for not less than ninety-nine years which is renewable, or (2) under a lease having a period of not less than fifty years to run from the date the mortgage was executed".

Federal Home Loan Banks.
Vol. 47, p. 727.
Minimum subscription.

SEC. 509. Section 6 of the Federal Home Loan Bank Act is amended by striking out "$1,500" in subsections (c) and (e) and inserting in lieu thereof "$500".

Contracts under Agricultural Adjustment Act.
Ante, p. 337.
Participation in, by members of Congress.

SEC. 510. The Act entitled "An Act relating to contracts and agreements under the Agricultural Adjustment Act", approved January 25, 1934, is amended by inserting before the period at the end thereof a comma and the following: "the Federal Farm Loan Act, as amended, the Emergency Farm Mortgage Act of 1933, as amended, the Federal Farm Mortgage Corporation Act, as amended, the Farm Credit Act of 1933, as amended, and the Home Owners' Loan Act of 1933, as amended".

Interstate Commerce Act, amendment.
Vol. 24, p. 387; U.S.C., p. 1671.
Reduced rates for transportation of commodities.

SEC. 511. Section 22 of the Interstate Commerce Act, as amended, is further amended by adding at the end thereof the following new sentence: "Nothing in this Act shall prevent any carrier or carriers subject to this Act from giving reduced rates for the transportation of commodities to be specified by the Commission as hereinafter provided, to or from any section of the country, with the object of improving Nation-wide housing standards and providing employment and stimulating industry, if such reduced rates have first been authorized by order of the Commission (with or without a hearing); but in such order the Commission shall specify the commodities as to which this provision shall be declared effective and shall specify the period during which such reduced rates are to remain in effect."

PENALTIES

Penalties.

Misrepresentations.

SEC. 512. (a) Whoever, for the purpose of obtaining any loan from the Federal Housing Administration or the Federal Savings and Loan Insurance Corporation, or any extension or renewal thereof, or the acceptance, release, or substitution of security therefor, or for the purpose of inducing the Administration or the Corporation to purchase any assets, or for the purpose of influencing in any way the action of the Administration or the Corporation under this Act, makes any statement, knowing it to be false, or willfully overvalues any security, shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both.

Counterfeiting securities.

(b) Whoever (1) falsely makes, forges, or counterfeits any obligation or coupon, in imitation of or purporting to be an obligation or coupon issued under authority of this Act, or (2) passes, utters, or publishes, or attempts to pass, utter, or publish, any false, forged, or counterfeited obligation or coupon purporting to have been so issued, knowing the same to be false, forged, or counterfeited, or (3) falsely alters any obligation or coupon so issued or purporting to have been so issued, or (4) passes, utters, or publishes, or attempts to pass, utter, or publish, as true, any falsely altered or spurious obligation or coupon, so issued or purporting to have been so issued, knowing the same to be falsely altered or spurious, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or both.

Embezzlement.

(c) Whoever, being connected in any capacity with the Federal Housing Administration or the Federal Savings and Loan Insurance Corporation, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to the Administration or the Corporation or pledged, or otherwise intrusted to the Administration or the Corporation, or (2) with intent to defraud the Administration or the Corporation or any other body, politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the Administration or the Corporation, makes any false entry in any book, report, or statement of or to the Administration or the Corporation, or without being duly authorized draws any order, or issues, puts forth, or assigns any note, debenture, bond, or other such obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or both.

SEPARABILITY PROVISION

Separability provision.

SEC. 513. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Approved, June 27, 1934.

[CHAPTER 848.]

AN ACT

June 27, 1934.
[H.R. 9867.]
[Public, No. 480.]

Amending the Independent Offices Appropriation Act of 1935.

Independent Offices Appropriation Act of 1935.
Ante, p. 523.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the provision of subparagraph (1) of section 24 of the Independent Offices Appropriation Act, 1935, amending section 201 of part II of the Legislative Appropriation Act for the fiscal year

Postal employees, etc.; automatic promotions. Credit of service.

1933, all service rendered by postal and other officers and employees prior to July 1, 1932, and subsequent to June 30, 1932, shall be credited to the officers or employees and such officers or employees promoted to the grade to which they would have progressed had section 201 (suspending automatic increases in compensation) of part II of the Legislative Appropriation Act, fiscal year 1933, not been enacted.

Vol. 47, p. 403.

Vol. 43, p. 1059; U.S.C., p. 1242.

SEC. 2. Amend the second proviso of section 4 of the Act entitled "An Act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes", approved February 28, 1925, as amended (U.S.C., Supp. VII, title 39, sec. 104), by striking out the colon at the end of the proviso and inserting a period in lieu thereof and the following: "Any fractional part of a year's substitute service will be included with his service as a regular clerk or carrier in the City Delivery Service in determining eligibility for promotion to the next higher grade following appointment to a regular position:"

Credit for time served as substitutes.

Fractional parts of year.

Approved, June 27, 1934.

[CHAPTER 849.]

AN ACT

June 27, 1934.
[S. 1510.]
[Public, No. 481.]

To amend the Act entitled "An Act to adjust water-right charges, to grant other relief on the Federal irrigation projects, and for other purposes", approved May 25, 1926, with respect to certain lands in the Langell Valley irrigation district.

Irrigation projects. Vol. 44, p. 640, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to adjust water-right charges, to grant other relief on the Federal irrigation projects, and for other purposes", approved May 25, 1926, is amended by adding after section 16 thereof the following new sections:

Langell Valley district. Suspension of construction charges on unproductive, etc., lands within.

"SEC. 16–A. All payments upon construction charges shall be suspended against such lands in the Langell Valley irrigation district as the Secretary of the Interior shall cause to be classified as to productivity and as the said Secretary may determine to be temporarily unproductive because nonagricultural and unsuitable for irrigation, and the said Secretary is hereby authorized to reduce the construction obligations of the Langell Valley irrigation district exclusive of costs incurred in the construction of Clear Lake Channel in the ratio and proportion as the number of acres so found and determined to be temporarily unproductive bears to the total number of acres now included as a part of said irrigation district: *Provided*, That the amount of irrigation water to which the Langell Valley irrigation district is entitled shall be reduced in proportion to the area temporarily suspended from construction charges.

Reclassification of rates.

Proviso. Reduction of water service.

Contract, agreeing to resume payments, if land found productive, to be executed.

"SEC. 16–B. The Secretary of the Interior, as a condition precedent to the allowance of the benefits offered under section 16–A, shall require the Langell Valley irrigation district to execute a contract providing for the resumption of construction charges by said district upon all, or any, of such acreages so found and determined to be temporarily unproductive, as the Secretary of the Interior may, subsequent to such suspension, find and declare to be possessed of sufficient productive power to be again placed in the paying class."

Approved, June 27, 1934.

[CHAPTER 850.]

JOINT RESOLUTION

June 27, 1934.
[H.J. Res. 330.]
[Pub. Res. No. 52.]

Authorizing certain retired officers or employees of the United States to accept such decorations, orders, medals, or presents as have been tendered them by foreign Governments.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-named retired officers or employees of the United States are hereby authorized to accept such decorations, orders, medals, or presents as have been tendered them by foreign Governments:

Decorations tendered by foreign governments.
Designated officers and employees may accept.

State Department: Robert Woods Bliss, Fred D. Fisher, George Horton, William H. Hunt, Frank W. Mahin, Thomas Sammons, Harry Tuck Sherman, Alexander Thackara, and Craig W. Wadsworth.

State Department.

United States Army: Charles J. Allen, Bailey K. Ashford, George G. Bartlett, Herbert C. Crosby, William Crozier, Albert C. Dalton, Hanson E. Ely, James E. Fechet, Harry E. Gilchrist, Francis W. Griffin, William W. Harts, John L. Hines, William E. Horton, John A. Hull, Girard L. McEntee, Charles P. Summerall, John J. Pershing, Trevor W. Swett, and Thomas F. Van Natta, Junior.

Army.

United States Navy: William C. Braisted, William B. Caperton, Robert E. Coontz, Herbert O. Dunn, John Rufus Edie, Noble E. Irwin, Harry H. Lane, Norman T. McLean, William V. Pratt, Henry J. Shields, George W. Steele, Montgomery M. Taylor, and Arthur L. Willard.

Navy.

United States Marine Corps: Ben H. Fuller and George C. Thorpe.

Marine Corps.

Sol Bloom, Member of Congress, Director of United States George Washington Bicentennial Commission.

Member of Congress.

Department of Agriculture: L. O. Howard.

Department of Agriculture.

Department of Commerce: Antone Silva.

Department of Commerce.

SEC. 2. That the Secretary of State is hereby directed to furnish to the Seventy-fifth Congress and to each alternate Congress thereafter a list of those retired officers or employees of the United States for whom the Department of State under the provisions of the Act of January 31, 1881 (U.S.C., title 5, sec. 115), is holding decorations, orders, medals, or presents tendered them by foreign governments.

List of persons for whom State Department is holding decorations, etc., to be reported to 75th, etc., Congresses.

Approved, June 27, 1934.

[CHAPTER 851.]

JOINT RESOLUTION

June 27, 1934.
[H.J.Res. 365.]
[Pub. Res., No. 53.]

To amend the Settlement of War Claims Act of 1928, as amended.

Settlement of War Claims Act of 1928, amendments.
Vol. 42, p. 106.

Whereas the joint resolution of the Congress of the United States, approved July 2, 1921, provides in part as follows:

"SEC. 5. All property of the Imperial German Government, or its successor or successors, and of all German nationals, which was, on April 6, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, * * * shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by law until such time as the Imperial German Government * * * shall have * * * made suitable provision for the satisfaction of all claims against said [Government] * * *, of all persons, wheresoever domiciled, who owe permanent allegiance to the United States

of America and who have suffered, through the acts of the Imperial German Government, or its agents * * * since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, * * *, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise * * *."

Whereas the treaty between the United States and Germany of August 25, 1921, incorporated said provision of such joint resolution and also provided in article I thereof as follows:

Vol. 42, p. 1942.

"Germany undertakes to accord to the United States, and the United States shall have and enjoy, all the rights, privileges, indemnities, reparations, or advantages specified in the aforesaid Joint Resolution of the Congress of the United States of July 2, 1921, including all the rights and advantages stipulated for the benefit of the United States in the Treaty of Versailles which the United States shall fully enjoy notwithstanding the fact that such Treaty has not been ratified by the United States."; and

Whereas by the agreement of August 10, 1922, between Germany and the United States, a Mixed Claims Commission was established to adjudicate claims of American nationals against Germany arising out of the World War; and

Vol. 42, p. 2200.

Whereas under the terms of the debt-funding agreement between Germany and the United States dated June 23, 1930, Germany agreed to pay to the United States in satisfaction of Germany's obligations remaining on account of awards, including interest thereon, entered and to be entered by the Mixed Claims Commission, United States and Germany, the sum of 40,800,000 reichmarks for the period September 1, 1929, to March 31, 1930, and the sum of 40,800,000 reichmarks per annum from April 1, 1930, to March 31, 1981; and

Whereas Germany is now in arrears in payments due under said debt-funding agreement between Germany and the United States, and has, accordingly, failed to make suitable provision for the satisfaction of the said claims against Germany: Now, therefore be it

Further payments to German Nationals, from special deposit account postponed, pending arrears of payments by Germany.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That so long as Germany is in arrears in any payments of principal or interest, including interest at the rate of 5 per centum per annum on principal installments not paid when due, under the debt-funding agreement between Germany and the United States, dated June 23, 1930, with respect to Germany's obligations remaining on account of awards, including interest thereon, entered and to be entered by the Mixed Claims Commission, United States and Germany, all payments, conveyances, transfers, or deliveries of money or property or the income, issues, profits, and/or avails thereof authorized or directed to be made under the Trading with the Enemy Act, as amended, or the Settlement of War Claims Act of 1928, as amended, whether or not a judgment or decree has been entered with respect thereto, shall be postponed and the money or property, or the income, issues, profits, and/or avails thereof reserved: *Provided, however*, That such of the funds as are from time to time available (without taking into consideration interest thereafter accruing) under the Settlement of War Claims Act of 1928, as amended, for the payment of principal and interest upon awards of said Mixed Claims Commission shall be applied when available to the payment of principal and interest upon such awards in the same manner and to the same extent as though certain of the payments provided for

Vol. 40, p. 423; Vol. 42, p. 106; Vol. 45, p. 268.

Provisos.
Use of any available funds in paying certain Mixed Claims Commission awards.

in said Act had not been postponed under this resolution: *Provided further*, That the President may, in his sole discretion, remove the restriction as to any of the cases or classes of cases in relation to which payments, conveyances, transfers, or deliveries have been postponed under this resolution: *And provided further*, That the President is authorized to determine, for the purposes of this resolution, the period or periods in which Germany is in arrears in the payments hereinbefore described, and his determination thereof shall not be subject to judicial review.

President may remove restriction as to payments, etc., in any class, etc.

Periods of arrears by Germany to be determined for purposes of Act.

Section 36 of the Emergency Farm Mortgage Act of 1933, as amended, is amended—

Ante, pp. 49, 1110.

I. By striking the comma and the word "and" after the words "to reduce and refinance its outstanding indebtedness incurred in connection with any such project" in the second sentence thereof and inserting in place thereof the following: "; or, whether or not it has any such indebtedness, to purchase or otherwise acquire in connection with such project storage reservoirs or dams or sites therefor, or additional water rights, or canals, ditches, or rights-of-way for the conduct of water, or other works or appurtenances necessary for the delivery of water, provided such purchase or acquisition is not intended to bring additional lands into production. Such loans".

Reconstruction Finance Corporation.

Authority to make loans to irrigation district.

II. By adding at the beginning of (5) thereof the following: "in the case of a loan to reduce or refinance its outstanding indebtedness,".

Ante, p. 50.

III. By adding at the beginning of (C) thereof the following: "in the case of a loan to reduce or refinance the outstanding indebtedness of an applicant,".

Approved, June 27, 1934.

[CHAPTER 865.]

AN ACT

June 28, 1934.
[H.R. 6462.]
[Public, No. 482.]

To stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote the highest use of the public lands pending its final disposal, the Secretary of the Interior is authorized, in his discretion, by order to establish grazing districts or additions thereto and/or to modify the boundaries thereof, not exceeding in the aggregate an area of eighty million acres of vacant, unappropriated, and unreserved lands from any part of the public domain of the United States (exclusive of Alaska), which are not in national forests, national parks and monuments, Indian reservations, revested Oregon and California Railroad grant lands, or revested Coos Bay Wagon Road grant lands, and which in his opinion are chiefly valuable for grazing and raising forage crops: *Provided*, That no lands withdrawn or reserved for any other purpose shall be included in any such district except with the approval of the head of the department having jurisdiction thereof. Nothing in this Act shall be construed in any way to diminish, restrict, or impair any right which has been heretofore or may be hereafter initiated under existing law validly affecting the public lands, and which is maintained pursuant to such law except as otherwise expressly provided in this Act, nor to affect any land heretofore or hereafter surveyed which, except for the provisions of this Act, would be a part of any grant to any State, nor as limiting or restricting the power or authority

Overgrazing and soil deterioration, public lands.

Grazing districts, or additions thereto, to be established.

Modifying boundaries, etc., thereof.

Areas excluded.

Proviso.
Restriction on use.

Valid claims not impaired.

Rights-of-way for stock driveway granted when grazing district established.

of any State as to matters within its jurisdiction. Whenever any grazing district is established pursuant to this Act, the Secretary shall grant to owners of land adjacent to such district, upon application of any such owner, such rights-of-way over the lands included in such district for stock-driving purposes as may be necessary for the convenient access by any such owner to marketing facilities or to lands not within such district owned by such person or upon which such person has stock-grazing rights. Neither this Act nor the Act of December 29, 1916 (39 Stat. 862; U.S.C., title 43, secs. 291 and following), commonly known as the "Stock Raising Homestead Act", shall be construed as limiting the authority or policy of Congress or the President to include in national forests public lands of the character described in section 24 of the Act of March 3, 1891 (26 Stat. 1103; U.S.C., title 16, sec. 471), as amended, for the purposes set forth in the Act of June 4, 1897 (30 Stat. 35; U.S.C., title 16, sec. 475), or such other purposes as Congress may specify. Before grazing districts are created in any State as herein

Hearing to be held before districts created.

provided, a hearing shall be held in the State, after public notice thereof shall have been given, at such location convenient for the attendance of State officials, and the settlers, residents, and livestock owners of the vicinity, as may be determined by the Secretary of the Interior. No such district shall be established until the expiration of ninety days after such notice shall have been given, nor until twenty days after such hearing shall be held: *Provided, however,*

Proviso. Notice thereof to affect withdrawing of all lands within exterior boundary of grazing district.

That the publication of such notice shall have the effect of withdrawing all public lands within the exterior boundary of such proposed grazing districts from all forms of entry of settlement. Nothing in this Act shall be construed as in any way altering or restricting the right to hunt or fish within a grazing district in accordance with the laws of the United States or of any State, or as vesting in any permittee any right whatsoever to interfere with hunting or fishing within a grazing district.

Hunting, etc., not restricted.

Provision for carrying Act into effect.

SEC. 2. The Secretary of the Interior shall make provision for the protection, administration, regulation, and improvement of such grazing districts as may be created under the authority of the foregoing section, and he shall make such rules and regulations and establish such service, enter into such cooperative agreements, and do any and all things necessary to accomplish the purposes of this Act and to insure the objects of such grazing districts, namely, to regulate their occupancy and use, to preserve the land and its resources from destruction or unnecessary injury, to provide for the orderly use, improvement, and development of the range; and the Secretary of the Interior is authorized to continue the study of erosion and flood control and to perform such work as may be necessary amply to protect and rehabilitate the areas subject to the provisions of this Act, through such funds as may be made available for that purpose, and any willful violation of the provisions of this Act or of such rules and regulations thereunder after actual notice thereof shall be punishable by a fine of not more than $500.

Permits.

Livestock grazing, authorized.

SEC. 3. That the Secretary of the Interior is hereby authorized to issue or cause to be issued permits to graze livestock on such grazing districts to such bona fide settlers, residents, and other stock owners as under his rules and regulations are entitled to participate in the use of the range, upon the payment annually of reasonable fees in each case to be fixed or determined from time to time: *Provided,*

Fees.

Provisos. Restriction on issuing permits.

That grazing permits shall be issued only to citizens of the United States or to those who have filed the necessary declarations of intention to become such, as required by the naturalization laws and to groups, associations, or corporations authorized to conduct business

under the laws of the State in which the grazing district is located. Preference shall be given in the issuance of grazing permits to those within or near a district who are landowners engaged in the livestock business, bona fide occupants or settlers, or owners of water or water rights, as may be necessary to permit the proper use of lands, water or water rights owned, occupied, or leased by them, except that until July 1, 1935, no preference shall be given in the issuance of such permits to any such owner, occupant, or settler, whose rights were acquired between January 1, 1934, and December 31, 1934, both dates inclusive, except that no permittee complying with the rules and regulations laid down by the Secretary of the Interior shall be denied the renewal of such permit, if such denial will impair the value of the grazing unit of the permittee, when such unit is pledged as security for any bona fide loan. Such permits shall be for a period of not more than ten years, subject to the preference right of the permittees to renewal in the discretion of the Secretary of the Interior, who shall specify from time to time numbers of stock and seasons of use. During periods of range depletion due to severe drought or other natural causes, or in case of a general epidemic of disease, during the life of the permit, the Secretary of the Interior is hereby authorized, in his discretion to remit, reduce, refund in whole or in part, or authorize postponement of payment of grazing fees for such depletion period so long as the emergency exists: *Provided further*, That nothing in this Act shall be construed or administered in any way to diminish or impair any right to the possession and use of water for mining, agriculture, manufacturing, or other purposes which has heretofore vested or accrued under existing law validly affecting the public lands or which may be hereafter initiated or acquired and maintained in accordance with such law. So far as consistent with the purposes and provisions of this Act, grazing privileges recognized and acknowledged shall be adequately safeguarded, but the creation of a grazing district or the issuance of a permit pursuant to the provisions of this Act shall not create any right, title, interest, or estate in or to the lands.

Preferences.

Rights acquired during 1934.

Renewals.

Duration.

Emergency remission, reduction, etc., of grazing fees.

Water rights not impaired.

Grazing privileges to be protected.

SEC. 4. Fences, wells, reservoirs, and other improvements necessary to the care and management of the permitted livestock may be constructed on the public lands within such grazing districts under permit issued by the authority of the Secretary, or under such cooperative arrangement as the Secretary may approve. Permittees shall be required by the Secretary of the Interior to comply with the provisions of law of the State within which the grazing district is located with respect to the cost and maintenance of partition fences. No permit shall be issued which shall entitle the permittee to the use of such improvements constructed and owned by a prior occupant until the applicant has paid to such prior occupant the reasonable value of such improvements to be determined under rules and regulations of the Secretary of the Interior. The decision of the Secretary in such cases is to be final and conclusive.

Improvements necessary for care of livestock permitted.

Compliance with State laws, as to partition fences.

Use of prior constructions, etc.

SEC. 5. That the Secretary of the Interior shall permit, under regulations to be prescribed by him, the free grazing within such districts of livestock kept for domestic purposes; and provided that so far as authorized by existing law or laws hereinafter enacted, nothing herein contained shall prevent the use of timber, stone, gravel, clay, coal, and other deposits by miners, prospectors for mineral, bona fide settlers and residents, for firewood, fencing, buildings, mining, prospecting, and domestic purposes within areas subject to the provisions of this Act.

Limited free grazing permitted in districts kept for domestic purposes.

Use of material deposits by settlers, miners, etc.

Rights-of-way within grazing districts not restricted.

SEC. 6. Nothing herein contained shall restrict the acquisition, granting or use of permits or rights-of-way within grazing districts under existing law; or ingress or egress over the public lands in such districts for all proper and lawful purposes; and nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of such districts under law applicable thereto.

Prospecting, etc., minerals.

Lands more suitable for agriculture within districts to be classified.

SEC. 7. That the Secretary is hereby authorized, in his discretion, to examine and classify any lands within such grazing districts which are more valuable and suitable for the production of agricultural crops than native grasses and forage plants, and to open such lands to homestead entry in tracts not exceeding three hundred and twenty acres in area. Such lands shall not be subject to settlement or occupation as homesteads until after same have been classified and opened to entry after notice to the permittee by the Secretary of the Interior, and the lands shall remain a part of the grazing district until patents are issued therefor, the homesteader to be, after his entry is allowed, entitled to the possession and use thereof: *Provided*, That upon the application of any person qualified to make homestead entry under the public-land laws, filed in the land office of the proper district, the Secretary of the Interior shall cause any tract not exceeding three hundred and twenty acres in any grazing district to be classified, and such application shall entitle the applicant to a preference right to enter such lands when opened to entry as herein provided.

Prior settlement forbidden.

Proviso.
Areas open in tracts exceeding 320 acres.

Exchange with private ownership in public interest, allowed.

SEC. 8. That where such action will promote the purposes of the district or facilitate its administration, the Secretary is authorized and directed to accept on behalf of the United States any lands within the exterior boundaries of a district as a gift, or, when public interests will be benefited thereby, he is authorized and directed to accept on behalf of the United States title to any privately owned lands within the exterior boundaries of said grazing district, and in exchange therefor to issue patent for not to exceed an equal value of surveyed grazing district land or of unreserved surveyed public land in the same State or within a distance of not more than fifty miles within the adjoining State nearest the base lands: *Provided*, That before any such exchange shall be effected, notice of the contemplated exchange, describing the lands involved, shall be published by the Secretary of the Interior once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in the same manner in some like newspaper published in any county in which may be situated any lands to be given in such exchange; lands conveyed to the United States under this Act shall, upon acceptance of title, become public lands and parts of the grazing district within whose exterior boundaries they are located: *Provided further*, That either party to an exchange may make reservations of minerals, easements, or rights of use, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States, the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of the Interior. Where mineral reservations are made in lands conveyed by the United States, it shall be so stipulated in the patent, and any person who acquires the right to mine and remove the reserved mineral deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals, upon

Provisos.
Notice of contemplated exchange to be given.

Lands conveyed to United States to become public lands.

Easements may be reserved by either party.

Conditions imposed.

Miner may occupy surface required.

payment to the owner of the surface for damages caused to the land and improvements thereon. Upon application of any State to exchange lands within or without the boundary of a grazing district the Secretary of the Interior is authorized and directed, in the manner provided for the exchange of privately owned lands in this section, to proceed with such exchange at the earliest practicable date and to cooperate fully with the State to that end, but no State shall be permitted to select lieu lands in another State.

Application by a State to exchange lands within or without a grazing district.

Lands in another State excluded.

SEC. 9. The Secretary of the Interior shall provide, by suitable rules and regulations, for cooperation with local associations of stockmen, State land officials, and official State agencies engaged in conservation or propagation of wild life interested in the use of the grazing districts. The Secretary of the Interior shall provide by appropriate rules and regulations for local hearings on appeals from the decisions of the administrative officer in charge in a manner similar to the procedure in the land department. The Secretary of the Interior shall also be empowered to accept contributions toward the administration, protection, and improvement of the district, moneys so received to be covered into the Treasury as a special fund, which is hereby appropriated and made available until expended, as the Secretary of the Interior may direct, for payment of expenses incident to said administration, protection, and improvement, and for refunds to depositors of amounts contributed by them in excess of their share of the cost.

Rules for cooperating with local stockmen associations to be provided.

Local hearings or views provided for.

Acceptance of contributions for district improvements.

Appropriation.

SEC. 10. That, except as provided in sections 9 and 11 hereof, all moneys received under the authority of this Act shall be deposited in the Treasury of the United States as miscellaneous receipts, but 25 per centum of all moneys received from each grazing district during any fiscal year is hereby made available, when appropriated by the Congress, for expenditure by the Secretary of the Interior for the construction, purchase, or maintenance of range improvements, and 50 per centum of the money received from each grazing district during any fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State in which said grazing district is situated, to be expended as the State legislature may prescribe for the benefit of the county or counties in which the grazing district is situated: *Provided*, That if any grazing district is in more than one State or county, the distributive share to each from the proceeds of said district shall be proportional to its area therein.

Deposit of grazing receipts; exceptions.

Portion for range improvements.

Apportionment to State for benefit of counties having grazing districts.

Proviso.
If district in more than one county.

SEC. 11. That when appropriated by Congress, 25 per centum of all moneys received from each grazing district on Indian lands ceded to the United States for disposition under the public-land laws during any fiscal year is hereby made available for expenditure by the Secretary of the Interior for the construction, purchase, or maintenance of range improvements; and an additional 25 per centum of the money received from grazing during each fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State in which said lands are situated, to be expended as the State legislature may prescribe for the benefit of public schools and public roads of the county or counties in which such grazing lands are situated. And the remaining 50 per centum of all money received from such grazing lands shall be deposited to the credit of the Indians pending final disposition under applicable laws, treaties, or agreements. The applicable public land laws as to said Indian ceded lands within a district created under this Act shall continue in operation, except that each and every application for nonmineral title to said lands in a district created under this Act shall be allowed only if in the opinion of the Secretary of the Interior the land is of

Indian lands ceded to United States.

Use of grazing fees received from.

Range improvements.

Benefit of public schools and public roads.

Continuance of public land laws.

the character suited to disposal through the Act under which application is made and such entry and disposal will not affect adversely the best public interest, but no settlement or occupation of such lands shall be permitted until ninety days after allowance of an application.

Cooperative administration with other departments.
Coordination of range administration.

SEC. 12. That the Secretary of the Interior is hereby authorized to cooperate with any department of the Government in carrying out the purposes of this Act, and in the coordination of range administration, particularly where the same stock grazes part time in a grazing district and part time in a national forest or other reservation.

Unappropriated lands within watersheds of national forests.
President may place, under national forest administration.

SEC. 13. That the President of the United States is authorized to reserve by proclamation and place under national-forest administration in any State where national forests may be created or enlarged by Executive order any unappropriated public lands lying within watersheds forming a part of the national forests which, in his opinion, can best be administered in connection with existing national-forest administration units, and to place under the Interior Department administration any lands within national forests, principally valuable for grazing, which, in his opinion, can best be administered under the provisions of this Act: *Provided*, That such reservations or transfers shall not interfere with legal rights acquired under any public-land laws so long as such rights are legally maintained. Lands placed under the national-forest administration under the authority of this Act shall be subject to all the laws and regulations relating to national forests, and lands placed under the Interior Department administration shall be subject to all public-land laws and regulations applicable to grazing districts created under authority of this Act. Nothing in this section shall be construed so as to limit the powers of the President (relating to reorganizations in the executive departments) granted by title 4 of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933.

Proviso.
Legal rights maintained.

Jurisdiction of lands.

Vol. 47, p. 1517.

R. S. sec. 2455, p. 449; U.S.C., p. 1411.
Vol. 45, p. 253.
Sale of isolated or disconnected tracts.

SEC. 14. That section 2455 of the Revised Statutes, as amended, is amended to read as follows:

"SEC. 2455. Notwithstanding the provisions of section 2357 of the Revised Statutes (U.S.C., title 43, sec. 678) and of the Act of August 30, 1890 (26 Stat. 391), it shall be lawful for the Secretary of the Interior to order into market and sell at public auction, at the land office of the district in which the land is situated, for not less than the appraised value, any isolated or disconnected tract or parcel of the public domain not exceeding seven hundred and sixty acres which, in his judgment, it would be proper to expose for sale after at least thirty days' notice by the land office of the district in which such land may be situated: *Provided*, That for a period of not less than thirty days after the highest bid has been received, any owner or owners of contiguous land shall have a preference right to buy the offered lands at such highest bid price, and where two or more persons apply to exercise such preference right the Secretary of the Interior is authorized to make an equitable division of the land among such applicants, but in no case shall the adjacent land owner or owners be required to pay more than three times the appraised price: *Provided further*, That any legal subdivisions of the public land, not exceeding one hundred and sixty acres, the greater part of which is mountainous or too rough for cultivation, may, in the discretion of the said Secretary, be ordered into the market and sold pursuant to this section upon the application of any person who owns land or holds a valid entry of lands adjoining such tract, regardless of the fact that such tract may not be isolated or disconnected within the

R. S. sec. 2357, p. 432; U.S.C., p. 1375.
Vol. 26, p. 391.

Provisos.
Preferential right to owner of contiguous property.

Sale of tracts unsuitable for cultivation.

meaning of this section: *Provided further*, That this section shall not defeat any valid right which has already attached under any pending entry or location. The word 'person' in this section shall be deemed to include corporations, partnerships, and associations."

Prior rights not impaired.

"Person" defined.

SEC. 15. The Secretary of the Interior is further authorized in his discretion, where vacant, unappropriated, and unreserved lands of the public domain are situated in such isolated or disconnected tracts of six hundred and forty acres or more as not to justify their inclusion in any grazing district to be established pursuant to this Act, to lease any such lands to owners of lands contiguous thereto for grazing purposes, upon application therefor by any such owner, and upon such terms and conditions as the Secretary may prescribe.

Disconnected or isolated tract may be leased to owners of contiguous lands.

SEC. 16. Nothing in this Act shall be construed as restricting the respective States from enforcing any and all statutes enacted for police regulation, nor shall the police power of the respective States be, by this Act, impaired or restricted, and all laws heretofore enacted by the respective States or any thereof, or that may hereafter be enacted as regards public health or public welfare, shall at all times be in full force and effect: *Provided, however*, That nothing in this section shall be construed as limiting or restricting the power and authority of the United States.

State laws, etc., not restricted.

Proviso.
No limitation on Federal authority.

Approved, June 28, 1934.

[CHAPTER 866.]

AN ACT

June 28, 1934.
[H.R. 9690.]
[Public, No. 483.]

To place the tobacco-growing industry on a sound financial and economic basis, to prevent unfair competition and practices in the production and marketing of tobacco entering into the channels of interstate and foreign commerce, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Tobacco Control Act.

DEFINITIONS

Definitions.

SECTION 1. As used in this Act—

(a) The term "person" includes an individual, a partnership, association, joint-stock company, corporation, or a firm, and imports the plural as well as the singular, as the case demands.

"Person."

(b) The term "Commissioner" means the Commissioner of Internal Revenue.

"Commissioner."

(c) The term "collector" means the collector of internal revenue.

"Collector."

(d) The term "tobacco" means any type or types of tobacco specified in any agreement between the Secretary of Agriculture and a contracting producer.

"Tobacco."

(e) The term "sale" means the first bona fide sale of each pound of tobacco harvested subsequent to the enactment of this Act.

"Sale."

(f) The term "tax" means the tax imposed by this Act upon the sale of tobacco.

"Tax."

(g) The term "contracting producer" means any person who (pursuant to the provisions of the Agricultural Adjustment Act) agrees in writing with the Secretary of Agriculture to plant not more than the number of acres of tobacco, and/or to market not more than the number of pounds of tobacco, permitted in such agreement.

"Contracting producer."

(h) The term "crop year" means the period May 1 to April 30.

"Crop year."

(i) The term "Maryland tobacco" means the kind of air-cured tobacco classified as type 32 in the United States Department of Agriculture, Bureau of Agricultural Economics, Service and Regulatory Announcements Numbered 118.

"Maryland tobacco."

"Cigar leaf tobacco."

(j) The term "cigar leaf tobacco" means all leaf tobacco classified in classes 4, 5, and 6 in the United States Department of Agriculture, Bureau of Agricultural Economics, Service and Regulatory Announcements Numbered 118.

"Virginia sun-cured tobacco."

(k) The term "Virginia sun-cured tobacco" means all sun-cured tobacco classified as type 37 in the United States Department of Agriculture, Bureau of Agricultural Economics, Service and Regulatory Announcements Numbered 118.

Declared policy.

DECLARED POLICY

Orderly marketing.

Stabilizing markets.

SEC. 2. It is hereby declared to be the policy of Congress to promote the orderly marketing of tobacco in interstate and foreign commerce, to enable producers of tobacco to stabilize their markets against undue and excessive fluctuations, to prevent unfair competition and practices in putting tobacco into the channels of interstate and foreign commerce, and to more effectively balance production and consumption of tobacco, and to relieve the present emergency with respect to tobacco.

Imposition.

IMPOSITION

Sales tax.

SEC. 3. (a) There is hereby levied and assessed on the sale of tobacco with respect to which the tax is applicable a tax at the rate of 33⅓ per centum of the price for which such tobacco is sold: *Provided, however*, That if the Secretary of Agriculture determines and proclaims that the declared policy of this Act is best effectuated thereby, the rate of tax shall, for such period as the Secretary of Agriculture designates, be at such lower rate (not less than 25 per centum of the price for which such tobacco is sold) as he may prescribe.

Proviso.
Lower rate permitted.

Tax to apply to tobacco harvested in crop year 1934–35; exception.

Inoperative thereafter unless it be determined special type requires imposition.

(b) The tax provided for by subsection (a) of this section shall be applicable to all tobacco harvested in the crop year 1934–1935, except Maryland tobacco, Virginia sun-cured tobacco, and cigar leaf tobacco. Thereafter whenever the Secretary of Agriculture determines that the persons who own, rent, share crop, or control three fourths of the land customarily engaged in the production of any particular type of tobacco favor the levy of the tax thereon and that the imposition of the tax thereon is necessary for the orderly marketing of such tobacco in interstate and foreign commerce and to effectuate the declared policy of this Act, he shall proclaim such determination at least sixty days prior to the next succeeding crop year, and the tax shall thereafter apply to tobacco of such type harvested during the crop year next following the date of such proclamation. The tax provided for by subsection (a) of this section shall not apply to any tobacco harvested after April 30, 1936.

Secretary's proclamation to issue before crop year.

Duration of provision.

Territory embraced.

(c) The provisions of this Act shall be applicable to the United States and its possessions, except the Philippine Islands, the Virgin Islands, American Samoa, the Canal Zone, and the island of Guam.

Exemptions.

EXEMPTIONS

SEC. 4. (a) No tax shall be imposed under this Act—

Public experiment station, etc.

(1) Upon the tobacco harvested by any publicly owned experimental station or agricultural laboratory; or

Crop prior to 1934–35.

(2) Upon tobacco harvested prior to the crop year 1934–1935.

Identification.

(b) Under such rules and regulations as the Commissioner, with the approval of the Secretary of the Treasury, may prescribe, every person who, at the time the tax becomes applicable with respect to

any type of tobacco, holds for sale (or use in the manufacture or production of an article intended for sale) any tobacco of such type harvested prior to the crop year 1934–1935 shall cause such tobacco to be tagged, stamped, or otherwise identified as tax-exempt tobacco.

Nontransferable tax-payment warrants.
Issue of, to contracting producer, authorized.

SEC. 5. (a) In addition to rental or benefit payments which under any provision of existing law the Secretary of Agriculture is authorized to make in connection with agreements with producers providing for reduction in the acreage or reduction in the production for market, or both, of any basic agricultural commodity, the Secretary of Agriculture is hereby authorized and directed to issue (in each crop year wherein any type of tobacco is harvested to which the tax is applicable) to each contracting producer nontransferable tax-payment warrants (each such warrant to be expressed in pounds of tobacco of a particular type). Upon surrender of any warrant by any contracting producer to the collector, it shall be accepted by the collector and the Secretary of the Treasury in payment of the tax on any sale by such contracting producer of the type of tobacco specified in the warrant not exceeding in amount the amount of tobacco covered by such warrant. Any contracting producer shall be entitled to receive such warrants covering amounts of any type of tobacco produced by him equal (1) to the number of pounds of tobacco of such type which such contracting producer is permitted to market under any agreement between him and the Secretary of Agriculture, or (2) to the number of pounds of tobacco of such type which the Secretary of Agriculture estimates may be produced on a percentage of a base acreage, which percentage and base acreage shall be determined as provided in any agreement between the Secretary of Agriculture and such contracting producer.

Surrender of, to be accepted in payment of sales tax.

Limitation.

Terms of warrant.
Pounds permitted.

Percentage basis.

County warrants.

(b) The Secretary of Agriculture may issue in any county further warrants, covering an amount of tobacco of any type not in excess of 6 per centum of the amount of tobacco of such type covered by the warrants issued to all contracting producers in such county, to persons engaged in the production of tobacco of such type in such county as to whom the Secretary determines that no equitable allotment of tobacco acreage or production is possible under tobacco-reduction contracts offered pursuant to the Agricultural Adjustment Act: *Provided*, That warrants covering two-thirds of the amount of tobacco allotted under this subsection in any county shall be issued to growers whose allotments are 1,500 pounds or less. Warrants issued under this subsection shall be accepted by the collector and the Secretary of the Treasury, upon surrender thereof by the person to whom issued, in payment of the tax on any sale by such person of the type of tobacco specified in the warrant not exceeding in amount the amount of tobacco covered by such warrant.

Ante, p. 34.

Proviso.
Issue of, to limited growers.

Acceptance, upon surrender in payment of sales tax.

(c) Upon application therefor, the warrants provided for by subsections (a) and (b) of this section may be issued by the Secretary of Agriculture, or his duly authorized agent, in such manner, at such time or times, at such place or places, and in such form as the Secretary of Agriculture may prescribe.

Manner, etc., of issuing warrants.

(d) Any tax-payment warrant erroneously issued shall be void upon demand in writing for its return made by the Secretary of Agriculture to the person to whom such warrant was issued.

Erroneous issue.

(e) The right to a tax-payment warrant under this section shall be evidenced in such manner as the Secretary of Agriculture may by regulations prescribe.

Evidence of right.

(f) The Secretary of Agriculture may make regulations protecting the interests of share-croppers and tenants in the issuance of tax-payment warrants under this Act.

Protection of share croppers, etc.

Collection of taxes.

COLLECTION OF TAXES

Payment by seller.

Depository.

SEC. 6. (a) The taxes provided for in this Act shall be paid by the seller and collected by the Bureau of Internal Revenue under the direction of the Secretary of the Treasury. Such taxes shall be paid into the Treasury of the United States.

Returns, penalties, etc.

Excise provisions excepted.

Vol. 44, p. 121.

Vol. 44, p. 93; Vol. 47, p. 269.

(b) All provisions of law, including penalties (except section 1121 of the Revenue Act of 1926), applicable with respect to the taxes imposed by section 600 of the Revenue Act of 1926, and the provisions of section 626 of the Revenue Act of 1932, shall, insofar as applicable and not inconsistent with the provisions of this Act, be applicable in regard to all taxes imposed by this Act.

Rules and regulations.

RULES AND REGULATIONS

Needful, to be prescribed.

SEC. 7. (a) The Commissioner, with the approval of the Secretary of the Treasury, shall prescribe such rules and regulations as he may deem needful for the collection of the tax.

Execution of vested powers.

(b) The Secretary of Agriculture is authorized to make such rules and regulations as may be necessary to carry out the powers vested in him by the provisions of this Act.

Information returns.

INFORMATION RETURNS

Producers, etc., required to disclose relevant information.

SEC. 8. (a) All producers, warehousemen, processors of tobacco, and common carriers, having information with respect to tobacco produced or sold, may be required to make a return in regard thereto, setting forth the amount of tobacco produced, sold, or delivered, the name and address of the person who produced, sold, or delivered said tobacco, or to whom said tobacco was sold or delivered, the price paid on such sale, and any other and further information which the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury shall by regulations prescribe as necessary for the collection of the tax. Any person required to make such return shall render a true and accurate return to the Commissioner of Internal Revenue.

Regulations to be prescribed.

Penalty provisions.

(b) Any person willfully failing or refusing to file such a return, or filing a willfully false return, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $1,000.

General and penal provisions.

GENERAL AND PENAL PROVISIONS

Transfer of tax-payment warrants.

SEC. 9. (a) No tax-payment warrant issued in accordance with this Act may be transferred or assigned either in whole or in part, except by the executor or other legal representative of a deceased producer to whom a tax-payment warrant has been issued under this Act. Any person who acquires a tax-payment warrant from another person or who transfers a tax-payment warrant to another person in violation of the provisions of this Act, or who violates any provision of this Act, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $1,000 or sentenced to not more than six months' imprisonment, or both.

Unlawful acquisition.

Counterfeiting, etc.

(b) Any person who, with intent to defraud, forges, makes, or counterfeits any tax-payment warrant or any stamp, tag, or other means of identification made or used under this Act, or makes any false entry upon such warrant or any false statement in any application for the issuance of such warrant, or who uses, sells, lends, or has in his possession any such altered, forged, or counterfeited warrant, stamp, tag, or other means of identification, or who makes, uses, sells, or has in his possession any material in imitation of the

False entry.

material used in the manufacture of such warrants, stamps, tags, or other means of identification, or who makes any false statement in any application with respect to the levying and collection of the tax, shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment not exceeding five years, or both. Penalty.

APPROPRIATIONS AND ADMINISTRATIVE EXPENSES

Appropriations and administrative expenses.

Proceeds from tax available.

SEC. 10. (a) The proceeds derived from the tax are hereby appropriated to be available to the Secretary of Agriculture for administrative expenses and refunds of taxes and other payments under this Act. The Secretary of Agriculture and the Secretary of the Treasury shall estimate from time to time the amount of the tax which will be collected during a period following any such estimate not in excess of four months, and the Secretary of the Treasury shall, out of any money in the Treasury not otherwise appropriated, advance to the Secretary of Agriculture the amounts so estimated. The amount of any such advance shall be deducted from such tax proceeds as shall subsequently become available under this subsection.

Tax estimates.

Advances.

(b) Out of the sums available to the Secretary of Agriculture under the Agricultural Adjustment Act, as amended, such sums as may be necessary for administrative expenses, refunds of taxes, and other payments under this Act are hereby made available.

Expenses.

Ante, p. 37.

(c) The Secretary of Agriculture is authorized in order to carry out the provisions of this Act to appoint, without regard to the provisions of the civil-service laws, such officers, agents, and employees, and to utilize such Federal officers and employees and, with the consent of the State, such State and local officers and employees, as he may find necessary, to prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any officers, agents, and employees so appointed.

Officers, employees, etc.

Selection, salaries, etc.

(d) The administrative expenses provided for under this section shall include, among others, expenditures for personal services and rent in the District of Columbia and elsewhere, for law books, periodicals, newspapers, and books of reference, for contract stenographic reporting services, and for printing and paper in addition to allotments under the existing law.

Services and rent in the District of Columbia.

Reference books, etc.

(e) The Secretary of Agriculture shall transfer to the Treasury Department, and is authorized to transfer to other agencies, out of funds available for administrative expenses under this Act, such sums as are required to pay administrative expenses incurred and refunds made by such Department or agencies in the administration of this Act.

Transfer of funds.

REFUNDS

Refunds.

Claim for, must be presented within 6 months.

SEC. 11. (a) No refund of any tax, penalty, or interest paid under this Act shall be allowed unless claim therefor is presented within six months after the date of payment of such tax, penalty, or interest.

Suit to recover.

(b) No suit or proceeding shall be maintained in any court for the recovery of any tax under this Act alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, until a claim for refund or credit has been duly filed with the Commissioner of Internal Revenue, according to the provisions of law in that regard, and the regulations prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury, under this Act;

Payment under protest or duress. Commencement of suit.

but such suit or proceeding may be maintained whether or not such tax, penalty, or interest has been paid under protest or duress. No suit or proceeding shall be begun before the expiration of six months from the date of filing such claim, unless the Commissioner renders a decision thereon within that time, nor after the expiration of two years from the date of the payment of such tax, penalty, or interest, unless such suit or proceeding is begun within two years after the disallowance of the claim or of the part of such claim to which such suit or proceeding relates. The Commissioner shall, within ninety days after any such disallowance, notify the taxpayer thereof by mail.

SEPARABILITY OF PROVISIONS

Separability of provisions.

SEC. 12. If any provision of this Act, or the applicability thereof to any person or circumstance, is held invalid the remainder of this Act and the applicability thereof and of such provision to other persons or circumstances shall not be affected thereby.

Termination.

TERMINATION

Tax on any type may be discontinued, etc.

SEC. 13. The tax shall terminate with respect to any type of tobacco at the end of the crop year current at the time the Secretary of Agriculture proclaims that rental and/or benefit payments under the Agricultural Adjustment Act are to be discontinued with respect to such type of tobacco or whenever the President finds and proclaims that the national economic emergency with respect to such type of tobacco has ended, whichever is the earlier.

Proclamation to issue.

Tobacco producer becoming a contracting producer.

SEC. 14. The Secretary of Agriculture is directed not to refuse on the ground of lateness any offer by a tobacco producer to become a contracting producer, if such offer is filed with the Secretary of Agriculture within thirty days after the date of the enactment of this Act.

Cigar leaf tobacco.

SEC. 15. Having due regard to the welfare of domestic producers of tobacco and to the protection of domestic consumers thereof and to a just relation between the price received by such domestic producers and the price paid by such domestic consumers and in other respects to effectuate the declared policy of this Act, the Secretary of Agriculture may from time to time, by orders or regulations:

Provisions for protecting, etc.

Quotas for importations, into continental United States to be established.

(A) For each crop year in which any type of tobacco is harvested to which the tax is applicable, or for any part of such crop year, establish quotas for the importation into continental United States of cigar-leaf types of tobacco, and during such crop year readjust any such quotas. Such quotas shall be based on average quantities of such tobacco imported into continental United States during the crop years 1932–1933 and 1933–1934, except that in the case of tobacco imported from the Republic of Cuba, such quotas shall be based on average quantities of tobacco so imported during the crop years 1928–1933.

Basis.

Cuba.

Allocations to importers.

(B) Allot the quotas provided for by subsection (A) to the importers of such tobacco in the United States in such manner as he may deem fair and equitable, having due regard to the respective amounts of tobacco imported during the crop years 1932–1933 and 1933–1934 by such persons.

Excess imports subject to import tax.

SEC. 16. After importation quotas therefor have been established, all cigar-leaf tobacco of any type imported into continental United States in excess of the quota for such type shall be subject to an import tax. The rate of the import tax, expressed in cents per

Rate.

pound, shall be determined by the Secretary of Agriculture as hereinafter provided. On May 1 of each crop year for which quotas are to be established pursuant to section 15, the Secretary of Agriculture shall determine (from available statistics of the Department of Agriculture) the average sales price per pound, during the preceding twelve months, of all domestic cigar-leaf tobacco the sale of which is to be taxed during the ensuing crop year under this Act. This average sales price, times the average per centum tax rate then current under this Act on the sale of such domestic cigar-leaf tobacco, shall be the rate per pound of the import tax and shall be proclaimed by the Secretary of Agriculture. The import tax shall be paid prior to the release of the tobacco subject thereto from customs custody or control.

Quotas, average sales price, etc., to be determined.

Payment of tax before customs release.

As used in this and the preceding section "cigar-leaf types of tobacco" shall include cigars, which for the purposes of the quotas, allotments, and import tax provided for by said sections shall be translated into terms of raw cigar-leaf tobacco of the respective types from which such cigars are produced, pursuant to conversion factors established and proclaimed by the Secretary of Agriculture.

Term construed.

Approved, June 28, 1934.

[CHAPTER 867.]

AN ACT

June 28, 1934.
[H.R. 9936.]
[Public, No. 484.]

To compensate widows and children of persons who died while receiving monetary benefits for disabilities directly incurred in or aggravated by active military or naval service in the World War.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the surviving widow, child, or children of any deceased person who served in the World War before November 12, 1918, or if the person was serving with the United States military forces in Russia before April 2, 1920, who, while receiving or entitled to receive compensation, pension, or retirement pay for 30-per-centum disability or more directly incurred in or aggravated by service in the World War, dies or has died from a disease or disability not service connected and not the result of the person's own misconduct shall, upon filing application and such proofs in the Veterans' Administration as the Administrator of Veterans' Affairs may prescribe, be entitled to receive compensation: *Provided*, That the provisions of this Act shall not apply to any person during any year following a year for which such person was not entitled to exemption from the payment of a Federal income tax.

Compensation of widows, etc., of certain veterans.
Eligibility.

Proviso.
Persons not exempt from income tax.

Rates.

SEC. 2. That the monthly rates of compensation shall be as follows: Widow but no child, $22; widow and one child, $30 (with $4 for each additional child); no widow but one child, $15; no widow but two children, $22 (equally divided); no widow but three children, $30 (equally divided) (with $3 for each additional child, total amount to be equally divided).

Maximum.

The total compensation payable under this paragraph shall not exceed $56. Where such benefits would otherwise exceed $56 the amount of $56 may be apportioned as the Administrator of Veterans' Affairs may prescribe.

Apportionment, if exceeding $56.

Definitions.

SEC. 3. That as used in this Act—

"Person who served."

(a) The term "person who served" shall mean a person, whether male or female, and whether commissioned, enlisted, enrolled, or drafted, who was finally accepted for active service in the military

or naval forces of the United States, members of training camps authorized by law, and such other persons heretofore recognized by statute as having a pensionable status:

"Widow." (b) The term "widow" shall mean a person who was married to the veteran prior to July 3, 1931, and who has not remarried;

"Child." (c) The term "child" shall mean a person unmarried and under the age of eighteen years, unless prior to reaching the age of eighteen the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, who is a legitimate child, a child legally adopted, a stepchild if a member of the man's household, an illegitimate child, but, as to the father only, if acknowledged in writing signed by him or if he has been judicially ordered or decreed to contribute to such child's support, or has been judicially decreed to be the putative father of such child:

Proviso. Payments to orphans passing 18, completing education. Limit. *Provided*, That the payment of compensation shall be continued after the age of eighteen years and until completion of education or training (but not after such child reaches the age of twenty-one years), to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university, particularly designated by him and approved by the Administrator, which shall have agreed to report to the Administrator the termination of attendance of such child, and if any such institution of learning fails to make such report promptly the approval shall be withdrawn.

Adjudication of claims. SEC. 4. That the Administrator of Veterans' Affairs is authorized and directed to receive evidence and adjudicate claim for compensation under this Act when it is claimed that the veteran was 30 per centum or more disabled immediately prior to his death from disease or injury established to the satisfaction of the Veterans' Administration prior to date of death to have been directly incurred in or aggravated by service in the World War, although a determination of 30-per-centum disability or more had not been made by the Veterans' Administration prior to the veteran's death:

Proviso. Time for filing claim restricted. *Provided*, That for the purpose of awarding compensation under the provisions of this Act, direct service connection of disability and degree thereof at date of death may be determined in any case where claim has been or is filed by the widow, child, or children of a deceased World War veteran, except that proof of 30-per-centum disability or more at date of death must be filed no later than three years after date of enactment of this Act or the date of death, whichever is the later, and evidence required in connection with any claim must be submitted in accordance with regulations prescribed by the President and/or the Administrator of Veterans' Affairs.

Effective date of payment. SEC. 5. That payment shall be effective from the date of enactment of this Act in all cases where death occurred prior to the date of enactment of this Act and in all other cases payment shall be made from the date the application of the widow, child, or children in the form prescribed by the Administrator of Veterans' Affairs, is filed in the Veterans' Administration:

Proviso. Acceptance of claims under specified Acts authorized. *Ante*, pp. 8, 524. *Provided*, That a claim for pension or compensation under Public Law Numbered 2, Seventy-third Congress, and the Veterans' Regulations, or Public Law Numbered 141, Seventy-third Congress, on account of death of a veteran from directly service-connected disability shall be accepted as a claim for benefits under this Act.

Approved, June 28, 1934.

[CHAPTER 868.]

AN ACT

To provide a retirement system for railroad employees, to provide unemployment relief, and for other purposes.

June 27, 1934.
[S. 3231.]
[Public, No. 485.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Railroad Retirement Act.

DEFINITIONS

Definitions.

SECTION 1. That as used in this Act—

"Carrier."

(a) The term "carrier" includes any express company, sleeping-car company, carrier by railroad, subject to the Interstate Commerce Act, and any company which is directly or indirectly owned or controlled by or under common control with any carrier by railroad and which operates any equipment or facilities or performs any service (other than trucking service) in connection with the transportation of passengers or property or the receipt, delivery, elevation, transfer in transit, refrigeration or icing storage, and handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the business of any such "carrier": *Provided, however*, That the term "carrier" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Board or upon complaint of any party interested to determine after hearing whether any line operated by electric power falls within the terms of this proviso.

Proviso.
Street, etc., railways excluded.

Status of electric lines.

"Employee."

(b) The term "employee" means each person in the service of a carrier, subject to its continuing authority to supervise and direct the manner of rendition of his service, who has been in such service within one year before the enactment hereof, or who after the enactment hereof shall have been in such service. The term "employee" also includes each officer or other official representative of an "employee organization", herein called "representative", who has performed service for a carrier, who is duly designated and authorized to represent employees under and in accordance with the Railway Labor Act, and who, during, or following employment by a carrier, is engaged in such representative service in behalf of such employees.

"Board."

(c) The term "Board" means the Railroad Retirement Board hereby created.

"Annuity."

(d) The term "annuity" means regular payments at the end of each completed month during retirement, ceasing at death or at resumption of compensated service.

"Service."

(e) The term "service" means the employment relation between an employee and a carrier whether before or after the enactment hereof.

"Service period."

(f) The term "service period" means the total service of an employee for one or more carriers whether or not continuously performed, and includes as one month every calendar month during which the employee has been paid compensation by a carrier and includes as one year every twelve such months. An ultimate fraction of six months or more shall be computed as one year.

"Retirement period."

(g) The term "retirement" means the status of cessation of compensated service with the right to receive an annuity.

"Age." (h) The term "age" means age at the latest attained birthday.

"Carrier contribution." (i) The term "carrier contribution" means the payment to be made by each carrier.

"Employee contribution." (j) The term "employee contribution" means the payment to be made by each employee.

"Voluntary contribution." (k) The term "voluntary contribution" means the payment made by an employee equal to the total of both the employee and the carrier contribution.

"Effective date." (l) The term "effective date" means the 1st day of the second month after the taking effect of this Act.

"Railroad Retirement Act." (m) The term "Railroad Retirement Act" means and may be used in citing this Act and subsequent amendments thereto.

PURPOSES

Purposes and objects. SEC. 2. (a) For the purpose of providing adequately for the satisfactory retirement of aged employees and promoting efficiency and safety in interstate transportation, and to make possible greater employment opportunity and more rapid advancement of employees in the service of carriers, there is hereby established a railroad retirement system; and it is made the duty of all carriers and employees subject to this Act to perform and fulfill the obligations imposed thereby. This Act shall be administered and construed with the intent and to the purpose of providing the greatest practicable amount of relief from unemployment and the greatest possible use of resources available for said purpose and for the payment of annuities for the relief of superannuated employees.

Retirement system established.

SPECIAL REPORT

Special report to be submitted to the President. (b) Not later than four years from the effective date, the Board, in a special report to the President of the United States to be submitted to Congress, shall make specific recommendations for such changes in the retirement system hereby created as shall assure the adequacy and permanency of said retirement system on the basis of its experience and all information and experience then available. For this purpose the Board shall from time to time make such investigations and actuarial studies as shall provide the fullest information practicable for such report and recommendations.

Investigations and actuarial studies to be made.

ANNUITIES

Payment of annuities. SEC. 3. Each employee having attained the age of sixty-five years, or having completed a service period of thirty years, shall be paid an annuity, to begin on a date specified in a written application, which date shall not be more than sixty days before the making of the application. No annuity shall begin less than six months after the effective date. Such annuity shall be based upon the service period of the employee and shall be the sum of the amounts determined by multiplying the number of years of service, not exceeding thirty years, by the following percentages of the monthly compensation: 2 per centum of the first $50; 1½ per centum of the next $100; and 1 per centum of the compensation in excess of $150. The "monthly compensation" shall be the average of the monthly compensation paid to the employee by the carrier, except that where applicable for service before the effective date the monthly compensation shall be the average of the monthly compensation for all pay-roll periods for which the employee has received compensation from any carrier out of eight consecutive calendar years of such services ending December 31, 1931. No part of any monthly compensation in excess of $300 shall be recognized in determining any annuity for any

Commencement.

Service basis.

Computation.

"Monthly compensation", defined.

Maximum.

employee contribution. The annuity shall be reduced by one-fifteenth of such annuity for each year the employee is less than sixty-five years of age at the time of the first annuity payment. No such reduction shall be made if the Board shall determine that the carrier has retired the employee because of physical or mental inability to continue in active service. Upon death of an employee before or after retirement an amount, equal at his death to a computation, with interest at 3 per centum compounded annually, of the accumulation from his payments less any annuity payments received by him, shall be paid as he may have designated or to his legal representative. Any employee who upon retirement shall be entitled to an annuity with a value determined by the Board of less than $300 shall be paid such value in a lump sum.

Rate if employee less than 65.

Disability provision.

Death allowance.

Lump sum payment if annuity less than $300.

RETIREMENT

Retirement.

SEC. 4. Retirement shall be compulsory upon employees who, on the effective date, have attained or thereafter shall attain the age of sixty-five years. The carrier and the employee may, by an agreement in writing filed with the Board, extend the time for retirement as to such employee for one year and for successive periods of one year each, but not beyond the age of seventy years. Until five years from the effective date, the compulsory retirement shall not apply to an employee who from and after the effective date occupies an official position in the service of a carrier.

Compulsory, at age 65.

Extensions.

Officials.

CONTRIBUTION

Contributions.

SEC. 5. Each employee shall pay an employee contribution in a percentage upon his compensation. Each carrier shall pay a carrier contribution equal to twice the contributions of each employee of such carrier. The employee compensation shall be the compensation for service paid to such employee by the carrier excluding compensation in excess of $300 per month. The contribution percentage shall be determined by the Board from time to time, and shall be such as to produce from the combined employee and carrier contributions, with a reasonable margin for contingencies, the amount necessary to pay the annuities, other disbursements and the expenses becoming payable from time to time. Until the Board shall determine on a different percentage the employee contribution percentage shall be 2 per centum. Employee contributions shall be deducted by the carrier from the compensation of its employees and shall be paid by the carrier, together with the carrier contributions, into the Treasury of the United States quarterly or at such other times as ordered by the Board.

Employee contribution.

Carrier contribution.

Determination of percentage.

Deductions from employees' pay.

EXISTING PENSION SYSTEMS

SEC. 6. The Board shall have the power to provide by appropriate rules and regulations for substituting the provisions for annuities and other benefits to employees under this Act, for any obligation for prior service or for any existing provisions for the voluntary payment of pensions to employees subject to this Act by a carrier or any employees subject to this Act, so as to relieve such carrier from its obligations for age retirement benefits under its existing pension systems and to transfer such obligations to the retirement system herein established. If the fulfillment of any such transferred obligation shall require additional contributions or larger payments than would otherwise be required under the provisions of this Act, then such additional contributions shall be made by the carrier originally responsible for the creation of such obligation or for

Taking existing systems into retirement system.

the excess amount of such payments over those which would be required under the provisions of this Act. In the event that the Board is unable to make satisfactory arrangements with any carrier for the substitution of the provisions under this Act for its existing pension system, then, and in that event, the provisions of this Act shall be applied to said carrier and its employees without regard to any conflict or duplication in the operation of such an existing pension system and the operation and effect of the provisions of this Act: Provided, That the Board, at its option, shall have power, in lieu of the foregoing provisions of this section, to order that all former employees of carriers, who prior to the effective date have become separated from the service at the age of seventy years or over and who may or may not be receiving age retirement benefits, shall be entitled to the benefits of this Act.

Proviso.
Discretionary extension to former retirements for age.

Employee Representatives.

EMPLOYEE REPRESENTATIVES

Discretionary continuance as beneficiary.

SEC. 7. Any representative of an employee organization who is included within the definition of "employee" in paragraph (b), section 1, of this Act shall have the option, but, shall not be required to continue or to become a beneficiary under the provisions of this Act. If he shall elect to continue or to become such a beneficiary he shall pay all voluntary contributions.

Payments.

Certain requirements waived.

For the purposes of this section the requirements of section 4 of this Act shall not apply. Service rendered to an employee organization shall be included in computing the total service period of such representative.

Conditions under which benefits are payable.

For such representative who shall elect to become a beneficiary under this Act, the basic compensation upon which contributions shall be made and benefits calculated shall be that compensation paid by the carrier for service rendered in the position to which the rights of such representative would entitle him for the period defined in section 3 of this Act: Provided, That if no definite and specific rights obtain, the average compensation paid to the four employees whose last date of entry in the service is nearest the date of entry in the service of the same carrier by such representative, shall be his basic compensation to be determined for the period defined in section 3 of this Act. When a question arises as to rights under this provision the Board shall investigate and determine rights of such representative.

Proviso.
Determining basic compensation.

Board to settle questions hereunder.

Payments to representative continuing as beneficiary.

For such representative who elects to continue as a beneficiary under the provisions of this Act, his basic compensation shall be the average monthly compensation paid to him by the carrier during the last twelve months of active service with such carrier.

Retirement fund.

RETIREMENT FUND

Treasury to maintain separate fund.

SEC. 8. All moneys paid into the Treasury under the provisions of this Act, all interest, and other receipts, and all refunds of moneys paid out under this Act shall constitute and be kept in a separate fund in the Treasury to be known as the "railroad retirement fund." At the request and direction of the Board, the Treasurer of the United States, with the approval of the Secretary of the Treasury, is authorized to invest such funds as are not immediately required for disbursements in interest-bearing bonds, notes, or other obligations of the United States, and to collect the principal and interest of such securities and to sell and dispose of the same as in the judgment of the Board shall be in the interest of said fund. There is hereby appropriated such sums not in excess of the amounts in said fund as may be necessary to pay all annuities, other disbursements and the expenses of administration of this Act.

Investments in Federal obligations.

Appropriation.

RETIREMENT BOARD

Retirement Board.

SEC. 9. (a) PERSONNEL.—There is hereby established as an independent agency in the executive branch of the Government a Railroad Retirement Board, to be composed of three members appointed by the President, by and with the advice and consent of the Senate. Each member shall hold office for a term of five years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of the term and the terms of office of the members first taking office after the date of enactment of this Act shall expire, as designated by the President, one at the end of two years, one at the end of three years, and one at the end of four years, after the date of enactment of this Act. One member shall be appointed from recommendations made by representatives of the employees and one member shall be appointed from recommendations made by representatives of the carriers, in both cases as the President shall direct, so as to provide representation on the Board satisfactory to the largest number, respectively, of employees and carriers concerned. One member, who shall be the chairman of the Board, shall be appointed initially, for a term of two years, without recommendation by either carriers or employees and shall not be in the employment of or be pecuniarily or otherwise interested in any carrier or organization of employees. Vacancies in the Board shall not impair the powers nor affect the duties of the Board nor of the remaining members of the Board of whom a majority of those in office shall constitute a quorum for the transaction of business. Each of said members shall receive a salary of $10,000 per year, together with necessary traveling expenses and subsistence expenses, or per diem allowance in lieu thereof, while away from the principal office of the Board on duties required by this Act. The members and employees of the Board shall be included as employees under this Act and together with employees receiving annuities shall be furnished free transportation in the same manner as such transportation is furnished to employees.

Personnel.

Term of office.

Appointment.

Vacancies.

Salary, etc.

(b) DUTIES.—The Board shall have and exercise all the duties and powers necessary to administer this Act. The Board shall receive and take such steps and institute and prosecute such proceedings and actions as may be necessary to enforce the payments and obligations required under the Act, make and certify awards and payments, and account for all moneys and funds necessary thereto. The Board may require such advances upon the payments of carriers as necessary to put this Act into operation. The Board shall establish and promulgate rules and regulations and provide for the adjustment of all controversial matters, with power as a Board or through any member or subordinate designated therefor, to require and compel the attendance of witnesses, administer oaths, take testimony, and make all necessary investigations in any matter involving annuities or other payments, and shall maintain such offices, provide such equipment, furnishings, supplies, services, and facilities and employ such persons and provide for their compensation and expenses, as may be necessary to the proper discharge of its functions. All rules, regulations, or decisions of the Board shall require the approval of at least two members and shall be entered upon the records of the Board and shall be a public record. The Board shall gather, keep, compile, and publish in convenient form such records and data as may be necessary, and at intervals of not more than two years shall cause to be made actuarial surveys and analyses, to determine from time to time the payments to be

Duties.

Rules to be prescribed.

Records, etc.

Actuarial surveys.

Authority to obtain information.

Annual report.

required to provide for all annuities, other disbursements and expenses, and to assure proper administration and the adequacy and permanency of the retirement system hereby established. The Board shall have power to require all carriers and employees and any officer, board, commission, or other agency of the United States to furnish such information and records as shall be necessary for the administration of this Act. The Board shall make an annual report to the President of the United States to be submitted to Congress. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

Court jurisdiction.

COURT JURISDICTION

Authority vested in district, etc., courts.

SEC. 10. The several district courts of the United States and the Supreme Court of the District of Columbia shall have jurisdiction to entertain an application and to grant appropriate relief in the following cases which may arise under the provisions of this Act:

To compel compliance with obligations.

(a) An application by the Board to compel an employee or other person residing within the jurisdiction of said court, or a carrier subject to service of process within said jurisdiction, to comply with any obligations imposed on said employee, other person, or carrier under the provisions of this Act.

To review questions arising in administration of system.

(b) An application by an employee or carrier to the Supreme Court of the District of Columbia or to the district court of any district wherein the Board maintains an office or has designated an agent authorized to accept service in its behalf, to compel the Board to set aside an action or decision claimed to be in violation of a legally enforceable right of the applicant, or to take an action, or to make a decision necessary for the enforcement of a legal right of the applicant, when the applicant shall establish his right to a judicial review upon the jurisdictional ground that, unless he is granted a judicial review of the action or decision, or failure of the Board to act or to decide, of which he complains, he will be deprived of a constitutional right to obtain a judicial determination of his alleged right.

Jurisdiction not exclusive.

(c) The jurisdiction herein specifically conferred upon the said Federal courts shall not be held exclusive of any jurisdiction otherwise possessed by said courts to entertain actions at law or suits in equity in aid of the enforcement of rights or obligations arising under the provisions of this Act.

Exemption.

EXEMPTION

No payment assignable, etc.

SEC. 11. No annuity or death payment shall be assignable or be subject to any tax or to garnishment, attachment, or other legal process under any circumstances whatsoever.

PENALTY—CARRIER

Penalty for failure of carrier to make required payment.

SEC. 12. On the failure of any carrier to make any payment when due under the provisions of this Act, such carrier, unless excused by order of the Board, shall pay an additional 1 per centum of the amount of such payment for each month such payment is delayed.

Other penalties.

OTHERS

Failure to furnish information.

SEC. 13. Any employee, other person, officer, or agent of a carrier subject to this Act who shall willfully fail or refuse to make any report or furnish any information required by the Board in the administration of this Act or who shall willfully fail or refuse to make any accounting required under this Act, or who shall know-

ingly make any false or fraudulent statement or report required for the purpose of this Act, or who shall knowingly make or aid in making any false or fraudulent statement or claim for the purpose of receiving any award or payment under this Act shall be punished by a fine of not less than $100 nor more than $10,000 or by imprisonment not exceeding one year. False statements.

SEPARABILITY

SEC. 14. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act or application of such provision to other persons or circumstances shall not be affected thereby. Saving clause.

Approved, June 27, 1934.

[CHAPTER 869.]

AN ACT

June 28, 1934.
[S. 3580.]
[Public, No. 486.]

To amend an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and Acts amendatory thereof and supplementary thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 75 of the Act of July 1, 1898, entitled "An Act to establish a uniform system of bankruptcy throughout the United States", as amended, is amended as follows: In section 75, entitled "Agricultural Compositions and Extensions", after subsection (r) add a new subsection (s), to read as follows: Bankruptcy; agricultural compositions and extensions. Vol. 47, p. 1473, amended.

"(s) Any farmer failing to obtain the acceptance of a majority in number and amount of all creditors whose claims are affected by a composition or extension proposal, or if he feels aggrieved by the composition or extension, may amend his petition or answer asking to be adjudged a bankrupt. Such farmer may, at the time of the first hearing, petition the court that all of his property, whether pledged, encumbered, or unencumbered, by liens or otherwise, be appraised, and that his exemptions as prescribed by the State law, subject to any liens thereon, be set aside and that he be allowed to retain possession of any part or parcel or all of the remainder of his property and pay for same under the terms and conditions set forth in this subsection (s). Farmer; petition in bankruptcy. Appraisal of property. Exemptions.

"(1) Upon such a request being made in the petition or answer, at the time of the first hearing, appraisers shall be designated and appointed. Such appraisers shall appraise all the property of the debtor at its then fair and reasonable value, not necessarily the market value at the time of such appraisal. The appraisals shall be made in all other respects, with right of objections, exceptions, and appeal, in accordance with this Act: *Provided*, That in case of real estate either party may file objections, exceptions, and appeals within one year from date of order approving the appraisal. Appraisers, appointment. *Proviso.* Filing objections.

"(2) After the value of the debtor's property shall have been fixed by the appraisal as herein provided, the referee shall issue an order setting aside to such debtor his exemptions as prescribed by the State law, subject to any existing mortgages or liens upon any such exemptions to an amount equal to the value, as fixed by the appraisal, of the value of such exempt property as is covered by any mortgage or lien, and shall further order that the possession, under the control of the court, of any part or parcel or all of the remainder of the debtor's property, shall remain in the debtor subject to a general lien, as security for the payment of the value thereof to the trustee of the creditors, if a trustee is appointed, such a lien to be subject to and Exemptions of debtor; order setting aside. Possession of remaining property.

Prior liens, etc., to remain effective.

inferior to all prior liens, pledges, or encumbrances. Such prior liens, pledges, or encumbrances shall remain in full force and effect, and the property covered by such prior liens, pledges, or encumbrances shall be subject to the payment of the claims of the secured creditors holding such prior liens, pledges, or encumbrances up to the actual value of such property as fixed by the appraisal provided for herein. All liens herein on livestock shall cover all increase, and all liens on real property shall cover all rental received or crops grown thereon by the debtor, as security for the payment of any sum that may be due or past due under the terms and provisions of the next paragraph, until the full value of any such particular property has been paid.

Liens on livestock.

Sale of bankrupt estate to debtor.

"(3) Upon request of the debtor, and with the consent of the lien holder or lien holders, the trustee, after the order is made setting aside to the debtor his exemptions, shall agree to sell to the debtor any part, parcel, or all of the remainder of the bankrupt estate at the appraised value upon the following terms and conditions, and upon such other conditions as in the judgment of the trustee shall be fair and equitable:

Payments.

"a. Payment of 1 per centum interest upon the appraised price within one year from the date of said agreement.

"b. Payment of 2½ per centum of the appraised price within two years from the date of said agreement.

"c. Payment of an additional 2½ per centum of the appraised price within three years from the date of said agreement.

"d. Payment of an additional 5 per centum of the appraised price within four years from the date of said agreement.

"e. Payment of an additional 5 per centum of the appraised price within five years from the date of said agreement.

"f. Payment of the remaining unpaid balance of the appraised price within six years from the date of said agreement.

Interest.

"Interest shall be paid on the appraised price and unpaid balances of the appraised price yearly as it accrues at the rate of 1 per centum per annum and all taxes shall be paid by the debtor.

Proceeds, etc., to credit of lien holders.

"The proceeds of such payments on the appraised price and interest shall be paid to the lien holders as their interests may appear, and to the trustee of the unsecured creditors, as their interests may appear, if a trustee is appointed.

Disposal of property by debtor; payments required.

"(4) An agreement having been reached as provided in subsection (3), the debtor may consume or dispose of any part or parcel or all of said property whether covered by the general lien to the trustee, if a trustee is appointed, or subject to pledges or prior liens or encumbrances held by secured creditors, provided he pays the appraised value of such part or parcel or all, as the case may be, to the secured creditors, as their interests may appear, and the trustee of the unsecured creditors, as his interests may appear, if a trustee is appointed, or he may put up a bond approved by the referee in bankruptcy that he will make payments, as provided for herein, of any property so consumed or disposed of.

Bond.

Enforcement of pledge in case of default of payment.

"(5) In case the debtor fails to make any payments, as herein provided, to any or all of the secured creditors or to the trustee of the unsecured creditors, then such secured creditors or the trustee may proceed to enforce their pledge, lien, or encumbrances in accordance with law. It shall be the duty of the secured creditors and of the trustee of the unsecured creditors to discharge all liens of record in accordance with law, whenever the debtor has paid the appraised value of any part, parcel, or all of his property as herein provided.

Discharge upon completing obligation.

"(6) Having complied with the provisions of subsection (3), the debtor may apply for his discharge as provided in this Act.

"(7) If any secured creditor of the debtor, affected thereby, shall file written objections to the manner of payments and distribution of debtor's property as herein provided for, then the court, after having set aside the debtor's exemptions as prescribed by the State law, shall stay all proceedings for a period of five years, during which five years the debtor shall retain possession of all or any part of his property, under the control of the court, provided he pays a reasonable rental annually for that part of the property of which he retains possession; the first payment of such rental to be made within six months of the date of the order staying proceedings, such rental to be distributed among the secured and unsecured creditors, as their interests may appear, under the provisions of this Act. At the end of five years, or prior thereto, the debtor may pay into court the appraised price of the property of which he retains possession: *Provided*, That upon request of any lien holder on real estate the court shall cause a reappraisal of such real estate and the debtor may then pay the reappraised price, if acceptable to the lien holder, into the court, otherwise the original appraisal price shall be paid into court and thereupon the court shall, by an order, turn over full possession and title of said property to the debtor and he may apply for his discharge as provided for by this Act: *Provided, however*, That the provisions of this Act shall apply only to debts existing at the time this Act becomes effective.

" If the debtor fails to comply with the provisions of this subection [1] the court may order the trustee to sell the property as provided in this Act."

Court to stay proceedings for 5 years upon creditors' objections to manner of payments, etc.

Debtor to retain possession upon payment of rental.

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Provisos.
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Approved, June 28, 1934.

[1] So in original.

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THE
STATUTES AT LARGE
OF THE
UNITED STATES OF AMERICA
FROM
MARCH 1933 to JUNE 1934

CONCURRENT RESOLUTIONS
RECENT TREATIES AND CONVENTIONS, EXECUTIVE PROCLAMATIONS
AND AGREEMENTS, TWENTY-FIRST AMENDMENT
TO THE CONSTITUTION

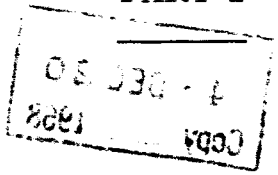
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PART 2



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The original of every act printed in this volume from page 1295 to page 1300, inclusive, has the following heading:

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AT THE FIRST SESSION,

BEGUN AND HELD AT THE CITY OF WASHINGTON ON THURSDAY, THE NINTH DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND THIRTY-THREE

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PRIVATE LAWS

OF THE

UNITED STATES OF AMERICA

PASSED BY THE

SEVENTY-THIRD CONGRESS

1933–1934

PRIVATE LAWS OF THE SEVENTY-THIRD CONGRESS

OF THE

UNITED STATES OF AMERICA

Passed at the first session, which was begun and held at the city of Washington, in the District of Columbia, on Thursday, the ninth day of March, 1933, and was adjourned without day on Friday, the sixteenth day of June, 1933.

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President; KEY PITTMAN, President of the Senate *pro tempore*; HENRY T. RAINEY, Speaker of the House of Representatives.

[CHAPTER 6.]

AN ACT

Confirming the claim of Francis R. Sanchez, and for other purposes.

March 23, 1933.
[S. 154.]
[Private, No. 1.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claim of Francis R. Sanchez for lands described as sections 33 and 34, township 6 south, range 18 east, and as section 5, township 7 south, range 18 east, Tallahassee meridian, Florida, embracing four thousand acres as shown on plats of survey approved May 27, 1841, contained in report numbered 2 as claim numbered 25, of the commissioners of the district of east Florida (American State Papers, Duff Green edition, vol. 3, p. 643), communicated to Congress by the Treasury Department, May 20, 1824, be, and the same is hereby, approved and confirmed to the equitable owners of the equitable title thereto and to their respective heirs and assigns forever: *Provided*, That this Act shall amount only to a relinquishment of any title that the United States has, or is supposed to have, in and to any of said lands, and shall not be construed to abridge, impair, injure, prejudice, divert, or affect in any manner whatsoever any valid right, title, or interest of any person or body corporate whatever heretofore acquired based on a patent issued by the United States.

Francis R. Sanchez. Claim of, for certain lands in Florida confirmed to equitable owners of title thereto, etc.

Proviso. Only United States title relinquished.

Approved, March 23, 1933.

[CHAPTER 7.]

AN ACT

Providing for an exchange of lands between the Colonial Realty Company and the United States, and for other purposes.

March 23, 1933.
[S. 156.]
[Private, No. 2.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon execution and delivery by the Colonial Realty Company of a deed conveying to the United States, title in fee, free of incumbrance, to approximately one thousand four hundred and twenty acres of seeped and unproductive lands, as determined by the Secretary of the Interior, in sections 20, 21, 22, 25, 27, 28, 31, 32, 33, and 34, township 39 south, and section 3 of township 40 south, range 9 east, Willamette meridian, Oregon, Klamath project, or to such portion

Colonial Realty Company. Exchange of lands with.
Post, p. 1300.

thereof as said company may elect so to convey, the said Secretary is hereby authorized and directed to issue a patent to the Colonial Realty Company, conveying to said company title to approximately an equivalent amount of public lands on the Tule Lake division of the Klamath project in Oregon-California to be selected and designated by said company from available lands in that division: *Provided*, That in order to avoid the expense of additional surveys, and since many of the tracts to be conveyed to the United States are designated as lots by public land surveys and for this reason the subdivisions contain areas both less than and in excess of legal subdivision, the areas conveyed to the Government and the areas patented by the Government need be only approximately of the same acreage: *Provided further*, That should any legal subdivision of the lands herein described consist of more than 50 per centum of unproductive land the whole subdivision may, at the option of said company, be conveyed to the United States, with the right of exchange of an equivalent area as herein authorized.

Provisos.
Areas conveyed to, and patented by Government.

Unproductive lands.

Water-right charges.

SEC. 2. The water-right charges payable by said company or its successor on the Tule Lake lands patented pursuant to this Act shall be the same as those fixed for similar lands in that district and shall be subject to payment in the same manner.

Approved, March 23, 1933.

[CHAPTER 9.]

March 24, 1933.
[S. 151.]
[Private, No. 3.]

AN ACT

For the relief of the Holy Family Hospital, Saint Ignatius, Montana.

Holy Family Hospital, Saint Ignatius, Mont.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to the Holy Family Hospital, Saint Ignatius, Montana, out of any money in the Treasury not otherwise appropriated, the sum of $8,825.66, in full satisfaction of all claims against the United States for compensation for the care by such hospital of persons admitted thereto under authority of the Flathead Indian Agency, State of Montana, prior to and including November 30, 1931: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Compensation for professional care.

Proviso.
Limitation on attorney's fees.

Penalty for violation.

Approved, March 24, 1933.

[CHAPTER 10.]

March 24, 1933.
[S. 152.]
[Private, No. 4.]

AN ACT

To authorize the Secretary of War to grant a right of way to the Alameda Belt Line across the Benton Field Military Reservation, Alameda, California.

Benton Field Military Reservation, Calif.
Right of way granted across, to Alameda Belt Line.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and empowered to grant to the Alameda Belt Line, a corporation organized and existing under

the laws of the State of California, its successors and assigns, a permanent right of way, in such location and under such terms and conditions as may be approved by the Secretary of War, over and across the Benton Field Military Reservation, Alameda, California, for railroad purposes, with full power to locate, construct, and operate railroad tracks, together with necessary spurs and sidings and other railroad appurtenances, appendages, and adjuncts: *Provided*, That the land shall not be used for other than railroad purposes, and when the property shall cease to be so used it shall revert to the United States: *Provided further*, That the right to compel the removal of said railroad tracks and appurtenances is hereby reserved in the Secretary of War, whenever he may determine the interests of the Government require, and which said removal is to be without expense to the Government, as a condition of this grant.

Provisos.
For railroad purposes only.

Removal of tracks.

No Federal expense.

Approved, March 24, 1933.

[CHAPTER 11.]

AN ACT

March 24, 1933.
[S. 153.]
[Private, No. 5.]

To convey certain land in the county of Los Angeles, State of California.

Los Angeles County, Calif.

Whereas on or about the 22d day of August, 1921, the county of Los Angeles, State of California, conveyed to the United States of America the hereinafter-described tract of land for the use of the War or Navy Departments; and

Preamble.

Whereas the county of Los Angeles, in the State of California, purchased said property for the purpose of making said conveyance at a total sum of $148,655, of which amount the United States of America contributed $55,655 and the county of Los Angeles contributed the sum of $93,000; and

Whereas the United States of America has ceased to use said property, or any part thereof, for military, or naval, or other purposes, and the same is now and for some time has been idle: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to convey to the county of Los Angeles the hereinafter-described land, exclusive of such structures thereon which may be designated by the Secretary of War for retention by the War Department with a view to their eventual removal from the premises, to be used for public park, playground, and recreation purposes only, on condition that should the land not be used for that purpose it shall revert to the United States: *Provided, however*, That the county of Los Angeles, State of California, pay to the United States of America the sum of $55,655, the amount originally paid by the Government on the purchase price of said property, which property is particularly described as follows:

Certain land conveyed to, for recreation purposes.

Proviso.
Payment.

Description.

All those certain lots, pieces, or parcels of land, together with all buildings thereon, situate, lying, and being in the city of Arcadia, county of Los Angeles, and State of California, and particularly described as follows, to wit: Lot 4 of tract numbered 949 as delineated upon the map of said tract recorded in book 17 of maps, at page 13, records of Los Angeles County, and lots 3, 4, 5, and 6 of tract numbered 2409 as delineated upon the map of said tract, recorded in book 23 of maps, at page 23, records of Los Angeles County. The land intended to be conveyed by this deed is bounded on the north by Falling Leaf Avenue, on the east of Santa Anita Avenue, on the south by Huntington Drive and by land now owned

by Clara Baldwin Stocker, and on the west by the rights of way of Pacific Electric Railroad Company and Southern Pacific Railroad Company, and being all of the land claimed or owned by the grantor within the exterior bounds of Arcadia balloon field.

Sum received covered in.

SEC. 2. That the amount received from the county of Los Angeles, State of California, for the land above described shall be deposited in the Treasury of the United States as miscellaneous receipts.

Approved, March 24, 1933.

[CHAPTER 12.]

AN ACT

For the relief of Agnes M. Angle.

March 28, 1933.
[S. 148.]
[Private, No. 6.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission is hereby authorized to consider and determine, in the same manner and to the same extent as if application for the benefits of the Employees' Compensation Act had been made within the one-year period required by sections 17 and 20 thereof, the claim of Agnes M. Angle on account of disability due to tuberculosis if contracted at Wichita, Kansas, while employed in the service of the United States as a stenographer in the office of the United States Veterans' Bureau in 1921: *Provided*, That no benefit shall accrue prior to the enactment of this Act.

Agnes M. Angle. Claim of, to be determined under Employees' Compensation Act.

Vol. 39, pp. 746, 747.

Proviso. No prior benefits.

Approved, March 28, 1933.

[CHAPTER 13.]

AN ACT

For the relief of Daisy Anderson.

March 28, 1933.
[S. 149.]
[Private, No. 7.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission is hereby authorized to consider and determine, in the same manner and to the same extent as if application for the benefits of the Employees' Compensation Act had been made within the one-year period required by sections 17 and 20 thereof, the claim of Daisy Anderson on account of disability due to tuberculosis if contracted while employed in the service of the United States as a nurse in the United States Marine hospitals: *Provided*, That no benefit shall accrue prior to the enactment of this Act.

Daisy Anderson. Claims of, to be determined, under Employees' Compensation Act.

Vol. 39, pp. 746, 747.

Proviso. No prior benefits.

Approved, March 28, 1933.

[CHAPTER 14.]

AN ACT

For the relief of W. H. Hendrickson.

March 28, 1933.
[S. 150.]
[Private, No. 8.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. H. Hendrickson, of Salt Lake City, Utah, the sum of $175 in full satisfaction of his claim against the United States arising out of the sale of a Ford truck to him by the prohibition administrator on June 7, 1930, at Salt Lake City, Utah.

W. H. Hendrickson. Payment to, for motor truck.

Approved, March 28, 1933.

[CHAPTER 15.]

AN ACT

For the relief of A. Y. Martin.

March 28, 1933.
[S. 155.]
[Private, No. 9.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is authorized and directed to settle and certify for payment to A. Y. Martin, out of any money in the Treasury not otherwise appropriated, the sum of $980, as in full for services rendered as a de facto United States commissioner at Paducah, Kentucky, from December 8, 1930, to August 5, 1931.

A. Y. Martin.
Payment to, as United States Commissioner.

Approved, March 28, 1933.

[CHAPTER 54.]

AN ACT

To authorize the acceptance of certain lands in the city of San Diego, California, by the United States, and the transfer by the Secretary of the Navy of certain other lands to said city of San Diego.

June 9, 1933.
[H. R. 1767.]
[Private, No. 10.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized on behalf of the United States to accept from the city of San Diego, California, when said city has been duly authorized to make such transfer by the State of California, free from all encumbrances and without cost to the United States, all right, title, and interest in and to the lands contained within the following-described area: Beginning at the intersection of the prolongation of the northwesterly line of Bean Street with the United States bulkhead line as established in February, 1912; thence southwesterly along the prolongation of the northwesterly line of Bean Street to the pierhead line as the same has been or may hereafter be established by the United States; thence northwesterly and southwesterly along the said pierhead line to its intersection with the prolongation of the northeasterly line of Lowell Street; thence northwesterly along the prolongation of the northeasterly line of Lowell Street to the United States bulkhead line as established in February, 1912; thence northeasterly, easterly, and southeasterly along the United States bulkhead line as established in February, 1912, to the point of beginning containing approximately 242 acres; and also, all of block 16, municipal tide lands subdivision, tract numbered 1; said lands being desired by the Navy Department for national defense and for use in connection with existing naval activities at San Diego, California.

Public lands.
Exchange with San Diego, Calif., authorized.

Lands transferred by city.

The said Secretary of the Navy is also authorized hereby to transfer to the city of San Diego, California, free from all encumbrances and without cost to said city of San Diego, all right, title, and interest of the United States in and to the lands contained within that part of the Marine Corps base, San Diego, California, described as follows: Beginning at a point on the United States bulkhead line as established in February, 1912, distant three hundred feet northwesterly from station numbered 104 on said bulkhead line; thence north seven degrees east a distance of two thousand one hundred and sixty feet; thence north sixty degrees thirty-four minutes fifty-nine seconds west to an intersection with the prolongation of the northwesterly line of Bean Street; thence southwesterly along the prolongation of the northwesterly line of Bean Street to an intersection with the United States bulkhead line, as established in

Lands transferred by United States.

February, 1912; thence south eighty-three degrees east along said bulkhead line to the point of beginning, containing approximately 67 acres.

Approved, June 9, 1933.

[CHAPTER 74.]

AN ACT

June 14, 1933.
[S. 1514.]
[Private, No. 11.]

Authorizing the Administrator of Veterans' Affairs to convey certain lands to Harrison County, Mississippi.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized and directed to convey by quitclaim deed to Harrison County, State of Mississippi, all right, title, and interest of the United States in and to the following-described lands along the north line of the United States Veterans' Administration property at Gulfport, Mississippi: Beginning at the northwest corner of said property at the intersection of the western boundary of section 36, township 7 south, range 11 west, Saint Stephens meridian, and the southern boundary of the Old Pass Christian Road; thence northeasterly along the existing northern boundary of said property a distance of nine hundred and ninety feet, more or less, to the northeast corner of said property; thence southerly on a line parallel to the aforesaid western line of said section 36 a distance of fifteen and eight-tenths feet, more or less, to a point; thence southwesterly on a line fifteen feet from and parallel to the aforesaid northern boundary of said property a distance of nine hundred and ninety feet, more or less, to a point on the western boundary of said section 36; thence northerly along the western boundary of said section 36 to the point of beginning; and containing thirty-four one-hundredths acre, more or less.

Harrison County, Miss.
Conveyance of certain lands to.

Description.

Approved, June 14. 1933.

[CHAPTER 75.]

AN ACT

June 14, 1933.
[S. 1536.]
[Private, No. 12.]

Giving credit for water charges paid on damaged land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all construction charges heretofore paid by owners on lands to be conveyed to the United States of America pursuant to the Act of Congress approved March 23, 1933 (S. 156, Seventy-third Congress), shall be transferred as a credit to the lands to be so patented by the United States, and all payments of operation and maintenance charges with penalty and interest heretofore made on such of the lands to be conveyed as were not, in the determination of the Secretary of the Interior, during the period for which payment was made, susceptible of successful cultivation by reason of seepage, alkalinity, or other causes not within the control of the owners of such land, shall be allowed as credits on future construction, operation, and maintenance charges on the lands retained or those to be patented by the United States pursuant to the Act of Congress approved March 23, 1933 (S. 156, Seventy-third Congress). Like credit shall also be given the irrigation district for all the charges heretofore paid by it on such lands and for which the owners of said lands have not in turn reimbursed the irrigation district.

Klamath irrigation project, Oreg.-Calif.

Ante, p. 1295, amended.

Transfer of credit for water payments on damaged land, to new patents.

Approved, June 14, 1933.

PRIVATE LAWS OF THE SEVENTY-THIRD CONGRESS

OF THE

UNITED STATES OF AMERICA

Passed at the second session, which was begun and held at the city of Washington, in the District of Columbia, on Wednesday, the third day of January, 1934, and was adjourned without day on Monday, the eighteenth day of June, 1934.

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President; KEY PITTMAN, President of the Senate *pro tempore;* HENRY T. RAINEY, Speaker of the House of Representatives.

[CHAPTER 17.]

AN ACT

For the relief of Rolando B. Moffett.

February 20, 1934.
[S. 248.]
[Private, No. 13.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Rolando B. Moffett, who was a member of Company H, Eleventh Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 30th day of September 1880: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Rolando B. Moffett.
Military record corrected.

Proviso.
No back pay, etc.

Approved, February 20, 1934.

[CHAPTER 18.]

AN ACT

For the relief of Samson Davis.

February 20, 1934.
[S. 381.]
[Private, No. 14.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Samson Davis, who was a member of the Hospital Corps, United States Army, shall be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 29th day of August 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Samson Davis.
Military record corrected.

Proviso.
No back pay, etc.

Approved, February 20, 1934.

[CHAPTER 19.]

AN ACT

For the relief of Francis N. Dominick.

February 20, 1934.
[S. 727.]
[Private, No. 15.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United

Francis N. Dominick.
Military record corrected.

States Army Francis N. Dominick shall be held and considered to have served without desertion as a private, Sixty-sixth Company, United States Coast Artillery Corps, United States Army, and to have been honorably discharged from such service on October 19, 1903: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Proviso. No back pay, etc.

Approved, February 20, 1934.

[CHAPTER 20.]

AN ACT

February 20, 1934. [S. 2053.] [Private, No. 16.]

For the relief of Captain L. P. Worrall, Finance Department, United States Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of L. P. Worrall, Captain, Finance Department, United States Army, the sum of $956.40, said amount being public funds for which he is accountable and which were lost when a safe in the Finance Office at Fort Douglas, Utah, was dynamited and robbed at approximately 11 o'clock postmeridian, October 28, 1932.

Capt. L. P. Worrall. Credit allowed, in accounts.

Approved, February 20, 1934.

[CHAPTER 21.]

AN ACT

February 20, 1934. [S. 2552.] [Private, No. 17.]

For the relief of Charles C. Bennett.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles C. Bennett, of the city of Candor, North Carolina, the sum of $5,000 in full settlement of all claims against the Government for bodily injuries sustained by him on December 16, 1927, when an automobile in which he was riding was in collision with a reconnaissance truck of the United States Army, the said truck being one of a fleet of trucks traveling toward Fort Bragg, North Carolina, driven by Private Thomas C. Robertson, of Fort Bragg, North Carolina: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Charles C. Bennett. Payment to, for personal injuries.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, February 20, 1934.

[CHAPTER 22.]

AN ACT

For the relief of George W. Edgerly.

February 21, 1934.
[S. 860.]
[Private, No. 18.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to summon George W. Edgerly, late captain of Infantry and temporary major, Regular Army, before a retiring board, to inquire whether at the time of his resignation, September 18, 1919, he was incapacitated for active service, and whether such incapacity was a result of an incident of service, and if, as a result of such inquiry, it is found that he was so incapacitated, the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said George W. Edgerly a captain of Infantry and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided*, That the said George W. Edgerly shall not be entitled to any back pay or allowances by the passage of this Act.

George W. Edgerly. Summoned before Army retiring board to inquire as to fitness, etc.

Appointment as Captain, retired, on finding of board.

Proviso. No back pay, etc.

Approved, February 21, 1934.

[CHAPTER 34.]

AN ACT

For the relief of Henry M. Burns.

February 26, 1934.
[H.R. 890.]
[Private, No. 19.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Henry M. Burns, who was a member of Company D, Twenty-eighth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 7th day of October 1913: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Henry M. Burns. Military record corrected.

Proviso. No back pay, etc.

Approved, February 26, 1934.

[CHAPTER 35.]

AN ACT

To authorize the settlement, allowance, and payment of certain claims, and for other purposes.

February 26, 1934.
[H.R. 5241.]
[Private, No. 20.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That payment to the American Appraisal Company for services rendered in the amount of $750 for the appraisal of the Peter Lyall plant at Montreal, Canada, and for services rendered in the amount of $1,250 for the appraisal of the Long Island Air Reserve Depot, New York, is hereby authorized to be made from the proceeds of the sale of surplus real estate under the jurisdiction of the War Department not as yet deposited in the Treasury to the credit of the military post construction fund, as provided for by the Act of Congress approved March 12, 1926 (44 Stat. 203).

Claims. Settlement of certain designated, authorized. *Ante*, p. 1055. American Appraisal Co.

Vol. 44, p. 203.

SEC. 2. That the Comptroller General of the United States be, and he is hereby, authorized, notwithstanding the provisions of the Act of July 16, 1914 (38 Stat. 508), to adjust and settle the claims

John A. Bellan. Vol. 38, p. 508, waived.

Standard Oil Company.

of John A. Bellan and the Standard Oil Company in the amounts of $356 and $8.49, respectively, for rental and operation of an automobile used in connection with improvements to the road system in the Vicksburg National Military Park, Mississippi, during the fiscal year 1931, and to certify same for payment from the appropriation "Vicksburg National Military Park", 1931.

Damage claims.

SEC. 3. That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the following claims and certify the same to Congress:

Alleghany Forging Company.

(a) Alleghany Forging Company on account of damages suffered by reason of excess in freight, hauling, labor, and incidental expenses due to shipment by the United States of salvaged material, purchased by claimant to wrong destination: $174.92.

Walter Bell.

(b) Walter Bell on account of damages suffered by reason of destruction of mature vines of a cranberry bog by fire, which started on Camp Dix Military Reservation, and extended over said bog on or about June 3, 1930: $2,500.

Carl B. King Drilling Company.

(c) Carl B. King Drilling Company, on account of damages suffered to its airplane due to an Army airplane running into it at Clover Field, California, on or about August 2, 1930: $1,722.03.

M. Giacalone.

(d) M. Giacalone, on account of damages suffered while engaged in rescuing an Army aviator and assisting in salvaging an Army airplane from the sea off the coast of Hawaii on or about October 30, 1930: $459.61.

Jact Buono.

(e) Jact Buono, on account of damages suffered while engaged in rescuing an Army aviator and assisting in salvaging an Army airplane from the sea off the coast of Hawaii on or about October 30, 1930: $469.88.

Joseph Asaro.

(f) Joseph Asaro, on account of damages suffered while engaged in rescuing an Army aviator and assisting in salvaging an Army airplane from the sea off the coast of Hawaii on or about October 30, 1930: $459.

Sam Harrison.

(g) Sam Harrison, on account of damages suffered by reason of a bomb dropping from an Army airship on a farmhouse owned by him near Scott Field, Illinois: $1,982.

Loss of personal property.
Army civilian employees.

SEC. 4. That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the following claims of civilian employees of the Army and certify the same to Congress: Emil Johns, $22.23; John J. Spatz, Junior, $79.79; Perry W. Stolzenberg, $56.75; Paul D. McMahan, $42.38; Oliver B. Tinley, $42.35; Cleo Finch, $18; Jesse P. Goodin, $15.98; and Paul R. Gruhler, $20, on account of private property belonging to them which was lost, destroyed, or damaged in a fire in a Government building at Wright Field, Ohio, on or about January 2, 1931, while said claimants were engaged in saving Government property.

Payment considered full settlement.
Proviso.
Limitation on attorney's etc., fees.

SEC. 5. That the payment of any and all the claims herein authorized shall be in full payment thereof by the Government: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim.

Excessive, unlawful.

It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding.

Penalty for.

Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved, February 26, 1934.

[CHAPTER 36.]

AN ACT

To provide for the reimbursement of Guillermo Medina, hydrographic surveyor, for the value of personal effects lost in the capsizing of a Navy whaleboat off Galera Island, Gulf of Panama.

February 26, 1934.
[H.R. 5243.]
[Private, No. 21.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $66.80 to Guillermo Medina in full compensation for the loss of personal property as the result of the capsizing of a United States Navy whaleboat off Galera Island, Gulf of Panama, on September 25, 1928.

Guillermo Medina.
Reimbursement of.

Approved, February 26, 1934.

[CHAPTER 39.]

AN ACT

For the relief of William C. Campbell.

March 2, 1934.
[H.R. 5242.]
[Private, No. 22.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to William C. Campbell, of Pawhuska, Oklahoma, out of any money in the Treasury not otherwise appropriated, the sum of $64.64 in full satisfaction of his claim against the United States for one half of his deceased son's share in payment made to the Santee Sioux Indians in 1924, which was erroneously paid to another Indian of the same name.

William C. Campbell.
Payment to.

Approved, March 2, 1934.

[CHAPTER 50.]

AN ACT

For the relief of the Lebanon Equity Exchange, of Lebanon, Nebraska.

March 9, 1934.
[S. 750.]
[Private, No. 23.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed to receive, consider, and determine, in accordance with law but without regard to any statute of limitations, any claim filed not later than six months after the passage of this Act by the Lebanon Equity Exchange, Lebanon, Nebraska, for the refund of Federal income and profits taxes collected from the said Lebanon Equity Exchange for the year 1920 in excess of the amount properly due: *Provided*, That in the settlement of said claim there shall be no allowance of interest.

Lebanon Equity Exchange.
Refund of income, etc., taxes.

Proviso.
Interest disallowed.

Approved, March 9, 1934.

[CHAPTER 51.]

AN ACT

Authorizing the Secretary of the Treasury of the United States to refund to the Farmers' Grain Company of Omaha, Nebraska, income taxes illegally paid to the United States Treasurer.

March 9, 1934.
[S. 751.]
[Private, No. 24.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to refund, from moneys not otherwise appropriated, the sum of $2,186.36 to the Farmers' Grain Company, of Omaha, Nebraska, in full settlement

Farmers' Grain Company of Omaha, Nebr.
Refund of illegally paid income taxes.

of all claims against the Government of the United States, this sum being paid illegally and through error by said company as income taxes to the Commissioner of Internal Revenue, and covered into the United States Treasury: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid of [1] delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violations.

Approved, March 9, 1934.

[CHAPTER 57.]

AN ACT

March 12, 1934. [S. 1083.] [Private, No. 25.]

Authorizing adjustment of the claim of the Potomac Electric Power Company of Washington, District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is hereby authorized and directed to adjust and settle the claim of the Potomac Electric Power Company for the balance necessary to reimburse it for the amount actually expended by said company in making electrical service connections from its mains to the control room on the east bascule draw span of the Arlington Memorial Bridge and to allow said company a balance of not to exceed $2,157.25 in full settlement of all claims against the Government of the United States. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,157.25, or so much thereof as may be necessary, for payment of said claim: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Potomac Electric Power Company, Washington, D.C. Settlement of claim of, authorized.

Appropriation.

Provisos. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, March 12, 1934.

[CHAPTER 58.]

AN ACT

March 13, 1934. [S. 2.] [Private, No. 26.]

For the relief of C. M. Williamson; Mrs. Tura Liljenquist, administratrix of C. E. Liljenquist, deceased; Lottie Redman; and H. N. Smith.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. M. Williamson;

C. M. Williamson, etc. Payment to.

[1] So in original.

Mrs. Tura Liljenquist, administratrix of C. E. Liljenquist, deceased; Lottie Redman; and H. N. Smith, in accordance with their respective interests, the sum of $8,824.10. Such sum represents the amount expended by them in installing a pumping plant and making necessary connections to bring water to their land, on the Fort Hall Indian Reservation, and the amount paid by them to the Idaho Power Company during the years 1920 to 1927, inclusive, for power to operate said pumping plant: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Provisos.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, March 13, 1934.

[CHAPTER 59.]

AN ACT

For the relief of Warren J. Clear.

March 13, 1934.
[S. 406.]
[Private, No. 27.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Warren J. Clear, captain, United States Infantry, the sum of $737 in reimbursement for the loss by earthquake and fire of personal property in Tokyo, Japan, on or about September 1, 1923, while he was serving as an attaché, American Embassy, Tokyo, Japan.

Warren J. Clear.
Reimbursement for loss of personal property.

Approved, March 13, 1934.

[CHAPTER 60.]

AN ACT

Authorizing adjustment of the claim of the Chicago, North Shore and Milwaukee Railroad Company.

March 13, 1934.
[S. 1069.]
[Private, No. 28.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is hereby authorized and directed to adjust and settle the claim of the Chicago, North Shore and Milwaukee Railroad Company for reimbursement for materials furnished and labor supplied in repairing Chicago and Eastern Illinois gondola car numbered 93962 that was accidentally damaged on July 24, 1928, while spotted on Government tracks at Fort Sheridan, Illinois, and to allow not exceeding $120.39 in full and final settlement of said claim. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $120.39, or so much thereof as may be necessary, for payment of said claim.

Chicago, North Shore and Milwaukee Railroad Company.
Reimbursement for materials and labor.

Appropriation.

Approved, March 13, 1934.

[CHAPTER 61.]

AN ACT

March 13, 1934.
[S. 1074.]
[Private, No. 29.]

Authorizing adjustment of the claims of John T. Lennon and George T. Flora.

John T. Lennon and George T. Flora. Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is hereby authorized and directed to allow John T. Lennon and George T. Flora $25 each in full and final settlement of their claims for blood furnished May 4 and May 11, 1926, respectively, for transfusion to Harvey J. Shoppe, a patient in a Government hospital. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50 for the payment of such claim.

Appropriation.

Approved, March 13, 1934.

[CHAPTER 62.]

AN ACT

March 13, 1934.
[S. 1087.]
[Private, No. 30.]

Authorizing adjustment of the claim of William T. Stiles.

William T. Stiles. Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is hereby authorized and directed to settle and adjust the claim of William T. Stiles for blood furnished October 11, 1926, for transfusion to Charles E. Williams, a patient in a Government hospital, and to allow in full and final settlement of said claim an amount not in excess of $25. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25 for the payment of such claim.

Appropriation.

Approved, March 13, 1934.

[CHAPTER 63.]

AN ACT

March 13, 1934.
[S. 1347.]
[Private, No. 31.]

For the relief of Little Rock College, Little Rock, Arkansas.

Little Rock College, Ark. Credit in certain property accounts allowed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to reopen and allow credit in the property accounts of the Little Rock College, Little Rock, Arkansas, in the sum of $1,451.41, representing certain articles of ordnance, quartermaster, and engineer property for which the said Little Rock College is held liable on reports or surveys, as follows: Numbers 7, 8, 11, and 12, approved January 13, 1926, and number 10, approved January 5, 1926.

Approved, March 13, 1934.

[CHAPTER 64.]

AN ACT

March 13, 1934.
[S. 1426.]
[Private, No. 32.]

For the relief of the estate of Benjamin Braznell.

Benjamin Braznell. Refund of illegally collected taxes to estate of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed to reopen and allow the claim of the Braddock Trust Company, executor of the estate of Benjamin Braznell, late of Pittsburgh, Pennsylvania, and refund the sum of $2,323.47, in full settlement of all claims against the Government of the United States, the balance of taxes illegally collected, under existing laws and decisions:

Provided, That no part of the amount appropriated in this Act in excess of 10 percentum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, March 13, 1934.

[CHAPTER 65.]

AN ACT

For the relief of Nannie Swearingen.

March 13, 1934. [S. 1496.] [Private, No. 33.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $50 per month in an amount not to exceed $5,000 to Nannie Swearingen to compensate her for the death of her husband, who was struck by a Government-owned postal motor vehicle on November 26, 1926: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Nannie Swearingen. Payment to.

Maximum amount.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, March 13, 1934.

[CHAPTER 66.]

AN ACT

For the relief of the B. and O. Manufacturing Company.

March 13, 1934. [S. 1782.] [Private, No. 34.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of the B. and O. Manufacturing Company under contract numbered 12429, dated May 28, 1929, for extra expense in recruiting material for trousers delivered to said company by the Navy Department, and to allow not to exceed $1,597.52 in full and final settlement of said claim. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,597.52, or so much thereof as may be necessary, to pay said claim: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attor-

B. and O. Manufacturing Company. Payment to.

Appropriation.

Proviso. Limitation on attorney's, etc., fees.

ney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, March 13, 1934.

[CHAPTER 67.]

March 13, 1934.
[S. 2201.]
[Private, No. 35.]

AN ACT

For the relief of the Neill Grocery Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Neill Grocery Company, Wheeling, West Virginia, the sum of $2,531.97. Such sum represents the amount of a fine and court costs paid on such date, by such company, pursuant to a conviction for violating certain provisions of the Lever Act of August 10, 1917, as amended, prior to the declaration by the Supreme Court of the United States of the invalidity of such provisions.

Neill Grocery Company.
Reimbursement for court costs, etc.

Vol. 40, p. 276.

Approved, March 13, 1934.

[CHAPTER 68.]

March 14, 1934.
[S. 407.]
[Private, No. 36.]

AN ACT

For the relief of Willie B. Cleverly.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Willie B. Cleverly the sum of $124.23, in full settlement of all claims against the Government of the United States for money expended by him in doctor's and hospital bills growing out of an injury which he received while in the performance of his duties as temporary surfman at the Point Allerton Station of the United States Coast Guard on January 13, 1924, at which time the said Cleverly was filling a vacancy in the personnel at that station: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Willie B. Cleverly.
Reimbursement for medical, etc., expenses.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, March 14, 1934.

[CHAPTER 74.]

AN ACT

For the relief of the Great American Indemnity Company of New York.

March 23, 1934.
[S. 356.]
[Private, No. 37.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Great American Indemnity Company of New York the sum of $18,000, representing the amount paid by such company as surety on the forfeited bail bonds of four defendants in criminal proceedings brought by the United States, who surrendered the day after the entry of the judgments upon such bonds and were subsequently tried, convicted, and sentenced.

Great American Indemnity Company of New York.
Reimbursement on forfeited bail bond.

Approved, March 23, 1934.

[CHAPTER 75.]

AN ACT

For the relief of Albert N. Eichenlaub, alias Albert N. Oakleaf.

March 23, 1934.
[H.R. 891.]
[Private, No. 38.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Albert N. Eichenlaub, alias Albert N. Oakleaf, who was a member of Company G, Seventh Regiment Ohio Volunteer Infantry, and Company K, Seventeenth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 22d day of October 1900: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Albert N. Eichenlaub, alias Albert N. Oakleaf.
Military record corrected.

Proviso.
No back pay, etc.

Approved, March 23, 1934.

[CHAPTER 76.]

AN ACT

For the relief of Frank D. Whitfield.

March 23, 1934.
[H.R. 1015.]
[Private, No. 39.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Frank D. Whitfield, who served as a private in Company F, One Hundred and Twenty-third Regiment United States Infantry, Army serial number 1348550, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on March 14, 1921: *Provided*, That no bounty, back pay, pension, allowance, or any payment provided under the World War Veterans' Act, 1924, as amended, the World War Adjusted Compensation Act, 1924, as amended, or other benefit whatsoever to which said person may be or become entitled to by law, shall be held to have accrued prior to the passage of this Act.

Frank D. Whitfield.
Military record corrected.

Proviso.
No back pay, etc.

Vol. 43, pp. 607, 121.

Approved, March 23, 1934.

[CHAPTER 77.]

March 23, 1934.
[H.R. 1413.]
[Private, No. 40.]

AN ACT

For the relief of Leonard L. Dilger.

Leonard L. Dilger. Military record corrected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Leonard L. Dilger, who was a member of Company L, Third Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 25th day of September 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Proviso. No back pay, etc.

Approved, March 23, 1934.

[CHAPTER 78.]

March 23, 1934.
[H.R. 2670.]
[Private, No. 41.]

AN ACT

For the relief of James Wallace.

James Wallace. Military record corrected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James Wallace, who was a member of Troop K, Sixth Regiment United States Cavalry, and who was honorably discharged therefrom on January 17, 1902, and reenlisted April 8, 1902, in Troop K, Fourth Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on June 22, 1902, and notwithstanding any provisions to the contrary in the Act relating to pensions approved April 26, 1898, as amended by the Act approved May 11, 1908: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Proviso. No back pay, etc.

Approved, March 23, 1934.

[CHAPTER 79.]

March 23, 1934.
[H.R. 2743.]
[Private, No. 42.]

AN ACT

For the relief of William M. Stoddard.

William M. Stoddard. Military record corrected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William M. Stoddard, who was a member of Company D, Second Regiment Arkansas Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 25th day of February, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Proviso. No back pay, etc.

Approved, March 23, 1934.

[CHAPTER 80.]

AN ACT

For the relief of Seth B. Simmons.

March 23, 1934.
[H.R. 3072.]
[Private, No. 43.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Seth B. Simmons, who was a member of Company M, Fifth Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 15th day of December 1908: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Seth B. Simmons.
Military record corrected.

Proviso.
No back pay, etc.

Approved, March 23, 1934.

[CHAPTER 81.]

AN ACT

For the relief of William Herod.

March 23, 1934.
[H.R. 3780.]
[Private, No. 44.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Herod the sum of $4,000 in full settlement of all claims against the Government of the United States for injuries sustained by being injured by an automobile truck owned and operated by the Post Office Department: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

William Herod.
Payment to, for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, March 23, 1934.

[CHAPTER 82.]

AN ACT

For the relief of Calvin M. Head.

March 23, 1934.
[H.R. 5163.]
[Private, No. 45.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $350 be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the relief of Calvin M. Head, chief of police of Alma, Georgia, whose car was burned by bootleggers while he was assisting enforcement officers in destruction of stills some distance from where automobile was parked at roadside. Such sum shall be in full settlement of all claims against the Government of the United States: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or

Calvin M. Head.
Payment to, for loss of automobile.

Proviso.
Limitation on attorney's, etc., fees.

attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, March 23, 1934.

[CHAPTER 83.]

March 23, 1934.
[H.R. 7229.]
[Private, No. 46.]

AN ACT

For the relief of the estate of Victor L. Berger, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid out of any money in the Treasury of the United States not otherwise appropriated, to the legal heirs of the estate of Victor L. Berger, deceased, the sum of $9,856.12, in full settlement of all claims against the Government of the United States, the same being the unpaid balance, and without interest, of the salary to which the said Victor L. Berger would have been entitled as a member of Congress in the Sixty-sixth Congress, to which he had been regularly and duly elected but denied his seat therein because of his conviction for an alleged violation of the Espionage Act, which conviction was subsequently reversed by the United States Supreme Court, and the indictments nolle prossed on January 23, 1923, in the United States District Court for the Northern District of Illinois: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Victor L. Berger. Balance of salary as a Member of Congress, to be paid to estate of.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, March 23, 1934.

[CHAPTER 85.]

March 25, 1934.
[H.R. 3554.]
[Private, No. 47.]

AN ACT

For the relief of Pinkie Osborne.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of money in the Treasury not otherwise appropriated, to Pinkie Osborne, of Elizabethtown, Hardin County, Kentucky, the sum of $2,500 in full settlement of all claim against the United States for injuries arising out of a gunshot wound inflicted by the discharge of a machine gun at Elizabethtown on April 6, 1918: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold or receive any sum of the amount appropriated in this Act on account of services rendered in connection

Pinkie Osborne. Payment to, for personal injuries.

Proviso. Limitation on attorney's, etc., fees.

with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not exceeding $1,000. Penalty for violation.

Approved, March 25, 1934.

[CHAPTER 91.]

AN ACT

To authorize the payment of hospital and other expenses arising from an injury to Florence Glass.

March 26, 1934.
[H.R. 5228.]
[Private, No. 48.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following creditors of Florence Glass the amounts specified after their names: Davis Memorial Hospital, Elkins, West Virginia, $65.74; Doctor W. E. Whiteside, Parsons, West Virginia, $6; Doctor Benjamine Ira Golden, Elkins, West Virginia, $30; John W. Minear, Parsons, West Virginia, $7. Such sums shall be paid in full settlement of all claims of the aforesaid creditors against Florence Glass in full settlement of all claims against the Government of the United States arising out of injuries sustained by her on February 2, 1931, when she was struck by a large stone during the construction of a road in the Monongahela National Forest in West Virginia. Florence Glass. Payment to designated creditors of, for hospital, etc., services.

Approved, March 26, 1934.

[CHAPTER 101.]

AN ACT

To authorize full settlement for professional services rendered to an officer of the United States Army.

March 27, 1934.
[H.R. 257.]
[Private, No. 49.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Doctor Walter E. Dandy the sum of $1,000 out of any money in the Treasury not otherwise appropriated in full settlement for professional services rendered on November 26, 1928, to Major Frank V. Schneider, Infantry, United States Army, who was suffering from a rare and obscure disease contracted in the line of duty, the said services resulting in the cure and restoration to full duty of the said Major Frank V. Schneider. Dr. Walter E. Dandy. Payment to, for professional services.

Approved, March 27, 1934.

[CHAPTER 122.]

AN ACT

For the relief of Manuel Merritt.

April 13, 1934.
[S. 552.]
[Private, No. 50.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $40.20 to Manuel Merritt in payment of amount of loss sustained in postal funds by the failure and closing of the First National Bank of Roff, Oklahoma. Manuel Merritt. Reimbursement, for lost postal funds.

Approved, April 13, 1934.

[CHAPTER 123.]

April 13, 1934.
[S. 2006.]
[Private, No. 51.]

AN ACT

For the relief of Della D. Ledendecker.

Della D. Ledendecker.
License to practice chiropractic in the District of Columbia.

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That the Commission on Licensure to Practice the Healing Art in the District of Columbia is hereby authorized to license Della D. Ledendecker to practice chiropractic in said District under the provisions of the Act entitled "An Act to regulate the practice of the healing art to protect the public health in the District of Columbia", approved February 27, 1929, notwithstanding the provision therein requiring applications from candidates for licenses to practice chiropractic to be filed within ninety days from the date of the approval of said Act, and on condition that said Della D. Ledendecker shall otherwise be found by said commission to be qualified to practice under the provisions of said Act.

Vol. 45, p. 1335, waived.

Approved, April 13, 1934.

[CHAPTER 124.]

April 13, 1934.
[S. 2324.]
[Private, No. 52.]

AN ACT

For the relief of the Noank Shipyard, Incorporated.

Noank Shipyard, Incorporated.
Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the Noank Shipyard, Incorporated, of Noank, Connecticut, the sum of $1,700, in full settlement of all claims against the Government of the United States, to complete the payment to the said Noank Shipyard, Incorporated, of a bill for repairs, which it completed under contract numbered W–971–qm–247, dated January 7, 1928, of Quartermaster Department on Army mine planter Brigadier General Absalom Baird, which sum represents a penalty of $100 per day for seventeen days' alleged delay in delivery of said steamship Baird after completion of repairs, said delay being due to causes partly attributable to acts of Government agents and wholly beyond the control of the contractor: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorneys', etc., fees.

Penalty for violation.

Approved, April 13, 1934.

[CHAPTER 125.]

April 13, 1934.
[H.R. 305.]
[Private, No. 53.]

AN ACT

For the relief of Ernest B. Butte.

Ernest B. Butte.
Military record corrected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Ernest B. Butte, late of Company L,

Twenty-ninth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 13th day of March 1906: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Proviso.
No back pay, etc.

Approved, April 13, 1934.

[CHAPTER 126.]

AN ACT

For the relief of Lucy Murphy.

April 13, 1934.
[H.R. 469.]
[Private, No. 54.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lucy Murphy the sum of $5,000 in full settlement of all claims against the Government of the United States as reimbursement to her for the loss suffered by her in the death of her husband, Maurice Murphy, whose death occurred on April 21, 1929, without fault on his part or on her part, through the collision of a trimotored Ford airplane belonging to the Maddux Air Lines, Incorporated, of Los Angeles, California, bearing factory number 5–AT–10, license numbered NC 9636, near San Diego, California, with an airplane belonging to the War Department of the United States, which was then and there operated in a wrongful and negligent manner by Lieutenant Howard Keefer, a United States pilot, then and there flying under orders and in line of duty: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Lucy Murphy.
Payment to, for death of husband.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violations.

Approved, April 13, 1934.

[CHAPTER 127.]

AN ACT

For the relief of Primo Tiburzio.

April 13, 1934.
[H.R. 881.]
[Private, No. 55.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Primo Tiburzio, of Columbus, Ohio, the sum of $1,000 in full settlement of all claims against the Government of the United States, as compensation for the death of his daughter, Mary Tiburzio, who was killed when struck by a United States mail truck on September 18, 1930: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to

Primo Tiburzio.
Compensation for death of daughter.

Proviso.
Limitation on attorney's, etc., fees.

exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, April 13, 1934.

[CHAPTER 128.]

AN ACT

For the relief of David I. Brown.

April 13, 1934.
[H.R. 1403.]
[Private, No. 56.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, their widows, or dependent relatives, David I. Brown, formerly a private of Company E, Twenty-eighth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 17th day of January 1903: *Provided*, That no pay, pension, bounty, or other emoluments shall be held to have accrued prior to the passage of this Act.

David I. Brown. Military service corrected.

Proviso. No back pay, etc.

Approved, April 13, 1934.

[CHAPTER 129.]

AN ACT

For the relief of Lota Tidwell, the widow of Chambliss L. Tidwell.

April 13, 1934.
[H.R. 2342.]
[Private, No. 57.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 15, 17, 18, and 20 of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, are hereby waived in favor of the widow of Chambliss L. Tidwell, a civilian employee of the Mississippi River Commission, who contracted pulmonary tuberculosis in such service, and his case is hereby authorized to be considered and acted upon under the remaining provision of such Act, and that such widow shall be subrogated to all rights of said deceased.

Chambliss L. Tidwell. Certain limitations of Employees' Compensation Act waived in favor of widow of.
Vol. 39, p. 746; Vol. 44, p. 772.

Approved, April 13, 1934.

[CHAPTER 130.]

AN ACT

For the relief of John Newman.

April 13, 1934.
[H.R. 2509.]
[Private, No. 58.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John Newman, recently of the United States Army, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private from Company B, Ninth Regiment United States Infantry, on the 5th day of August 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

John Newman. Military record corrected.

Proviso. No back pay, etc.

Approved, April 13, 1934.

[CHAPTER 131.]

AN ACT

For the relief of Charles J. Eisenhauer.

April 13, 1934.
[H.R. 2639.]
[Private, No. 59.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to Charles J. Eisenhauer, of Brooklyn, New York, in full settlement of all claims against the Government of the United States for injuries sustained June 2, 1919, in the city of Brooklyn, New York, when struck by an automobile truck of the United States Marine Corps: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Charles J. Eisenhauer.
Payment to, for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, April 13, 1934.

[CHAPTER 132.]

AN ACT

For the relief of George G. Slonaker.

April 13, 1934.
[H.R. 2990.]
[Private, No. 60.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission is hereby authorized to consider and determine, in the same manner and to the same extent as if application for the benefits of the Employees' Compensation Act had been made within the one-year period required by sections 17 and 20 thereof, the claim of George G. Slonaker, on account of injury to his left eye, and subsequent blindness, alleged to have been proximately caused by his employment as an incinerator operator by the United States Government at Camp Colt, Pennsylvania, from March 1918 to November 1918: *Provided*, That he shall file a notice of such injury and claim for compensation therefor not later than sixty days from the date of enactment of this Act: *And provided further*, That no benefits shall accrue prior to the enactment of this Act.

George G. Slonaker.
Benefits of Employees' Compensation Act extended to.

Vol. 39, p. 746.

Provisos.
Time for filing claim.

No prior benefits.

Approved, April 13, 1934.

[CHAPTER 133.]

AN ACT

For the relief of Erney S. Blazer.

April 13, 1934.
[H.R. 3997.]
[Private, No. 61.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Erney S. Blazer, who was a member of Company E, Second Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that

Erney S. Blazer.
Military record corrected.

Proviso.
No back pay, etc.

organization on the 22d day of October 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Approved, April 13, 1934.

[CHAPTER 134.]

April 13, 1934.
[H.R. 4056.]
[Private, No. 62.]

AN ACT

For the relief of Emma F. Taber.

Emma F. Taber.
Payment to, for personal injuries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Emma F. Taber, out of any money in the Treasury not otherwise appropriated, the sum of $3,500 in full settlement of all claims against the Government of the United States for expenses and attendance charges incurred by her on account of injuries sustained by being struck by a Government-owned motor vehicle in Dorchester, Massachusetts, on September 12, 1931: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violations.

Approved, April 13, 1934.

[CHAPTER 135.]

April 13, 1934.
[H.R. 4252.]
[Private, No. 63.]

AN ACT

For the relief of Mary Elizabeth O'Brien.

Mary Elizabeth O'Brien.
Certain limitations of Employees' Compensation Act waived in favor of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 17 and 20 of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", are hereby waived in favor of Mary Elizabeth O'Brien, a former employee of the United States Veterans' Bureau: *Provided*, That no benefits shall accrue prior to the approval of this Act.

Proviso.
No prior benefits.

Approved, April 13, 1934.

[CHAPTER 136.]

April 13, 1934.
[H.R. 5007.]
[Private, No. 64.]

AN ACT

For the relief of Lissie Maud Green.

Lissie Maud Green.
Relief of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of Lissie Maud Green, widow of Charles F. Green, as to whether said Charles F. Green suffered an injury causing his death July 30, 1921, while employed in the Postal Service as a rural letter carrier, compensable under said Act and

after the date of its enactment, in the same manner and to the same extent as if said Charles F. Green or Lissie Maud Green had made application for the benefits of said Act within the one-year period required by sections 17 and 20 thereof: *Provided*, That no benefits shall accrue prior to the approval of this Act.

Vol. 39, p. 742.

Proviso.
No prior benefits.

Approved, April 13, 1934.

[CHAPTER 137.]

AN ACT

For the relief of Warren F. Avery.

April 13, 1934.
[H.R. 6822.]
[Private, No. 65.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Warren F. Avery, a private of Engineers, unassigned, United States Army, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 31st day of January 1929: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act or subsequent thereto.

Warren F. Avery.
Military record corrected.

Proviso.
No back pay, etc.

Approved, April 13, 1934.

[CHAPTER 141.]

AN ACT

For the relief of Joe Setton.

April 14, 1934.
[H.R. 4268.]
[Private, No. 66.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joe Setton, of New York City, the sum of $500. Such sum represents the amount of a bond forfeited to the United States by the said Joe Setton, such bond being conditioned upon the voluntary departure of his mother, Sabout Setton, from the United States at the expiration of one year after her admission to the United States as a nonimmigrant alien. Due to illness, she was unable to depart, but the said Joe Setton made no application within the prescribed period for an extension of time of her temporary visit, having no knowledge that such extension was necessary: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Joe Setton.
Reimbursement for forfeited immigration bond.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, April 14, 1934.

[CHAPTER 142.]

AN ACT

For the relief of Lottie W. McCaskill.

April 14, 1934.
[H.R. 6064.]
[Private, No. 67.]

Lottie W. McCaskill. Credit in postal accounts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lottie W. McCaskill, the sum of $271. Such sum represents the amount paid by the said Lottie W. McCaskill to the United States to cover the shortage in her accounts as postmaster at Cassatt, South Carolina, caused by the theft in the year 1928, on the night of December 29, of postal funds and stamps, and so forth, from said post office.

Approved, April 14, 1934.

[CHAPTER 149.]

AN ACT

For the relief of Captain Guy M. Kinman.

April 17, 1934.
[S. 163.]
[Private, No. 68.]

Captain Guy M. Kinman. Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Guy M. Kinman, captain, United States Army, Washington, District of Columbia, the sum of $1,582.70, in full satisfaction of his loss on account of damage by water to his household goods on August 18, 1931, while temporarily in authorized storage in a Government warehouse at Fort Myer, Virginia, in connection with authorized change of station.

Approved, April 17, 1934.

[CHAPTER 150.]

AN ACT

April 18, 1934.
[S. 1091.]
[Private, No. 69.]

Conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on the claims of Edward F. Goltra against the United States arising out of the taking of certain vessels and unloading apparatus.

Edward F. Goltra. Claims of, referred to Court of Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Court of Claims of the United States, whose duty it shall be, notwithstanding the lapse of time or the bar of any statute of limitations or previous court decisions, to hear, consider, and render judgment on the claims of Edward F. Goltra against the United States for just compensation to him for certain vessels and unloading apparatus taken, whether tortiously or not, on March 25, 1923, by the United States under orders of the Acting Secretary of War, for the use and benefit of the United States; and any other legal or equitable claims arising out of the transactions in connection therewith: *Provided*, That separate suits may be brought with respect to the vessels and the unloading apparatus, but no suit shall be brought after the expiration of one year from the effective date of this Act: *Provided further*, That either party may appeal as of right to the Supreme Court of the United States from any judgment in said case at any time within ninety days after the rendition thereof, and any judgment rendered in favor of the claimant shall be paid in the same manner as other judgments of said Court of Claims are paid.

Provisos. Suits; limitation.

Right of appeal.

Approved, April 18, 1934.

[CHAPTER 151.]

AN ACT

April 18, 1934.
[S. 2315.]
[Private, No. 70.]

To provide for the settlement of damage claims arising from the construction of the Petrolia-Fort Worth gas-pipe line.

Petrolia-Fort Worth, Tex., gas-pipe line.
Unpaid rights-of-way and damage claims arising from, to be settled.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized to transmit to the General Accounting Office for payment, in accordance with the approved findings contained in the report rendered by Lieutenant Ira P. Griffin, Civil Engineer Corps, United States Navy, to the Navy Department under date of July 29, 1921, all unpaid claims for rights-of-way and damages to private property sustained in connection with the construction on behalf of the United States during the years 1918 and 1919, of a gas-pipe line extending from Petrolia to Fort Worth, Texas.

W. S. Wakeman.
Additional claim to be paid.

SEC. 2. That the Secretary of the Navy is also authorized to transmit to the General Accounting Office for payment the claim of W. S. Wakeman in the sum of $65 in addition to the sum for said claimant approved in the above-mentioned report.

Acceptance deemed full settlement.

SEC. 3. That acceptance by any claimant of an amount offered for settlement pursuant to this Act shall be deemed to be in full settlement of his claim against the United States.

Payment restricted if satisfaction received otherwise.

SEC. 4. No payment shall be made to any claimant under the provisions of this Act who has received satisfaction from any other source for the damages sustained due to the laying of said gas-pipe line.

Appropriation authorized.

SEC. 5. That there is hereby authorized to be appropriated for the purposes of this Act, out of any money in the Treasury not otherwise appropriated, the sum of $7,356.75.

Approved, April 18, 1934.

[CHAPTER 152.]

AN ACT

April 18, 1934.
[S. 1934.]
[Private, No. 71.]

Conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the four-masted auxiliary bark Quevilly against the United States, and for other purposes.

"Quevilly", auxiliary bark.
Owner of, may bring suit for collision damages in district court.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claim of Compagnie Maritime Normande, formerly known as "Société Anonyme du Quevilly", owner of the four-masted auxiliary bark Quevilly, against the United States for damages alleged to have been caused by collision between said four-masted auxiliary bark Quevilly and the United States destroyer Sampson on January 26, 1917, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found due against the United States in favor of the said Compagnie Maritime Normande, formerly known as "Société Anonyme du Quevilly", or against the said Compagnie Maritime Normande, formerly known as "Société Anonyme du Quevilly", in favor of the United States, by reason of said collision, upon the same principles and under the same measures of liability as in like cases between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice

Jurisdiction of court.

Provisos.
Notice to Attorney General.

it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within four months of the date of the approval of this Act.

Commencement of suit.

Approved, April 18, 1934.

[CHAPTER 153.]

AN ACT

April 18, 1934.
[S. 1935.]
[Private, No. 72.]

To amend the Act of March 2, 1929, conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship W. I. Radcliffe against the United States, and for other purposes.

"W. I. Radcliffe", steamship.
Names of owners of, in suit for collision damages changed.
Vol. 45, p. 2351, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress (H.R. 11698) approved March 2, 1929 (Private Numbered 480 Seventieth Congress), entitled "An Act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship W. I. Radcliffe against the United States, and for other purposes", be, and the same hereby is, amended by deleting therefrom the words "Wynstay Steamship Company (Limited), a British corporation, owner", and substituting in the place and stead thereof the words "Wynnstay Steamship Company, Limited, and W. I. Radcliffe Steamship Company, Limited, British corporations, owners", and that said Act be further amended by deleting therefrom wherever they may appear the words "Wynstay Steamship Company (Limited)" and substituting in the place and stead thereof the words "Wynnstay Steamship Company, Limited, and W. I. Radcliffe Steamship Company, Limited"; and that the suit heretofore commenced in the United States District Court for the Southern District of New York, under the said Act of March 2, 1929, may be continued in the names of Wynnstay Steamship Company, Limited, and W. I. Radcliffe Steamship Company, Limited, as parties libelant.

Continuance of suit.

Approved, April 18, 1934.

[CHAPTER 155.]

AN ACT

April 19, 1934.
[S. 1075.]
[Private, No. 73.]

For the relief of Walter Thomas Foreman.

Walter Thomas Foreman.
Certain provisions of Employees' Compensation Act waived in favor of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 17 and 20 of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, are hereby waived in favor of Walter Thomas Foreman, former employee of the United States Shipping Board, who now resides at Albemarle, North Carolina: *Provided*, That compensation, if any, shall commence from and after the date of the passage of this Act.

Proviso.
No back pay.

Approved, April 19, 1934.

[CHAPTER 160.]

AN ACT

April 23, 1934.
[S. 1076.]
[Private, No. 74.]

Authorizing adjustment of the claim of the Franklin Surety Company.

Franklin Surety Company.
Claim of, for extra work, to be adjusted.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is hereby authorized and directed to adjust and settle the claim of the Franklin Surety Company for

extra work performed in connection with the completion of contract of April 10, 1929, between the United States and the Wiglan Building Company, Incorporated, for remodeling the Government warehouse at New York, New York, and to allow thereon not to exceed $11,725.71 in full and final settlement of all claims by the said Franklin Surety Company against the United States arising out of said contract. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $11,725.71, or so much thereof as may be necessary, for payment of said claim: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Appropriation.

Provisos.
Restriction on attorney's, etc., fees.

Penalty for violation.

Approved, April 23, 1934.

[CHAPTER 166.]

AN ACT

To authorize the waiver or remission of certain coal-lease rentals, and for other purposes.

April 26, 1934.
[S. 606.]
[Private, No. 75.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to waive and remit all rentals due the United States and charged against the Alaska Matanuska Coal Company, holder of Anchorage, Alaska, coal-land lease numbered 04794–05236, between April 3, 1926, and May 3, 1929, during which period the lessee company was out of possession and prevented from operating said mine because same was in the hands of a receiver appointed by the United States Court for the District of Alaska; also between July 10, 1931, and August 10, 1932, during which period the Alaska Railroad was in possession of said mine and operating same, reimbursing itself therefor by mining, removing, and using coal.

Alaska Matanuska Coal Company.
Remission of certain coal lease rentals authorized.

Approved, April 26, 1934.

[CHAPTER 185.]

AN ACT

For the relief of Anna Marie Sanford.

April 30, 1934.
[H.R. 232.]
[Private, No. 76.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of Anna Marie Sanford widow of William Richard Sanford, deceased, former furnace man, Navy Yard, Washington, District of Columbia, in the same manner and to the same extent as if said William Richard Sanford had made application for the benefits of said Act within the one-year period required by sections 17 and 20 thereof, and notwithstanding the

William Richard Sanford.
Claim of widow.

Vol. 39, p. 746.

lapse of time between the injury sustained by the said William Richard Sanford at the Washington Navy Yard and his death: *Provided*, That no benefit shall accrue prior to the approval of this Act.

Proviso. No prior benefits.

Approved, April 30, 1934.

[CHAPTER 186.]

AN ACT

For the relief of Charles W. Dworack.

April 30, 1934. [H.R. 666.] [Private, No. 77.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17 and 20 of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U.S.C., title 5, secs. 767 and 770), are hereby waived in favor of Charles W. Dworack, who was injured while in the employ of the Federal Government on February 12, 1922, at the time of the burning of the airship Roma, and the said Charles W. Dworack is hereby granted the benefits of the other provisions of said Act as amended: *Provided*, That no benefits shall accrue hereunder until the enactment of this Act: *Provided*, Said compensation commission is to determine the merit and justice of this claim under the provisions of said compensation Act.

Charles W. Dworack. Claim of. Vol. 39, p. 746; U.S.C., p. 79.

Provisos. No prior benefits.

Merits of claim to be determined.

Approved, April 30, 1934.

[CHAPTER 187.]

AN ACT

For the relief of Lewis E. Green.

April 30, 1934. [H.R. 1393.] [Private, No. 78.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission is hereby authorized and instructed to receive and determine the claim of Lewis E. Green, a former employee in the United States Arsenal at Tullytown, Pennsylvania, without regard to the limitation of time within which such claims are to be filed under the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended.

Lewis E. Green. Claim of, for personal injuries, to be determined.

Vol. 39, p. 746. U.S.C., p. 79.

Approved, April 30, 1934.

[CHAPTER 188.]

AN ACT

For the relief of John Moore.

April 30, 1934. [H.R. 2512.] [Private, No. 79.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of John Moore, on account of injuries sustained by him while employed by the War Department at Detroit, Michigan, on or about August 18, 1919, in the same manner and to the same extent as if said John Moore had made application for the benefits of the Act entitled "An Act to provide compensation

John Moore. Claim of. Vol. 39, p. 746.

for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, within the one-year period required by sections 17 and 20 thereof: *Provided*, That no benefits shall accrue prior to the approval of this Act: *Provided further*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Provisos.
No prior benefits to accrue.

Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, April 30, 1934.

[CHAPTER 189.]

AN ACT

For the relief of T. Perry Higgins.

May 1, 1934.
[H.R. 518.]
[Private, No. 80.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of T. Perry Higgins for disability from arterial rheumatism alleged to have been contracted in the course of his employment as a civilian in the Army Transport Service of the United States during the World War, in the same manner and to the same extent as if the said T. Perry Higgins had made application for the benefits of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, within the one-year period required by sections 17 and 20 thereof: *Provided*, That no benefits shall accrue prior to the approval of this Act.

T. Perry Higgins.
Claim of.
Vol. 39, p. 746.

Proviso.
No back pay.

Approved, May 1, 1934.

[CHAPTER 190.]

AN ACT

For the relief of D. F. Phillips.

May 1, 1934.
[H.R. 2666.]
[Private, No. 81.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission be, and hereby is, authorized to consider and pass upon the application of D. F. Phillips, former rural free delivery carrier at Resaca, Georgia, for the benefits of the Compensation Act approved September 7, 1916, on account of an injury occurring in the year 1919, notwithstanding the provisions of section 20 of said Act requiring that all claims be filed within one year from the date of injury: *Provided*, That no benefits shall accrue prior to the passage of this Act.

D. F. Phillips.
Claim of.
Vol. 39, p. 746.

Proviso.
No prior benefits.

Approved, May 1, 1934.

[CHAPTER 197.]

May 3, 1934.
[H.R. 210.]
[Private, No. 82.]

AN ACT

For the relief of Anne B. Slocum.

Clarence Rice Slocum.
Payment to widow of.

Appropriation for.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Anne B. Slocum, widow of Clarence Rice Slocum, late American Consul at Fiume, the sum of $3,500, being one year's salary of her deceased husband, who died while in the Foreign Service; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this Act: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 3, 1934.

[CHAPTER 198.]

May 3, 1934.
[H.R. 233.]
[Private, No. 83.]

AN ACT

For the relief of Florence Hudgins Lindsay and Elizabeth Lindsay.

Florence Hudgins Lindsay and Elizabeth Lindsay.
Payments to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Florence Hudgins Lindsay and Elizabeth Lindsay, mother and sister, respectively, of Roland Martin Lindsay and James Lawrence Lindsay, out of any money in the Treasury not otherwise appropriated, the sum of $10,000, one-half to each, in full settlement of all claims against the Government of the United States, for loss and damages sustained by reason of the death of said Roland Martin Lindsay and James Lawrence Lindsay on account of injuries sustained on the 6th day of October 1931, from collision with a United States Army truck operated near Grafton, York County, Virginia, occasioned by the said truck being operated on a dark night and without being properly lighted: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 3, 1934.

[CHAPTER 199.]

AN ACT

For the relief of Harvey M. Hunter.

May 3, 1934.
[H.R. 323.]
[Private, No. 84.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse Harvey M. Hunter, civilian ammunition foreman of the Ordnance Department, United States Army, the sum of $71.50, out of any money in the Treasury not otherwise appropriated, for damage done to household goods during transportation from station at Baltimore, Maryland, to new station at San Francisco, California, August 7, 1928, to October 18, 1928, in full settlement of all claims against the Government of the United States.

Harvey M. Hunter.
Reimbursement for property damages.

Approved, May 3, 1934.

[CHAPTER 200.]

AN ACT

For the relief of the city of Glendale, California.

May 3, 1934.
[H.R. 470.]
[Private, No. 85.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,157.96 to the city of Glendale, State of California, in full settlement of all claims against the Government of the United States for damages to a pump house and equipment owned by the said city of Glendale, State of California, caused by the crash of an airplane owned and operated by the United States Navy, and the fire resulting therefrom, on the 16th day of October, 1924, said damages being without fault or contributary [1] negligence on the part of the city of Glendale: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Glendale, Calif.
Payment to, for damage to pump house, etc.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 3, 1934.

[CHAPTER 201.]

AN ACT

For the relief of Ward A. Jefferson.

May 3, 1934.
[H.R. 520.]
[Private, No. 86.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is hereby authorized and directed to cancel the indebtedness of Ward A. Jefferson in the amount of $1,197.57, arising out of the fact that for the period from March 1, 1929, to January 10, 1931, he was paid for services rendered by him as a bridge tender on the Cape Cod Canal and also as rural mail carrier on the route from West Wareham, Massachusetts, the

Ward A. Jefferson.
Double salary restriction waived in favor of.

[1] So in original.

payment of such dual compensation being in contravention of the provisions of section 6 of the Act of May 10, 1916, as amended by the Act of August 29, 1916 (39 Stat. 582; U.S.C., title 5, sec. 58).

Vol. 39, pp. 110, 582. U.S.C., p. 31.

Approved, May 3, 1934.

[CHAPTER 202.]

AN ACT

For the relief of M. Aileen Offerman.

May 3, 1934. [H.R. 1301.] [Private, No. 87.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay M. Aileen Offerman, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 in full settlement of all claims against the Government of the United States for personal injuries and property damage resulting from a collision with United States truck numbered 430870, at Five Corners of the Shore Highway, at Middletown, New Jersey, on December 4, 1930: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

M. Aileen Offerman. Payment to, for personal injuries.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 3, 1934.

[CHAPTER 203.]

AN ACT

For the relief of P. Jean des Garennes.

May 3, 1934. [H.R. 2040.] [Private, No. 88.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized and directed to pay to P. Jean des Garennes, formerly a professor at the United States Naval Academy, now blind and totally incapacitated, the sum of $50 per month for the remainder of his life, beginning with the month in which this Act is approved, chargeable to the appropriation "Pay, Naval Academy."

P. Jean des Garennes. Monthly payment to.

Chargeable to "Pay, Naval Academy."

Approved, May 3, 1934.

[CHAPTER 204.]

AN ACT

For the relief of Irwin D. Coyle.

May 3, 1934. [H.R. 2041.] [Private, No. 89.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is hereby authorized and directed to credit the accounts of Irwin D. Coyle, lieutenant commander, United States Navy, in the sum of $911.94, representing payment made by him to an officer of the Navy in accordance with orders of the Navy Department, which payment was disallowed by the Comptroller General: *Provided*, That the Comptroller General of the United States is hereby authorized and directed to recredit the accounts of Chief Boatswain John B. Manghan, United States Navy,

Irwin D. Coyle. Credit in accounts.

Proviso. John B. Manghan, recredit of accounts.

deceased, with the sum of $165.95, which amount was due and unpaid to Chief Boatswain Manghan at the date of his death on May 23, 1932, and was subsequently applied by the Comptroller General of the United States to offset in part the disallowance of $911.94 then outstanding in the accounts of Lieutenant Commander Irwin D. Coyle, Supply Corps, United States Navy.

Approved, May 3, 1934.

[CHAPTER 205.]

AN ACT

For the relief of Edward V. Bryant.

May 3, 1934.
[H.R. 2169.]
[Private, No. 90.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to Edward V. Bryant, out of any money in the Treasury not otherwise appropriated, the sum of $2,400, the amount of a fine paid by Edward V. Bryant in pursuance of a judgment entered upon a plea nolo contendere under certain provisions of the so-called "Lever Act" previous to the time that the Supreme Court of the United States held such provisions void, the said plea and said payment being made under a stipulation as follows: "In consideration that the Attorney General and his court shall accept the plea nolo contendere which I hereby tender to the above-entitled indictment, I do hereby waive any and all fines which the court may see fit to impose upon me upon such plea, except in the event that the so-called 'Lever Act' under which said indictment is found shall be declared unconstitutional by the Supreme Court of the United States and that no prosecution could be sustained upon the facts stated in said indictment."

Edward V. Bryant.
Return of fine paid by.

Vol. 41, p. 298.

Approved, May 3, 1934.

[CHAPTER 206.]

AN ACT

For the relief of Harry L. Haberkorn.

May 3, 1934.
[H.R. 2337.]
[Private, No. 91.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry L. Haberkorn, San Antonio, Texas, the sum of $2,750 in full settlement of all claims against the Government of the United States for services actually performed as a clerk to Harry M. Wurzbach from March 4, 1929, to February 9, 1930, both dates inclusive, said Wurzbach having been declared by the House of Representatives duly elected as a Representative from the fourteenth congressional district of Texas in the Seventy-first Congress for the term commencing March 4, 1929: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Harry L. Haberkorn.
Payment to, for services.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 3, 1934.

[CHAPTER 207.]

AN ACT

For the relief of Katherine G. Taylor.

May 3, 1934.
[H.R. 2818.]
[Private, No. 92.]

Katherine G. Taylor.
Payment to, for medical aid rendered.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Katherine G. Taylor, superintendent Taylor Hospital, Ridley Park, Pennsylvania, the sum of $159. Such sum shall be in full satisfaction of all claims against the United States for medical aid rendered to Laura Mae Kurtz as a result of being struck by United States Army Cadillac truck numbered 60186 on March 20, 1929, near Ridley Park, Pennsylvania: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 3, 1934.

[CHAPTER 208.]

AN ACT

For the relief of Frank Wilkins.

May 3, 1934.
[H.R. 4542.]
[Private, No. 93.]

Frank Wilkins.
Payment to, for death of horse.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $100 to Frank Wilkins for the death of a horse caused by a shot on the military reservation at Fort McPherson, Georgia, in December 1925.

Approved, May 3, 1934.

[CHAPTER 209.]

AN ACT

For the relief of Augustus Thompson.

May 3, 1934.
[H.R. 4609.]
[Private, No. 94.]

Augustus Thompson.
Payment to, for personal injuries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be paid out of the contingent funds of the House to Augustus Thompson, a former member of the House Office Building police force, the sum of $2,500 in full settlement of all claims against the Government of the United States on account of personal injuries sustained by said Augustus Thompson in the House Office Building on February 27, 1930, while in the discharge of duty: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with

Proviso.
Limitation on attorney's, etc., fees.

said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000. Penalty for violation.

Approved, May 3, 1934.

[CHAPTER 225.]

AN ACT

For the relief of William K. Lovett.

May 7, 1934.
[H.R. 191.]
[Private, No. 95.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William K. Lovett, Wildwood, New Jersey, the sum of $2,050 in full settlement against the Government for loss of the motor sloop Edith and cargo while engaged in rendering assistance to the keeper and crew of the Holly Beach Life Saving Station at Cold Spring Inlet, New Jersey, on October 6, 1913: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

William K. Lovett. Payment to, for loss of sloop and cargo.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 226.]

AN ACT

For the relief of Marguerite Ciscoe.

May 7, 1934.
[H.R. 264.]
[Private, No. 96.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 to Marguerite Ciscoe, widow of William Ciscoe, who was fatally injured as a result of being struck by a United States mail truck numbered 4182, New York City, New York, on July 18, 1931, suffering injuries which caused his death on November 12, 1931: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Marguerite Ciscoe. Payment to.

Proviso. Limitation on attorney's etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 227.]

AN ACT

For the relief of William J. Nowinski.

May 7, 1934.
[H.R. 408.]
[Private, No. 97.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in computation of service for pay purposes, Lieutenant (Junior Grade) William J. Nowinski, Supply Corps, United States Navy, shall be held and considered to have entered a commissioned status in the Navy on April 19, 1926.

William J. Nowinski. Naval record corrected.

Approved, May 7, 1934.

[CHAPTER 228.]

AN ACT

For the relief of Arthur K. Finney.

May 7, 1934.
[H.R. 526.]
[Private, No. 98.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur K. Finney, of Plymouth, Massachusetts, the sum of $108.77 in full compensation for handling two carloads of coal, totaling eighty-four and nineteen one hundredths tons, sold to the United States Government and delivered to the Federal Building at Plymouth, Massachusetts.

Arthur K. Finney. Compensation for services.

Approved, May 7, 1934.

[CHAPTER 229.]

AN ACT

For the relief of William E. Bosworth.

May 7, 1934.
[H.R. 768.]
[Private, No. 99.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of William E. Bosworth, coupon note numbered A–131,414 in the denomination of $500 of the Victory 4¾ per centum convertible gold notes of 1922–1923, matured May 20, 1923, without interest and without presentation of said note which is alleged to have been stolen or destroyed, provided the said note shall not have been previously presented and paid: *Provided*, That said William E. Bosworth shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of said note in such form and with such corporate surety as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the theft or destruction of the note hereinbefore described: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

William E. Bosworth. Redemption of lost Victory gold note.

Provisos. Condition.

Indemnity bonds.

Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 230.]

AN ACT

For the relief of John H. Mehrle.

May 7, 1934.
[H.R. 879.]
[Private, No. 100.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John H. Mehrle, of Columbus, Ohio, the sum of $1,000, in full settlement against the Government for injuries received when struck by a Government mail truck at the intersection of Fourth and Spring Streets, Columbus, Ohio, on September 5, 1930: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

John H. Mehrle. Payment to, for personal injuries.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 231.]

AN ACT

For the relief of Daisy M. Avery.

May 7, 1934.
[H.R. 880.]
[Private, No. 101.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the funds not otherwise appropriated, the sum of $1,000 to Daisy M. Avery, in complete payment and settlement of all claims against the United States Government on account of an injury sustained by the said Daisy M. Avery while in the performance of her duty as an employee of the United States Government on March 28, 1922: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Daisy M. Avery. Payment to, for personal injuries.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 232.]

AN ACT

For the relief of Edna B. Wylie.

May 7, 1934.
[H.R. 1362.]
[Private, No. 102.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Edna B. Wylie, postmaster of Derby, Iowa, out of any money in

Edna B. Wylie. Reimbursement for lost postal funds.

the Treasury not otherwise appropriated, the sum of $22.90, being the amount of postal funds lost in the failure of the First National Bank of Derby, Iowa, on or about February 10, 1928.

Approved, May 7, 1934.

[CHAPTER 233.]

AN ACT

For the relief of W. C. Garber.

May 7, 1934.
[H.R. 1418.]
[Private, No. 103.]

W. C. Garber.
Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed to pay to W. C. Garber, out of any money in the Treasury not otherwise appropriated, the sum of $112.44 in full settlement of all claims against the Government of the United States, under an agreement by which the Government exercised an option to rent certain property to be used as a landing field, although the project was abandoned by the Government, and this sum as accrued rental recommended by the Department of Commerce for payment: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 234.]

AN ACT

For the relief of George Jeffcoat.

May 7, 1934.
[H.R. 2026.]
[Private, No. 104.]

George Jeffcoat.
Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement of all claims against the Government of the United States, the sum of $5,000 to George Jeffcoat, husband of Mary Alma Jeffcoat, on account of the death of the said Mary Alma Jeffcoat, who was killed by one S. S. Sligh, Junior (a Federal officer known as a Federal prohibition officer, in Government service, while on duty), on December 21, 1931, while driving an automobile on a public street in the town of New Brookland, Lexington County, South Carolina: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 235.]

AN ACT

For the relief of Captain J. O. Faria.

May 7, 1934.
[H.R. 2321.]
[Private, No. 105.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of Captain J. O. Faria, on account of injuries sustained by him while employed by the United States Shipping Board as master of the steamship Commack, in the year 1925, in the same manner and to the same extent as if said Captain J. O. Faria had made application for the benefits of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, within the one-year period required by sections 17 and 20 thereof: *Provided*, That no benefits shall accrue prior to the approval of this Act.

Captain J. O. Faria.
Settlement of claim.

Vol. 39, p. 742.

Proviso.
No prior benefits.

Approved, May 7, 1934.

[CHAPTER 236.]

AN ACT

For the relief of Robert B. James.

May 7, 1934.
[H.R. 2541.]
[Private, No. 106.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to Robert B. James, out of any money in the Treasury not otherwise appropriated, the sum of $7,000, the amount of a fine paid by Robert B. James in pursuance of a judgment entered upon a plea nolo contendere under certain provisions of the so-called Lever Act previous to the time that the Supreme Court of the United States held such provisions void, the said plea and said payment being made under a stipulation as follows: "In consideration that the Attorney General and this court shall accept the plea nolo contendere which I hereby tender to the above-entitled indictment I do hereby waive any and all fines which the court may see fit to impose upon me upon such pleas, except in the event that the so-called Lever Act under which said indictment is found shall be declared unconstitutional by the Supreme Court of the United States and that no prosecution could be sustained upon the facts stated in said indictment: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Robert B. James.
Refund of fine.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 237.]

AN ACT

For the relief of G. Elias and Brother, Incorporated.

May 7, 1934.
[H.R. 2561.]
[Private, No. 107.]

G. Elias and Brother, Inc.
Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to G. Elias and Brother, Incorporated, out of any money in the Treasury not otherwise appropriated, the sum of $4,400 in full settlement for losses suffered by said company on account of priority orders and other conditions arising out of the late War with Germany which prevented the delivery of lumber specified under contract with the United States Navy Department numbered 29497 within the time specified, for which contract bid was submitted by said company prior to the entrance of the United States into the late war: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 238.]

AN ACT

For the relief of Edward Shabel, son of Joseph Shabel.

May 7, 1934.
[H.R. 2689.]
[Private, No. 108.]

Edward Shabel.
Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, from any funds in the Treasury not otherwise appropriated, to Edward Shabel, son of Joseph Shabel, deceased, the sum of $2,579 in full settlement of all claims against the Government for injuries and damages sustained by Joseph Shabel when struck by a Government automobile on May 7, 1932, said automobile having been driven at the time by Hayden N. Bell, a Federal prohibition agent: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 239.]

AN ACT

May 7, 1934.
[H.R. 3542.]
[Private, No. 109.]

To authorize the Secretary of the Navy to dedicate to the city of Philadelphia, for street purposes, a tract of land situate in the city of Philadelphia and State of Pennsylvania.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to dedicate to the city of Philadelphia, for street purposes, all that certain lot or piece of ground situate in the thirtieth ward of the city of Philadelphia and described as follows, to wit: Beginning at a point formed by the intersection of the southerly side of Bainbridge Street, fifty feet wide, and the westerly side of Twenty-fourth Street; thence south seventy-five degrees eighteen minutes fifty-eight seconds east, fifty-three feet and eleven and one-eighth inches to a point, the said point being the intersection of the former southerly line of Bainbridge Street, fifty feet wide, and the northwesterly line of Grays Ferry Road, sixty feet wide; thence south fifty-seven degrees fourteen minutes twenty-seven seconds west, eighty feet and four and one-eighth inches along the said side of Grays Ferry Road to a point in the westerly side of Twenty-fourth Street; thence along the same north fifteen degrees four minutes thirty-two seconds east, fifty-nine feet and two and one-fourth inches to the first-mentioned point and place of beginning, containing thirty-five one-thousandths of an acre of land, more or less.

Philadelphia, Pa.
Certain tract of land donated to.

Description.

Approved, May 7, 1934.

[CHAPTER 240.]

AN ACT

May 7, 1934.
[H.R. 3579.]
[Private, No. 110.]

For the relief of O. S. Cordon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to O. S. Cordon, postmaster at Rigby, Idaho, the sum of $17.37 to reimburse him for the amount of postal funds lost as a result of the failure of the First National Bank, of Rigby, Idaho.

O. S. Cordon.
Reimbursement for lost postal funds.

Approved, May 7, 1934.

[CHAPTER 241.]

AN ACT

May 7, 1934.
[H.R. 3580.]
[Private, No. 111.]

For the relief of Paul Bulfinch.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Paul Bulfinch, postmaster at American Falls, Idaho, the sum of $158.54 in full settlement of all claims against the Government of the United States to reimburse him for the amount of postal funds lost by him as a result of the failure of the First National Bank, of American Falls, Idaho, on February 8, 1923: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive

Paul Bulfinch.
Reimbursement for lost postal funds.

Proviso.
Limitation on attorney's, etc., fees.

any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 242.]

AN ACT

For the relief of Frances E. Eller.

May 7, 1934.
[H.R. 3611.]
[Private, No. 112.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frances E. Eller the sum of $422.50. Such sum shall be in full satisfaction of all claims against the United States for damages resulting from an accident involving a United States mail truck: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Frances E. Eller. Payment to, for damages.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 243.]

AN ACT

For the relief of Henry A. Richmond.

May 7, 1934.
[H.R. 3851.]
[Private, No. 113.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Henry A. Richmond the sum of $500 in compensation for bond forfeited for John A. Golding, now within the jurisdiction of the Federal authorities: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Henry A. Richmond. Compensation for loss on forfeited bond.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 244.]

AN ACT

For the relief of Grace P. Stark.

May 7, 1934.
[H.R. 3952.]
[Private, No. 114.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to credit the accounts of Grace P. Stark, postmaster at Marked Tree, Arkansas, in the sum of $161.58. Such sum represents the amount of a deficit in the accounts of the said Grace P. Stark, caused by the loss of postal funds deposited in the First National Bank of Marked Tree, Arkansas, which failed November 15, 1926.

Grace P. Stark.
Credit in postal accounts.

Approved, May 7, 1934.

[CHAPTER 245.]

AN ACT

To provide an additional appropriation as the result of a reinvestigation, pursuant to the Act of February 2, 1929 (45 Stat., p. 2047, pt. 2), for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, New Jersey, July 10, 1926.

May 7, 1934.
[H.R. 4013.]
[Private, No. 115.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $17,691.58 in full settlement of all claims against the Government of the United States be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to make payment of claims for property damage, death, or personal injury due to the explosions at the naval ammunition depot, Lake Denmark, New Jersey, July 10, 1926, to the respective persons and in the respective amounts as recommended by the Comptroller General of the United States and as fully set forth in House Document Numbered 257, Seventy-second Congress, first session, and letters of the Comptroller General to the Congress, dated January 14 and February 10, 1933, pursuant to the Act of March 2, 1927 (44 Stat., pt. 3, p. 1800), and the Act of February 2, 1929 (45 Stat., pt. 2, p. 2047): *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Lake Denmark, N.J., naval ammunition depot.
Payment authorized of additional claims for damages caused by explosions at.

Vol. 44, p. 1800; Vol. 45, p. 2047.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 246.]

AN ACT

For the relief of Edward J. Devine.

May 7, 1934.
[H.R. 4269.]
[Private, No. 116.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized and directed to pay, out of the appropriation "Medical and hospital services", to Edward J. Devine the sum of $65.50. The payment of such sum shall be in full settlement of all claims against the United States for undertaking services performed by Edward J. Devine in connection with the burial of Patrick J. Murtagh.

Edward J. Devine.
Payment to, for mortuary services.

Approved, May 7, 1934.

[CHAPTER 247.]

AN ACT

For the relief of C. W. Mooney.

May 7, 1934.
[H.R. 4519.]
[Private, No. 117.]

C. W. Mooney.
Reimbursement for lost postal funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $161.71, to compensate C. W. Mooney, of Lenapah, Oklahoma, for actual financial loss sustained by him, without negligence on his part, through refund already made to the Post Office Department wherein postal funds for which he was responsible as postmaster of Lenapah, Oklahoma, were on deposit in the First National Bank of Lenapah, Oklahoma, where said bank failed under date of November 19, 1923, and was liquidated, none of said sum being repaid from the assets of said bank.

Approved, May 7, 1934.

[CHAPTER 248.]

AN ACT

For the relief of Barney Rieke.

May 7, 1934.
[H.R. 4611.]
[Private, No. 118.]

Barney Rieke.
Payment to, for loss of yacht.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,750 to Barney Rieke, because of the destruction of his yacht Barney Google by the United States Coast Guard: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 249.]

AN ACT

For the relief of the estate of Oscar F. Lackey.

May 7, 1934.
[H.R. 4779.]
[Private, No. 119.]

Oscar F. Lackey, estate.
Adjustment of claim authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and is hereby, authorized to adjust and settle the claim of Mary Lackey Combs, of Riderwood, Maryland, as executrix of the estate of Oscar F. Lackey, deceased, for $1,500: *Provided*, That such payment to Mary Lackey Combs, as executrix, shall be in full satisfaction of all claims against the United States of the estate of said Oscar F. Lackey, for such injury received by him and to allow said claim under the appropriation made by the Act of February 18, 1913 (37 Stat. 1372), for payment to the deceased for injuries received on November 21, 1905, while in the employ of the Isthmian Canal Commission as assistant engineer

Proviso.
Deemed full settlement.

Vol. 37, p. 1372.

in the construction of the Panama Canal, he having died without receiving such amount: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 250.]

AN ACT

To reimburse Gottlieb Stock for losses of real and personal property by fire caused by the negligence of two prohibition agents.

May 7, 1934.
[H.R. 4784.]
[Private, No. 120.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement of all claims against the Government of the United States, the sum of $3,000 to Gottlieb Stock, as compensation for the total destruction of his home and personal property therein and trees and vines on the premises and other property during a fire set by the negligence of two prohibition agents in the employ of the Federal Bureau of Prohibition: *Provided*, That no part of the amount appropriated in this Act, in excess of 10 per centum thereof, shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Gottlieb Stock.
Reimbursement for property losses.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 251.]

AN ACT

To authorize and direct the Comptroller General to settle and allow the claim of Harden F. Taylor for services rendered to the Bureau of Fisheries.

May 7, 1934.
[H.R. 4792.]
[Private, No. 121.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and allow the claim of Harden F. Taylor in the sum of $500 for services rendered to the Bureau of Fisheries in the preparation of a manuscript on the refrigeration of fish, notwithstanding provisions of existing law.

Harden F. Taylor.
Claim for services, allowed.

Approved, May 7, 1934.

[CHAPTER 252.]

May 7, 1934.
[H.R. 4846.]
[Private, No. 122.]

AN ACT

For the relief of Joseph Dumas.

Joseph Dumas.
Payment to, for personal injuries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $1,500 to Joseph Dumas, of Waterville, Maine, in full payment and settlement for all claims against the United States for injuries received by said Dumas on September 9, 1927, at said Waterville, through the negligence of an employee in the United States Railway Mail Service:

Proviso.
Limitation on attorney's, etc., fees.

Provided, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 253.]

May 7, 1934.
[H.R. 4959.]
[Private, No. 123.]

AN ACT

For the relief of Mary Josephine Lobert.

M. J. Lobert.
Refund of forfeited bail bond and court costs to widow of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary Josephine Lobert, widow of M. J. Lobert, the sum of $1,632.68, in full settlement of all claims against the Government of the United States representing judgment in the amount of $1,632.68, secured to the United States for the United States District Court of the Western District of Texas against M. J. Lobert, on account of bond of $1,500, for the appearance of Johnnie (Jack) Wander (Wunder), charged with a violation of the Motor Vehicle Theft Act, which bond was forfeited by reason of the failure of the said defendant to appear, and $132.68 being court costs, paid into court on December 31, 1929, and deposited by the United States marshal for the western district of Texas, and covered into the Treasury of the United States on January 9, 1930: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 254.]

AN ACT

For the relief of Gale A. Lee.

May 7, 1934.
[H.R. 5936.]
[Private, No. 124.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is authorized and directed to credit the account of Gale A. Lee, postmaster at Pueblo, Colorado, with the sum of $861.02, being the amount of payments made by such postmaster during the period August 16, 1930, to October 31, 1932, as compensation at 65 cents per hour to Helen G. Engle, of Pueblo, Colorado, for services as a substitute postal clerk qualified as a stenographer, which amount was disallowed in his account because the employee was during the same period a clerical assistant at $1,500 per annum in the office of the deputy clerk of the United States district court at Pueblo, Colorado.

Gale A. Lee.
Credit in postal accounts.

Approved, May 7, 1934.

[CHAPTER 255.]

AN ACT

For the relief of Lucien M. Grant.

May 7, 1934.
[H.R. 6386.]
[Private, No. 125.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lucien M. Grant, lieutenant commander, Construction Corps, United States Navy, the sum of $184.02 for actual and necessary expenses incurred by him in transportation of his dependents and personal effects from Philadelphia, Pennsylvania, to Pensacola, Florida, and return, while carrying out orders of the Navy Department.

Lucien M. Grant.
Reimbursement for expenses.

Approved, May 7, 1934.

[CHAPTER 256.]

AN ACT

For the relief of the Monumental Stevedore Company.

May 7, 1934.
[H.R. 6638.]
[Private, No. 126.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement of all claims against the Government of the United States, the sum of $677.75 to Monumental Stevedore Company, of Baltimore, Maryland, a corporation organized and existing under the laws of the State of Maryland, owner of lighter numbered 1, on account of damages caused to said lighter by collision therewith of the United States Coast Guard cutter Winnesimmet in the Patapsco River on the 17th day of September 1923: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Monumental Stevedore Company.
Payment to, for collision damages to lighter.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 257.]

AN ACT

May 7, 1934.
[H.R. 6690.]
[Private, No. 127.]

For the relief of certain officers of the Dental Corps of the United States Navy.

Dental Corps, Navy.
Status of certain officers of, defined.
Vol. 41, p. 834.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all commissioned officers now on active duty in the Dental Corps of the United States Navy who, while heretofore on active duty as reserve or temporary commissioned officers, had qualified for appointment to the Dental Corps of the United States Navy pursuant to an examination held at the United States Naval Medical School, Washington, District of Columbia, in January 1920, and who since that date have continuously served on active duty, shall hereafter be entitled to a position on the precedence list in accordance with that attained in said examination: *Provided*, That such officers of the Dental Corps shall be assigned running mates for promotion purposes in accordance with their precedence as so determined: *And provided further*, That no back pay or allowances shall accrue to any officer by reason of the passage of this Act.

Provisos.
Assignment.

No back pay, etc.

Approved, May 7, 1934.

[CHAPTER 258.]

AN ACT

May 7, 1934.
[H.R. 6862.]
[Private, No. 128.]

For the relief of Martha Edwards.

Martha Edwards.
Payment to, for personal injuries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal guardian of Martha Edwards, of East Camp, Norfolk, Virginia, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 in full settlement of all claims against the Government of the United States for permanent injuries sustained by her as a result of being struck by a United States naval airplane on the premises of her father at East Camp, Norfolk, Virginia, on October 30, 1929; and in addition, pay to the Norfolk Protestant Hospital the sum of $177, and to Doctor Julian L. Rawls the sum of $150, due them for care and attention to her as a result of said injury: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

For medical care.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 7, 1934.

[CHAPTER 259.]

AN ACT

May 7, 1934.
[H.R. 909.]
[Private, No. 129.]

For the relief of Elbert L. Grove.

Elbert L. Grove.
Naval record corrected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged sailors Elbert L. Grove, late of United States Navy, shall hereafter be held and considered to have been honorably

discharged from the naval service of the United States as a member of that organization on the 31st day of March 1901: *Provided*, That no bounty, back pay, pension, or allowance shall accrue by virtue of the passage of this Act.

Proviso. No back pay, etc.

Approved, May 7, 1934.

[CHAPTER 260.]

AN ACT

For the relief of John C. McCann.

May 7, 1934. [H.R. 1404.] [Private, No. 130.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized and directed to correct the service record of John C. McCann, formerly of the United States Ship California, so that he shall be held and considered to have been honorably discharged on August 26, 1908, and to grant to such John C. McCann an honorable discharge as of such date: *Provided*, That no pension, pay, or bounty shall be held to have accrued by reason of the enactment of this Act.

John C. McCann. Naval record corrected.

Proviso. No prior pension, etc.

Approved, May 7, 1934.

[CHAPTER 261.]

AN ACT

For the relief of Harvey Collins.

May 7, 1934. [H.R. 2074.] [Private, No. 131.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Harvey Collins, late of the United States Navy, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as a member of that organization on the 20th day of September 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Harvey Collins. Naval record corrected.

Proviso. No back pay, etc.

Approved, May 7, 1934.

[CHAPTER 262.]

JOINT RESOLUTION

Granting compensation to George Charles Walther.

May 7, 1934. [H.J.Res. 61.] [Priv. Res., No. 1.]

Whereas George Charles Walther was shot near Underwood, Washington, on or about September 1, 1923, by a United States prohibition enforcement officer pursuing the owner of a still located in the vicinity; and

George Charles Walther. Preamble.

Whereas as a result of such shooting, occurring in line of duty, the said George Charles Walther has been permanently paralyzed and rendered a hopeless cripple and a bedridden invalid for life; and

Whereas the said George Charles Walther was removed by the Government from Underwood, Washington, to a hospital in Portland, Oregon, and there left by United States Government officials without provision having been made for his care; and

Whereas the said George Charles Walther is without means or ability to care for himself: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, the sum of $100 a month to George Charles Walther, during his lifetime, as full compensation for total and permanent disability resulting from a gunshot wound

Monthly disability payments to.

inflicted upon him in 1923 by a Federal prohibition enforcement officer. Such payment shall be made through the United States Employees' Compensation Commission and shall date from the approval of this Act.

Approved, May 7, 1934.

[CHAPTER 266.]

May 9, 1934.
[H.R. 4423.]
[Private, No. 132.]

AN ACT

For the relief of Wilbur Rogers.

Wilbur Rogers.
Army service record corrected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, or benefits upon retired officers of the United States Army Wilbur Rogers, major, United States Army, shall be held and considered, notwithstanding any other provision of law, to have been classified in class A and to have been retired under section 1251 of the Revised Statutes for incapacity which was a result of an accident of service: *Provided*, That no bounty, back pay, pension, allowance, or any payment provided under the World War Veterans' Act, 1924, as amended, the World War Adjusted Compensation Act, 1924, as amended, or other benefit whatsoever to which said person may be or become entitled by law, shall be held to have accrued prior to the passage of this Act.

Retired for disability in service.

R.S., sec. 1251, p. 218.

Proviso.
No prior pension, etc.
U.S.C., pp. 1214, 1229.

Approved, May 9, 1934.

[CHAPTER 267.]

May 9, 1934.
[H.R. 472.]
[Private, No. 133.]

AN ACT

For the relief of Phyllis Pratt and Harold Louis Pratt, a minor.

Phyllis and Harold Louis Pratt.
Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Phyllis Pratt in her own right and as legal guardian of Harold Louis Pratt, a minor, the sum of $5,000 in full settlement of all claims against the Government of the United States as reimbursement to them for the loss suffered by them in the death of their husband and father, Louis Daniel Pratt, whose death occurred on April 21, 1929, without fault on his part or on their part, through the collision of a trimotored Ford airplane belonging to the Maddux Air Lines, Incorporated, of Los Angeles, California, bearing factory number 5–AT–10, license number NC 9636, near San Diego, California, with an airplane belonging to the War Department of the United States, which was then and there operated in a wrongful and negligent manner by Lieutenant Howard Keefer, a United States pilot, then and there flying under orders and in line of duty: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 9, 1934.

[CHAPTER 268.]

AN ACT

For the relief of Willard B. Hall.

May 9, 1934.
[H.R. 719.]
[Private, No. 134.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Willard B. Hall, out of any money in the Treasury not otherwise appropriated, the sum of $75, being the value of a horn used by the claimant during his service with the First Kansas Infantry band, the One Hundred and Thirty-seventh Infantry band, and the One Hundred and Tenth Engineers' band from July 31. 1917, to May 3, 1919.

Willard B. Hall.
Payment to.

Approved, May 9, 1934.

[CHAPTER 269.]

AN ACT

For the relief of O. H. Chrisp.

May 9, 1934.
[H.R. 1127.]
[Private, No. 135.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to O. H. Chrisp, of Bald Knob, Arkansas, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full settlement of all claims against the Government of the United States in full payment of all damages for personal injuries received by him while in the employ of the Director General of Railroads on January 17, 1919, at Crawfordsville, Arkansas, on account of the negligence of the said Director General of Railroads: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

O. H. Chrisp.
Payment to, for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 9, 1934.

[CHAPTER 270.]

AN ACT

For the relief of Karim Joseph Mery.

May 9, 1934.
[H.R. 2339.]
[Private, No. 136.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to pay to Karim Joseph Mery, of San Antonio, Texas, out of any money not otherwise appropriated, the sum of $5,000 as compensation for the death of his son, Joseph Karim Mery, a minor, who was killed at San Antonio, Texas, on July 10, 1923, by the negligent driving of a United States Army truck: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the

Karim Joseph Mery.
Compensation to, for death of son.

Proviso.
Limitation on attorney's, etc., fees.

amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, May 9, 1934.

[CHAPTER 271.]

AN ACT

May 9, 1934.
[H.R. 2340.]
[Private, No. 137.]

For the relief of Russell and Tucker and certain other citizens of the States of Texas, Oklahoma, and Kansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Russell and Tucker, a copartnership composed of Lee L. Russell and S. C. Tucker; Floyd and Company, a copartnership composed of C. W. Floyd and S. C. Tucker; Borroum, Tucker, and O'Connor, a copartnership composed of J. L. Borroum, S. C. Tucker, and Martin O'Connor; Rutledge, Browne, and Nichols, a copartnership composed of W. J. Rutledge, N. H. Browne, and J. W. Nichols; Russell and Wilson, a copartnership composed of R. R. Russell and W. E. Wilson; Rocky Reagan, Alfred A. Drummond, J. M. Dobie, and Dick Colson, their heirs, legal representatives, executors, administrators, and assigns, any statutes of limitations being waived, are hereby authorized to enter suit in the United States District Court for the Northern District of Texas for the amount alleged to be due to said claimants from the United States by reason of the alleged neglect and alleged wrongdoing of the officials and inspectors of the United States Bureau of Animal Industry in the dipping of tick-infested cattle in Texas and Oklahoma, which said cattle were shipped from Texas to Osage County, Oklahoma, in the years 1918 and 1922.

Russell and Tucker. May bring suit in district court for loss of certain cattle.

Statutes of limitations waived.

Jurisdiction of court.

SEC. 2. Jurisdiction is hereby conferred upon said United States District Court for the Northern District of Texas to hear and determine all such claims without intervention of a jury. The action in said court may be presented by a single petition making the United States party defendant, and shall set forth all the facts on which the claimants base their claims, and the petition may be verified by the agent or attorney of said claimants, official letters, reports, and public records, or certified copies thereof may be used as evidence, and said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found due from the United States to the said claimants by reason of the alleged negligence and erroneous certification, upon the same principles and under the same measure of liability as in like cases between private parties, and the Government hereby waives its immunity from suit. And said claimants and the United States of America shall have all rights of appeal or writ of error or other remedy as in similar cases between private persons or corporations: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of said court, and upon such notice it shall be the duty of the Attorney General to cause the United States Attorney in such district to appear and defend for the United States: *And provided further*, That such suit shall be begun within six months of the date of the approval of this Act.

Provisos.
Notice, etc., to Attorney General.

Commencement of suit.

Approved, May 9, 1934.

[CHAPTER 272.]

AN ACT

For the relief of Bonnie S. Baker.

May 9, 1934.
[H.R. 2682.]
[Private, No. 138.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $100.29 to Bonnie S. Baker, former postmaster at Gore, Georgia, to reimburse her for currency and coin in that amount stolen from said post office by burglary on November 18, 1930, which said loss was sustained without negligence on the part of said postmaster and was by her repaid to the Government from her private funds.

Bonnie S. Baker.
Credit in postal accounts.

Approved, May 9, 1934.

[CHAPTER 273.]

AN ACT

For the relief of Walter E. Switzer.

May 9, 1934.
[H.R. 3463.]
[Private, No. 139.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in full settlement against the Government, to Walter E. Switzer the sum of $2,000 in compensation for injuries caused by a post-office truck, resulting in the amputation of his left leg: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Walter E. Switzer.
Compensation for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 9, 1934.

[CHAPTER 274.]

AN ACT

For the relief of T. J. Morrison.

May 9, 1934.
[H.R. 3551.]
[Private, No. 140.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to T. J. Morrison, of Elizabethtown, Kentucky, the sum of $195.41 in full settlement of all claims against the Government of the United States, for water actually supplied to the post office at Ravenna, Kentucky, during the period of nine years and five months from November 27, 1922, until April 27, 1932: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10

T. J. Morrison.
Payment to, for water service to post office.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved, May 9, 1934.

[CHAPTER 275.]

May 9, 1934.
[H.R. 4847.]
[Private, No. 141.]

AN ACT

For the relief of Galen E. Lichty.

Galen E. Lichty.
Reimbursement for stolen postal funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $554.70 in full settlement of all claims against the Government of the United States, to Galen E. Lichty, stamp clerk of the post office at Beatrice, Gage County, Nebraska, to reimburse him for funds stolen from the Beatrice post office by unknown persons on the day of November 17, 1928: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 9, 1934.

[CHAPTER 276.]

May 9, 1934.
[H.R. 7279.]
[Private, No. 142.]

AN ACT

For the relief of Porter Brothers and Biffle and certain other citizens.

Porter Brothers and Biffle.
May bring suit in district court for loss of certain cattle.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Porter Brothers and Biffle, a copartnership composed of H. L. Porter, L. A. Porter, and J. W. Biffle; Spradling and Porter Brothers, a copartnership composed of Royal Spradling, H. L. Porter, and L. A. Porter; Henry Price, Royal Spradling, J. L. Keith, W. T. Brummett; Price and Florence, a copartnership composed of Henry Price and Buster Florence; J. B. O'Harro and estate of G. J. Keith, their heirs, legal representatives, executors, administrators, and assigns, and statutes of limitations being waived, are hereby authorized to enter suit in the United States District Court for the Northern District of Texas for the amount alleged to be due to said claimants from the United States by reason of the alleged neglect of the inspectors of the Bureau of Animal Industry, United States Department of Agriculture, in certifying as clean of splenetic fever ticks, cattle shipped from Texas to Oklahoma in the year 1919.

Statutes of limitations waived.

Jurisdiction of court.

SEC. 2. Jurisdiction is hereby conferred upon said United States District Court for the Northern District of Texas to hear and determine all such claims without the intervention of a jury. The action in said court may be presented by a single petition making the United States party defendant, and shall set forth all the facts upon which the claimants base their claims, and the petition may be verified by the agent or attorney of said claimants, official letters, reports, and

public records, or certified copies thereof, may be used as evidence, and said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found due from the United States to the said claimants by reason of the alleged negligence and erroneous certification, upon the same principles and under the same measures of liability as in like cases between private parties, and the Government hereby waives its immunity from suit. And said claim ants and the United States of America shall have all rights of appeal or writ of error or other remedy as in similar cases between private persons or corporations: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within six months of the date of the approval of this Act.

Provisos.
Notice, etc., to Attorney General.

Commencement of suit.

Approved, May 9, 1934.

[CHAPTER 287.]

AN ACT

May 14, 1934.
[H.R. 3900.]
[Private, No. 143.]

Authorizing the Secretary of the Treasury to pay subcontractors for material and labor furnished in the construction of the post office at Las Vegas, Nevada.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to subcontractors, labor, and material men who furnish labor and material to the Plains Construction Company, defaulted general contractor for the construction of the post office at Las Vegas, Nevada, such sums as he may consider equitable and just to reimburse said subcontractors, labor, and material men for unpaid accounts left by said Plains Construction Company at the time of its default, said sums to be paid only upon proper proof of actual losses sustained exclusive of profit; and there is hereby made available for this purpose not to exceed $20,000 from any sum which may remain from the lump-sum appropriations made for building-construction purposes, notwithstanding the amount of the claims of said subcontractors in addition to the cost of completing the building exceed the limit of the cost for the construction of the Las Vegas Post Office.

Las Vegas, Nev., post office.
Payment of certain claims for material and labor, in construction of.

Fund available.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Goldsmith Metal Lath Company the sum of $892.73, to Price-Evans Foundry Corporation the sum of $1,790.10, and to R. W. Felix the sum of $27.81, in full settlement of all claims against the Government of the United States for losses suffered by the said companies by reason of the default of the Plains Construction Company, general contractors for the construction of the post office at Las Vegas, Nevada, and the contractor's failure to furnish the valid bond as required by law for the protection of labor and material men furnishing labor and material on public works: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys. to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services

Goldsmith Metal Lath Company.

Price-Evans Foundry Corporation.
R. W. Felix.

Proviso.
Limitation on attorney's, etc., fees.

rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, May 14, 1934.

[CHAPTER 288.]

May 14, 1934.
[H.R. 5299.]
[Private, No. 144.]

AN ACT

For the relief of Orville A. Murphy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission is hereby authorized to consider and determine, in the same manner and to the same extent as if application for the benefits of the Employees' Compensation Act had been made within the one-year period required by sections 17 and 20 thereof, the claim of Orville A. Murphy, on account of disability due to tuberculosis alleged to have been proximately caused by his employment in the service of the United States between April 6, 1920, and December 1, 1932: *Provided*, That no benefits shall accrue prior to the enactment of this Act.

Orville A. Murphy. Claim of.

Vol. 39, p. 746.

Proviso. No prior benefits.

Approved, May 14, 1934.

[CHAPTER 291.]

May 16, 1934.
[H.R. 4060.]
[Private, No. 145.]

AN ACT

For the relief of Ellen Grant.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ellen Grant, mother of Albert F. Grant, late boatswain's mate, second class, United States Navy, who died June 8, 1931, while a member of that organization, the sum of $200, in full settlement of all claims against the Government of the United States, being the actual expenses incurred in the burial of said Albert F. Grant: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Ellen Grant. Payment to, for burial expenses of son.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 16, 1934.

[CHAPTER 294.]

May 17, 1934.
[H.R. 190.]
[Private, No. 146.]

AN ACT

For the relief of Elizabeth T. Cloud.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elizabeth T. Cloud, of Atlantic City, New Jersey, the sum

Elizabeth T. Cloud. Payment to, for personal injury.

of $596.97 on account of personal injury sustained by her on October 17, 1916, by falling on the steps of the Atlantic City post-office building: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 17, 1934.

[CHAPTER 295.]

AN ACT

For the relief of Nellie Reay.

May 17, 1934. [H.R. 1209.] [Private, No. 147.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Nellie Reay, out of any money in the Treasury not otherwise appropriated, the sum of $12.95, in full and final settlement of all claims against the Government for work performed as a charwoman in the custodian service of the Post office and courthouse at Trenton, New Jersey, from November 1 to November 7, 1929.

Nellie Reay. Payment to, for personal services.

Approved, May 17, 1934.

[CHAPTER 296.]

AN ACT

For the relief of Scott C. White.

May 17, 1934. [H.R. 2750.] [Private, No. 148.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, directed to allow Scott C. White, United States marshal, western district of Texas, credit in the amount of $146.03, being the amount advanced by the said marshal to E. G. Doty, a deputy marshal, covering expense incurred by the said Doty in attempting to serve certain process placed in his hands for service.

Scott C. White. Credit allowed for expense incurred.

Approved, May 17, 1934.

[CHAPTER 297.]

AN ACT

For the relief of C. J. Holliday.

May 17, 1934. [H.R. 4927.] [Private, No. 149.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to C. J. Holliday, of Pelzer, South Carolina, in full settlement of all claims against the Government of the United States, which sum represents the loss sustained by the said C. J. Holliday on bail bond of Reuben G. Johnson, who afterwards was captured and returned to the United States officers by the said C. J. Holliday, record of said estreatment of bond being shown in the

C. J. Holliday. Reimbursement for loss on bail bond.

order of Honorable H. H. Watkins, United States district judge, at Greenville, South Carolina, February 7, 1923: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 17, 1934.

[CHAPTER 298.]

AN ACT

For the relief of J. B. Trotter.

May 17, 1934. [H.R. 4929.] [Private, No. 150.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to J. B. Trotter, of Pelzer, South Carolina, in full settlement of all claims against the Government of the United States, which sum represents the loss sustained by the said J. B. Trotter on the bail bond of Reuben G. Johnson, who afterward was captured and returned to the United States officers by the said J. B. Trotter, record of said estreatment of bond being shown in order of Honorable H. H. Watkins, United States district judge, of Greenville, South Carolina, February 7, 1923: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

J. B. Trotter. Reimbursement for loss on bail bond.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 17, 1934.

[CHAPTER 308.]

AN ACT

To authorize Frank W. Mahin, retired American Foreign Service officer, to accept from Her Majesty the Queen of the Netherlands the brevet and insignia of the Royal Netherland Order of Orange Nassau.

May 18, 1934. [S. 696.] [Private, No. 151.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Frank W. Mahin, retired American Foreign Service officer, be, and he is hereby authorized to accept from Her Majesty the Queen of the Netherlands the brevet and insignia of officer of the Royal Netherland Order of Orange Nassau, which has been tendered to said officer, through the Department of State, in appreciation of services rendered the people of Holland.

Frank W. Mahin. May accept decoration from the Netherlands.

Approved, May 18, 1934.

[CHAPTER 309.]

AN ACT

For the relief of Jacob Durrenberger.

May 18, 1934.
[H.R. 200.]
[Private, No. 152.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Jacob Durrenberger, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 in full settlement of all claims against the Government of the United States for personal injuries caused as a result of an accident involving an Army vehicle at Jamaica, Long Island, New York, on September 16, 1929: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Jacob Durrenberger.
Payment to, for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 18, 1934.

[CHAPTER 310.]

AN ACT

For the relief of Robert Turner.

May 18, 1934.
[H.R. 1207.]
[Private, No. 153.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert Turner, of the city of Burlington, New Jersey, the sum of $1,500 in full settlement of all claims against the Government of the United States for all injuries sustained by him on Friday, October 28, 1921, when an automobile in which he was riding was in collision with an automobile of the United States Army, the said automobile being one of a fleet of motor cars traveling toward the city of Philadelphia, in charge of Captain Hatfield, of Camp Holabird, Maryland: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Robert Turner.
Payment to, for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 18, 1934.

[CHAPTER 311.]

AN ACT

For the relief of Frederick W. Peter.

May 18, 1934.
[H.R. 1208.]
[Private, No. 154.]

Frederick W. Peter.
Payment to, for personal injuries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frederick W. Peter, of the city of Burlington, New Jersey, the sum of $1,000 in full settlement of all claims against the Government of the United States for all injuries sustained by him on Friday, October 28, 1921, when an automobile in which he was riding was in collision with an automobile of the United States Army, the said automobile being one of a fleet of motor cars traveling toward the city of Philadelphia, in charge of Captain Hatfield, of Camp Holabird, Maryland: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 18, 1934.

[CHAPTER 312.]

AN ACT

To place Jesse C. Harmon on the retired list of the United States Marine Corps.

May 18, 1934.
[H.R. 2021.]
[Private, No. 155.]

Marine Corps.
Jesse C. Harmon may be appointed second lieutenant, retired list.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to appoint Jesse C. Harmon, formerly a second lieutenant, United States Marine Corps, a second lieutenant in the Marine Corps, and to place him upon the retired list of the Marine Corps as a second lieutenant, with the retired pay of that grade or upon the active list in the rank and grade entitled: *Provided*, That before retiring him, a duly constituted Marine retiring board finds that the said Jesse C. Harmon incurred physical disability incident to the service in the line of duty: *And provided further*, That no back pay, allowance, or emoluments shall become due because of the passage of this Act.

Provisos.
Retirement subject to disability in line of duty.
No back pay, etc.

Approved, May 18, 1934.

[CHAPTER 313.]

AN ACT

For the relief of Enoch Graf.

May 18, 1934.
[H.R. 2203.]
[Private, No. 156.]

Enoch Graf.
Reimbursement for losses in the Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Enoch Graf, first lieutenant, Quartermaster Corps, United States Army, the sum of $2,644.61. Such sum represents the net loss sustained by Lieutenant

Graf due to financial irregularities and frauds against the United States by a civilian employee of the Quartermaster Corps at Camp Custer, Michigan, during the period from October 1926 to October 1927, for which Lieutenant Graf was held responsible: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 18, 1934.

[CHAPTER 314.]

AN ACT

For the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department.

May 18, 1934. [H.R. 2431.] [Private, No. 157.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized, notwithstanding the provisions of section 3828 of the Revised Statutes of the United States, to settle, adjust, and certify the following claims for advertising services rendered the Public Health Service, Treasury Department, namely: The claims of certain Chicago newspapers for advertising services rendered October 3, 1918, amounting in all to $2,894, under the appropriation "Suppressing Spanish influenza and other communicable diseases, 1919"; the claim of a Houston (Texas) newspaper, $65.17; and the claim of a New York newspaper, $30, for advertising services rendered between June and October, 1920, under the appropriations "Pay of personnel and maintenance of hospitals, Public Health Service, 1920", and "Maintenance, marine hospitals, 1921."

Public Health Service, Treasury Department.
Claims for certain advertising services rendered to, ordered settled.
R.S., sec. 3828, p. 749.

Approved, May 18, 1934.

[CHAPTER 315.]

AN ACT

For the relief of the Palmetto Cotton Company.

May 18, 1934. [H.R. 4928.] [Private, No. 158.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $140, which sum represents a part of the remittance to the farmers' seed loan offices of the Department of Agriculture by the Palmetto Cotton Company in payment of a loan of Hollock Tribble to the said farmers' seed loan office, upon which amount a prior lien or mortgage existed.

Palmetto Cotton Company.
Payment to.

Approved, May 18, 1934.

[CHAPTER 326.]

AN ACT

For the relief of Mucia Alger.

May 21, 1934.
[S. 1541.]
[Private, No. 159.]

Mucia Alger.
Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mucia Alger, widow of William E. Alger, late American consul at Fernie, British Columbia, the sum of $2,500, being one year's salary of her deceased husband, who died March 19, 1917, while in the Foreign Consular Service.

Approved, May 21, 1934.

[CHAPTER 327.]

AN ACT

To compensate Harriet C. Holaday.

May 21, 1934.
[S. 1997.]
[Private, No. 160.]

Harriet C. Holaday.
Payment to.
Ante, p. 1039.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay to Harriet C. Holaday, widow of Ross E. Holaday, late American consul at Manchester, England, the sum of $6,000, being one year's salary of her deceased husband, who died while in the Foreign Service, and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this Act.

Approved, May 21, 1934.

[CHAPTER 328.]

AN ACT

For the relief of Homer C. Chapin.

May 21, 1934.
[H.R. 207.]
[Private, No. 161.]

Homer C. Chapin.
Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Homer C. Chapin the cash value of a $500 Liberty bond deposited by him with the Immigration Service of the Department of Labor in the case of Dimitri Ivanenko, which said bond or the proceeds of which was erroneously covered into the Treasury of the United States.

Approved, May 21, 1934.

[CHAPTER 329.]

AN ACT

For the relief of Peter Guilday.

May 21, 1934.
[H.R. 371.]
[Private, No. 162.]

Peter Guilday.
Military record corrected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Peter Guilday (name borne on the rolls as Peter Gillday and also as Peter Gilday), of Company F, Fifth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 11th day of February 1904: *Provided*, That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Proviso.
No back pay, etc.

Approved, May 21, 1934.

[CHAPTER 330.]

AN ACT

For the relief of Frank Ferst.

May 21, 1934.
[H.R. 889.]
[Private, No. 163.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Frank Ferst, who was a member of Battery B, Fourth Regiment United States Field Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 6th day of November 1905: *Provided*, That no bounty, pay, pension, or allowance shall accrue because of the passage of this Act.

Frank Ferst.
Military record corrected.

Proviso.
No back pay, etc.

Approved, May 21, 1934.

[CHAPTER 331.]

AN ACT

For the relief of Arabella E. Bodkin.

May 21, 1934.
[H.R. 3868.]
[Private, No. 164.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arabella E. Bodkin, or her executors or administrators, the sum of $28,000 in compliance with the findings of the Court of Claims in the case of Arabella E. Bodkin, sometimes named and referred to as "Mrs. Patrick H. Bodkin", against the United States; such findings having been made pursuant to the Act of March 4, 1927 (ch. 517, 44 Stat.L., pt. III, 1845), entitled "An Act conferring jurisdiction upon the Court of Claims to hear and determine the claim of Mrs. Patrick H. Bodkin." The payment provided for herein shall be in full settlement of all claims and demands arising out of the subject matter referred to in the findings of the Court of Claims.

Arabella E. Bodkin.
Payment of Court of Claims findings to.

Vol. 44, p. 1845.

Approved, May 21, 1934.

[CHAPTER 332.]

AN ACT

For the relief of the Playa de Flor Land and Improvement Company.

May 21, 1934.
[H.R. 5284.]
[Private, No. 165.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the District Court of the Canal Zone to hear and determine, but subject to the provisions for appeal as in other cases provided by the Panama Canal Act, as amended, the claim of the Playa de Flor Land and Improvement Company against the United States on account of property taken by the United States in the Canal Zone.

Playa de Flor Land and Improvement Company.
Jurisdiction conferred on Canal Zone District Court to adjudicate claim of.

Approved, May 21, 1934.

[CHAPTER 334.]

AN ACT

For the relief of G. T. Fleming.

May 22, 1934.
[S. 3364.]
[Private, No. 166.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to G. T. Fleming, of Pelzer, South Carolina, which sum

G. T. Fleming.
Reimbursement for loss on bail bond.

represents the loss sustained by the said G. T. Fleming on the bail bond of Reuben G. Johnson, who was afterwards captured and returned to the United States officers by the said G. T. Fleming; record of said estreatment of bond is shown in order of Honorable H. H. Watkins, United States district judge, at Greenville, South Carolina, May 22, 1923: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 22, 1934.

[CHAPTER 335.]

May 22, 1934. [H.R. 473.] [Private, No. 167.]

AN ACT

For the relief of Irene Brand Alper.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Irene Brand Alper the sum of $1,250 in full settlement of all claims against the Government of the United States in full settlement for an injury incurred by her when nineteen years old, when she was seriously injured and crippled for life by being struck down and run over on the 11th day of August 1921 by the United States Navy car numbered 2499, in the city of New York, through the careless and negligent operation of said car by an employee of the United States Government employed at the time to operate said car: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Irene Brand Alper. Payment to, for personal injuries.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 22, 1934.

[CHAPTER 336.]

May 22, 1934. [H.R. 4274.] [Private, No. 168.]

AN ACT

For the relief of Charles A. Brown.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles A. Brown the sum of $3,000, as compensation for injuries sustained on June 22, 1926, at New York City, when an automobile in which he was riding was struck by a truck operated by the

Charles A. Brown. Payment to, for personal injuries.

post-office service: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 22, 1934.

[CHAPTER 340.]

AN ACT

For the relief of Kathryn Thurston.

May 23, 1934. [H.R. 878.] [Private, No. 169.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Kathryn Thurston, widow of Charles Thurston, the sum of $2,500 in full settlement of all claims against the United States because of the death of the said Charles Thurston, who was an employee of the United States Railroad Administration and who was killed while in the performance of his duties as such employee on or about February 2, 1920, at Columbus, Ohio: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Kathryn Thurston. Payment to, for death of husband.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 23, 1934.

[CHAPTER 341.]

AN ACT

For the relief of H. Forsell.

May 23, 1934. [H.R. 1254.] [Private, No. 170.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Miss H. Forsell, out of any money in the Treasury not otherwise appropriated, the sum of $196.97 in full settlement against the Government for customs duties paid on two packages of merchandise that were not received by the addressee: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection

H. Forsell. Refund of customs duties.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved, May 23, 1934.

[CHAPTER 342.]

May 23, 1934.
[H.R. 5405.]
[Private, No. 171.]

AN ACT

For the relief of Nicola Valerio.

Nicola Valerio.
Payment to, for death of son.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nicola Valerio, father of Joseph Valerio, deceased, the sum of $2,500 in full settlement of all claims against the Government of the United States on account of the death of the aforesaid Joseph Valerio, which was caused by his being struck by a post office mail truck: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 23, 1934.

[CHAPTER 343.]

May 23, 1934.
[H.R. 4516.]
[Private, No. 172.]

AN ACT

For the relief of B. Edward Westwood.

B. Edward Westwood.
Credit allowed in postal accounts of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is authorized and directed to credit the account of B. Edward Westwood, postmaster at Youngstown, Ohio, in the sum of $891.17, such sum representing the deficit in the account of the said B. Edward Westwood, caused by burglary to the post office on December 25, 1931, and for which casualty the said B. Edward Westwood was in no way responsible.

Approved, May 23, 1934.

[CHAPTER 346.]

May 24, 1934.
[H.R. 211.]
[Private, No. 173.]

AN ACT

For the relief of John A. Rapelye.

John A. Rapelye.
Reimbursement of, for stolen postal funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the account of John A. Rapelye, postmaster at Flushing, New York, with the sum of $1,249.08 to reimburse him for money-order and postal funds stolen from the Jackson Heights station of the Flushing post office on the night of March 3, 1927: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of

Proviso.
Limitation on attorney's, etc., fees.

services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, May 24, 1934.

[CHAPTER 352.]

AN ACT

May 25, 1934.
[H.R. 4533.]
[Private, No. 174.]

For the relief of the widow of D. W. Tanner for expense of purchasing an artificial limb.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the widow of D. W. Tanner, of Brighton, Massachusetts, retired after thirty years' military service, including service during Indian wars and the World War, the sum of $125, covering payment for an artificial limb supplied by the Hammer Limb Company, of Boston, Massachusetts.

D. W. Tanner. Payment to widow of.

Approved, May 25, 1934.

[CHAPTER 358.]

AN ACT

May 26, 1934.
[H.R. 328.]
[Private, No. 175.]

For the relief of E. W. Gillespie.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is authorized and directed to credit the account of E. W. Gillespie, former postmaster at Rock River, Wyoming, in the sum of $94.91, such sum representing the loss in the account of the said E. W. Gillespie caused by the failure of the First National Bank of Rock River, Wyoming, where the post-office funds were deposited by the said E. W. Gillespie.

E. W. Gillespie. Credit allowed in postal accounts of.

Approved, May 26, 1934.

[CHAPTER 359.]

AN ACT

May 26, 1934.
[H.R. 916.]
[Private, No. 176.]

For the relief of C. A. Dickson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is authorized and directed to credit the account of C. A. Dickson, postmaster at Cleburne, Texas, in the sum of $72.45. Such sum represents the amount of United States postal funds lost by reason of the failure of the Home National Bank and the Farmers and Merchants National Bank of Cleburne, Texas, and charged in the account of the said postmaster as a balance due the United States after the payment of final dividends in respect of such deposits.

C. A. Dickson. Credit allowed in postal accounts of.

Approved, May 26, 1934.

[CHAPTER 360.]

May 26, 1934.
[H.R. 1197.]
[Private, No. 177.]

AN ACT

For the relief of Glenna F. Kelley.

Glenna F. Kelley. Credit allowed in postal accounts of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is authorized and directed to credit the accounts of Glenna F. Kelley, postmaster at Goreville, Illinois, in the sum of $48.34. Such sum represents the amount of a deficit in the accounts of the said Glenna F. Kelley, caused by the loss by said Glenna F. Kelley of postal funds deposited in the First National Bank of Goreville, Illinois, which failed December 30, 1930.

Approved, May 26, 1934.

[CHAPTER 361.]

May 26, 1934.
[H.R. 1211.]
[Private, No. 178.]

AN ACT

For the relief of R. Gilbertsen.

R. Gilbertsen. Credit allowed in postal accounts of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of R. Gilbertsen, postmaster at Glenburn, North Dakota, in the sum of $250.30 due the United States on account of the loss of postal funds resulting from the failure of the Glenburn State Bank at Glenburn, North Dakota: *Provided*, That the said R. Gilbertsen shall assign to the United States any and all claims he may have to dividends arising from the liquidation of said bank.

Proviso. Assignment of claims to dividends.

Approved, May 26, 1934.

[CHAPTER 362.]

May 26, 1934.
[H.R. 1212.]
[Private, No. 179.]

AN ACT

For the relief of Marie Toenberg.

Marie Toenberg. Credit allowed in postal accounts of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of Marie Toenberg, postmaster at Alexander, North Dakota, in the sum of $239.89, due the United States on account of the loss of postal funds resulting from the failure of the First National Bank of Alexander, Alexander, North Dakota: *Provided*, That the said Marie Toenberg shall assign to the United States any and all claims she may have to dividends arising from the liquidation of said bank.

Proviso. Assignment of claims to dividends.

Approved, May 26, 1934.

[CHAPTER 366.]

May 28, 1934.
[S. 258.]
[Private, No. 180.]

AN ACT

For the relief of Wallace E. Ordway.

Wallace E. Ordway. Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money not otherwise appropriated, the sum of $4,000 to Wallace E. Ordway, of Klamath Falls, Oregon, as administrator. Such sum represents compensation to Wallace E. Ordway in his personal right and as administrator for the death of his son, Harry Ordway, who was drowned September 1, 1927, in the United States Irrigation Canal

at Klamath Falls, Oregon: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 28, 1934.

[CHAPTER 395.]

AN ACT

For the relief of Annie I. Hissey.

June 5, 1934. [H.R. 1158.] [Private, No. 181.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $5,000 to Annie I. Hissey in full for all claims she may have against the Government on account of the death of her husband, William Hissey, who was fatally injured in the city of Washington, District of Columbia, on the 6th day of January 1932, resulting from a driver of a United States Government truck negligently running into and upon William Hissey while he was attempting to cross the street at the intersection of Thirteenth Street, I Street, and Potomac Avenue, southeast: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Annie I. Hissey. Payment to, for death of husband.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 5, 1934.

[CHAPTER 396.]

AN ACT

For the relief of Philip F. Hambsch.

June 5, 1934. [H.R. 1933.] [Private, No. 182.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is authorized and directed to credit the account of Philip F. Hambsch, formerly a special disbursing agent of the Bureau of Prohibition, with the sum of $572.36, such amount representing sums disbursed by him and disallowed by the Comptroller General in certificate of settlement of account numbered K-40891-TI, March 14, 1929: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection

Philip F. Hambsch. Credit in accounts.

Proviso. Limitation on attorney's, etc., fees.

with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Surety relieved of responsibility.

SEC. 2. The surety on the bond of said Philip F. Hambsch, as such special disbursing agent, is hereby relieved of any liability on account of such disallowance.

Approved, June 5, 1934.

[CHAPTER 397.]

June 5, 1934.
[H.R. 1943.]
[Private, No. 183.]

AN ACT

For the relief of A. H. Powell.

A. H. Powell.
Credit in accounts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is authorized and directed to credit to A. H. Powell, special disbursing agent, Bureau of Industrial Alcohol, United States Treasury Department, New Orleans, Louisiana, the sum of $144, under certificate of settlement numbered G–27718–T, dated August 26, 1932, New Orleans industrial alcohol account, symbol numbered 14907, supplemental from October 1, 1931, to April 1, 1932, under bond of March 26, 1928, such credit to become effective immediately after the passage of this Act.

Approved, June 5, 1934.

[CHAPTER 398.]

June 5, 1934.
[H.R. 2322.]
[Private, No. 184.]

AN ACT

For the relief of C. K. Morris.

C. K. Morris.
Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. K. Morris, San Antonio, Texas, the sum of $1,000. Such sum shall be in full settlement of all claims against the United States on account of damages sustained by the said C. K. Morris due to personal injuries suffered by his wife and damages caused to his automobile by a collision with a United States Army truck in San Antonio on November 10, 1930.

Approved, June 5, 1934.

[CHAPTER 399.]

June 5, 1934.
[H.R. 2433.]
[Private, No. 185.]

AN ACT

For the relief of Anna H. Jones.

Walter G. Jones.
Payment of death gratuity to foster mother of.
Vol. 41, p. 824; Vol. 45, p. 710.
U.S.C., p. 1143.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized, notwithstanding the provisions of the Act of June 4, 1920 (41 Stat. 824; 34 U. S. C., 943), to settle, adjust, and certify the claim of Anna H. Jones as a person standing in loco parentis to the late Marine Gunner Walter G. Jones, United States Marine Corps, for the sum of $1,110 as six months' death gratuity.

Approved, June 5, 1934.

[CHAPTER 400.]

AN ACT

For the relief of James B. Conner.

June 5, 1934.
[H.R. 3056.]
[Private, No. 186.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement of all claims against the United States Government, the sum of $2,500 to James B. Conner for the loss of his eye, sustained while performing his duties assigned to him in the mechanical shop of the Department of Agriculture: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

James B. Conner.
Payment to, for loss of eye.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 5, 1934.

[CHAPTER 401.]

AN ACT

For the relief of George B. Beaver.

June 5, 1934.
[H.R. 3300.]
[Private, No. 187.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to credit the account of George B. Beaver, postmaster at McMinnville, Tennessee, with the sum of $5,944.41, and to certify such credit to the Comptroller General of the United States. Such sum represents the amount paid by such postmaster during the period from September 16, 1927, to April 7, 1931, as compensation to two persons appointed by him as substitute postal clerk and substitute letter carrier, respectively, which amount was disallowed in his account because such persons were not taken from the civil service eligible list.

George B. Beaver.
Credit in postal accounts authorized.

Approved, June 5, 1934.

[CHAPTER 402.]

AN ACT

For the relief of John Merrill.

June 5, 1934.
[H.R. 3302.]
[Private, No. 188.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,500 to John Merrill on account of gunshot wound received in left leg by a shot from a Federal prohibition enforcement officer, in the act of destroying a seized still, on July 19, 1930, in Polk County, Tennessee, said Merrill being a deputy sheriff at the time and on a raid near Ocoee, Polk County, Tennessee: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any

John Merrill.
Payment to, for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, June 5, 1934.

[CHAPTER 403.]

AN ACT

For the relief of H. A. Soderberg.

June 5, 1934.
[H.R. 7289.]
[Private, No. 189.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is authorized and directed to settle and certify for payment to H. A. Soderberg, out of any money in the Treasury not otherwise appropriated, the sum of $147 in full for services rendered as a defacto United States commissioner at Ogden, Utah, from January 4 to August 19, 1931: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

H. A. Soderberg. Payment to.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 5, 1934.

[CHAPTER 410.]

AN ACT

For the relief of Alfred Hohenlohe, Alexander Hohenlohe, Konrad Hohenlohe, and Viktor Hohenlohe by removing cloud on title.

June 6, 1934.
[S. 1932.]
[Private, No. 190.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey by appproappriate quitclaim deed to Alfred Hohenlohe, for life, with remainder to Alexander, Konrad, and Viktor Hohenlohe, their heirs and assigns, all the right, title, and interest of the United States in and to lots 68 and 69 in Abner B. Kelly, trustee's subdivision of part of square 628, as per plat recorded in Liber W.B.M., folio 273, of the records of the office of the surveyor of the District of Columbia. The true intent of this bill is to relinquish and abandon, grant, give, and concede any and all right, interest, and estate, in law or equity, which the United States is, or is supposed to be, entitled to in part of said land by escheat because of the death of Catharine B. Hohenlohe, an Austrian citizen, unto her husband, Alfred Hohenlohe, and her minor children, Alexander Hohenlohe, Konrad Hohenlohe, and Viktor Hohenlohe, all Austrian citizens: *Provided, however*, That said Alfred Hohenlohe, Alexander Hohenlohe, Konrad Hohenlohe, and Viktor Hohenlohe, as such aliens, shall sell or otherwise dispose of said interest within ten years, as provided by the United States Code, title 8, section 73, or such further period as shall be secured to them by any treaty between the United States and the Republic

Alfred Hohenlohe, etc. Conveyance by quitclaim deed, U.S. title, and interest in certain lands in District of Columbia.

Proviso. Property to be disposed of, subject to liabilities of escheat proceedings.

U.S.C., p. 126.

of Austria, or be subject to the same liabilities of escheat proceedings on behalf of the United States as are provided by title 8, of the United States Code or as shall hereafter be provided by law, said period of ten years to commence to run from the date on which said quitclaim deed shall have been executed by the Secretary of the Interior pursuant hereto.

Approved, June 6, 1934.

[CHAPTER 411.]

AN ACT

To authorize an appropriation for the reimbursement of Stelio Vassiliadis.

June 6, 1934.
[S. 2748.]
[Private, No. 191.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to Stelio Vassiliadis the sum of $406.53, being the equivalent of 790 gold rubles at $0.5146 to the ruble, for the reimbursement of certain expenditures made by him as vice consul of Spain at Kiev, Russia, in representing the interests of the United States at that post from March 1, 1918, to the end of February 1920.

Stelio Vassiliadis. Reimbursement of. *Ante*, p. 1039.

Approved, June 6, 1934.

[CHAPTER 412.]

AN ACT

For the relief of Nephew K. Clark.

June 6, 1934.
[S. 2798.]
[Private, No. 192.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow to Nephew K. Clark, United States commissioner for the southern district of Georgia, Savannah division, the fees earned by him from March 29, 1933, to July 3, 1933, both dates inclusive, in performing the duties incident to the office of commissioner. The commission of the said Nephew K. Clark as United States commissioner expired on March 28, 1933, and, through inadvertence, he was not reappointed until July 4, 1933.

Nephew K. Clark. Fees as commissioner allowed.

Approved, June 6, 1934.

[CHAPTER 413.]

AN ACT

To pay certain fees to Maude G. Nicholson, widow of George A. Nicholson, late a United States commissioner.

June 6, 1934.
[S. 3128.]
[Private, No. 193.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maude G. Nicholson, widow of George A. Nicholson, late a United States commissioner in the western district of New York, at Canandaigua, New York, the sum of $183.45 in full settlement of all claims against the Government of the United States for fees earned by said George A. Nicholson, notwithstanding his failure to file a statutory oath in accordance with the provisions of volume 44, United States Statutes, page 918, approved December 11, 1926, and volume 44, United States Statutes, page 1346, approved March 2, 1927: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of

George A. Nicholson. Payment to widow of, for fees earned as commissioner.

Filing statutory oath, waived.

Vol. 44, pp. 918, 1346.

Proviso. Limitation on attorney's, etc., fees.

services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, June 6, 1934.

[CHAPTER 414.]

June 6, 1934.
[H.R. 1977.]
[Private, No. 194.]

AN ACT

For the relief of R. A. Hunsinger.

R. A. Hunsinger.
Reimbursement of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to R. A. Hunsinger the sum of $300, being the amount paid by him into the estate of Frank J. Artz, deceased, late of Troop I, Third Regiment Ohio Volunteer Cavalry, Civil War, by order of the probate court of Sandusky County, Ohio.

Approved, June 6, 1934.

[CHAPTER 415.]

June 6, 1934.
[H.R. 2438.]
[Private, No. 195.]

AN ACT

For the relief of Ruby F. Voiles.

Ruby F. Voiles.
Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $75 in full settlement of all claims against the Government of the United States to Ruby F. Voiles, which represents the amount of a reward she should have received for furnishing information leading to the apprehension of the criminals who held up and robbed a mail truck at the Dearborn Street station, Chicago, Illinois, on April 6, 1921: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 6, 1934.

[CHAPTER 416.]

June 6, 1934.
[H.R. 4690.]
[Private, No. 196.]

AN ACT

For the relief of Eula K. Lee.

Eula K. Lee.
Payment to, for personal injuries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Eula K. Lee, out of any money in the Treasury not otherwise appropriated, the sum of $838.75 for reimbursement of expenses on

account of personal injuries sustained by her as a result of slipping and falling on the steps of post-office building at Lima, Ohio, on February 9, 1929, in full settlement for injuries sustained and expenses incurred therefrom: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 6, 1934.

[CHAPTER 417.]

AN ACT

To authorize the award of a decoration for distinguished service to Harry H. Horton.

June 6, 1934.
[S. 308.]
[Private, No. 197.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to cause the recommendation for the award of a decoration to Harry H. Horton, formerly private, first class, Medical Detachment, One Hundred and Forty-eighth Regiment Field Artillery, American Expeditionary Forces, for distinguished conduct in the vicinity of Malancourt, near Montfaucon, France, on or about October 12, 1918, to be considered by the proper boards or authorities, and such award made to said Horton as his said conduct merits.

Harry H. Horton. Distinguished service decoration awarded to.

Approved, June 6, 1934.

[CHAPTER 418.]

AN ACT

For the relief of E. Walter Edwards.

June 6, 1934.
[S. 1073.]
[Private, No. 198.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to E. Walter Edwards, successor to C. B. Edwards and Brother, of Raleigh, North Carolina, out of money in the Treasury not otherwise appropriated, the sum of $106.30, in full satisfaction of all claims for payment of premium on a policy of fire insurance written in 1918 by C. B. Edwards and Brother, covering certain goods of the value of $127,000, more or less, while in the process of being laundered for the United States Army by the Model Laundry of Raleigh, North Carolina.

E. W. Edwards. Payment to.

Approved, June 6, 1934.

[CHAPTER 419.]

AN ACT

For the relief of McKimmon and McKee, Incorporated.

June 6, 1934.
[S. 1081.]
[Private, No. 199.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to McKimmon and McKee, Incorporated, successor to the Raleigh Insurance and

McKimmon and McKee, Inc. Payment to.

Realty Company, of Raleigh, North Carolina, out of any money in the Treasury not otherwise appropriated, the sum of $71.59 in full satisfaction of all claims for payment of premiums on policies of fire insurance written in 1918 by such Raleigh Insurance and Realty Company, covering certain goods of the value of $95,000, more or less, while in the process of being laundered for the United States Army by the Model Laundry, of Raleigh, North Carolina.

Approved, June 6, 1934.

[CHAPTER 420.]

June 6, 1934.
[S. 1429.]
[Private, No. 200.]

AN ACT

For the relief of Anthony J. Lynn.

Anthony J. Lynn.
Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to Anthony J. Lynn, formerly a private, Company G, Thirty-first Regiment United States Infantry, out of any money in the Treasury not otherwise appropriated, the sum of $254.40, said sum representing the whole amount of pay and allowances of which he was deprived by reason of proceedings against him in 1919 on false charges of burglary and the sentence of courtmartial rendered in such proceedings.

Approved, June 6, 1934.

[CHAPTER 421.]

June 6, 1934.
[S. 2342.]
[Private, No. 201.]

AN ACT

For the relief of I. T. McRee.

I. T. McRee.
Payment to, for damages.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to I. T. McRee, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 in full settlement of damages sustained April 11, 1922, in a prohibition raid in Lewis County, Tennessee, when he was shot from ambush: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 6, 1934.

[CHAPTER 422.]

June 6, 1934.
[S. 3307.]
[Private, No. 202.]

AN ACT

For the relief of W. H. Le Duc.

W. H. Le Duc.
Reimbursement, for fine paid.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. H. Le Duc the sum of $1,000, with interest thereon at the rate of 6 per centum per annum from the date of payment of fine

or penalty, representing the amount deposited by him on account of a fine or penalty of $1,000 assessed against him and by him paid to the United States under protest at the Port of Galveston on or about March 26, 1928, for alleged violation of the navigation laws: *Provided*, That such sum shall be in full settlement of all claims against the Government of the United States: *Provided further*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Provisos.
To be in full settlement.

Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 6, 1934.

[CHAPTER 423.]

AN ACT

For the relief of John S. Cathcart.

June 6, 1934.
[H.R. 2054.]
[Private, No. 203.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John S. Cathcart, of Hartsville, South Carolina, the sum of $87.80 for money expended for the Post Office Department.

John S. Cathcart.
Payment to.

Approved, June 6, 1934.

[CHAPTER 428.]

AN ACT

For the relief of George A. Fox.

June 7, 1934.
[S. 3586.]
[Private, No. 204.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to appoint George A. Fox, chief pharmacist's mate, United States Navy, a chief pharmacist in the Navy, subject to qualification on physical examination, with the pay and allowances provided by law for chief warrant officers after twenty years' commissioned service and with creditable record: *Provided*, That no back pay, allowances, or emoluments shall become due prior to the date of this Act.

Navy.
George A. Fox to be appointed chief pharmacist.

Proviso.
No back pay, etc.

Approved, June 7, 1934.

[CHAPTER 431.]

AN ACT

For the relief of Woodhouse Chain Works.

June 8, 1934.
[S. 177.]
[Private, No. 205.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Woodhouse Chain Works the sum of $352.93 in full settlement for extra work for which the Government agreed to pay under supplemental contract to contract numbered 448 with the Navy Department.

Woodhouse Chain Works.
Compensation for services.

Approved, June 8, 1934.

[CHAPTER 432.]

June 8, 1934.
[S. 254.]
[Private, No. 206.]

AN ACT

For the relief of Fred H. Cotter.

Fred H. Cotter.
Claim of.
Vol. 39, p. 746; Vol. 44, p. 772.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the requirements of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in the case of Fred H. Cotter, of Portland, Oregon, formerly employed by the Bureau of Public Roads, Department of Agriculture, who is alleged to have contracted disease on November 17, 1929, while in the performance of his duties as such employee, and the United States Employees' Compensation Commission is authorized and directed to consider and act upon any claim filed by him under the provisions of such Act, as amended, within one year after the date of enactment of this Act, for compensation for disability resulting from such disease; but compensation, if any, shall be paid from and after the date of enactment of this Act. Such payments of compensation shall be made out of funds heretofore or hereafter appropriated for the payment of awards under the provisions of such Act, as amended.

Available funds.

Approved, June 8, 1934.

[CHAPTER 433.]

June 8, 1934.
[S. 785.]
[Private, No. 207.]

AN ACT

For the relief of Elizabeth Bolger.

Elizabeth Bolger.
Payment to, for personal injuries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay Elizabeth Bolger the sum of $700 in full settlement of all claims against the Government on account of personal injuries sustained as the result of the carelessness of the driver of Navy automobile numbered six hundred and thirty-seven, on April 5, 1919, in Brooklyn, New York: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 8, 1934.

[CHAPTER 434.]

June 8, 1934.
[S. 1078.]
[Private, No. 208.]

AN ACT

For the relief of Mrs. Asa Caswell Hawkins.

Mrs. Asa Caswell Hawkins.
Payment to, for death of husband.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Asa Caswell Hawkins, widow of Asa C. Hawkins, of the county of Lenoir and the State of North Carolina, the sum of $5,000 in full

compensation for the death of said Asa C. Hawkins, who was killed while employed by and assisting Federal prohibition agents in the enforcement of the National Prohibition Act: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 8, 1934.

[CHAPTER 435.]

AN ACT

For the relief of the Sultzbach Clothing Company.

June 8, 1934. [S. 1191.] [Private, No. 209.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Sultzbach Clothing Company the sum of $6,000 in full settlement of all claims against the Government of the United States. Such sum represents the amount of a fine paid by Sultzbach Clothing Company pursuant to a conviction for violating certain provisions of the Lever Act of August 10, 1917, as amended, prior to the declaration by the Supreme Court of the United States of the unconstitutionality of such provisions: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Sultzbach Clothing Company. Refund of fine.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 8, 1934.

[CHAPTER 436.]

AN ACT

To pay a gratuity to Emma Ferguson Starrett.

June 8, 1934. [S. 1401.] [Private, No. 210.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Emma Ferguson Starrett, widow of Henry P. Starrett, late American consul general at Algiers, Algeria, the sum of $8,000, equal to one year's salary of her deceased husband: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or

Emma Ferguson Starrett. Payment to.

Proviso. Limitation on attorney's, etc., fees.

agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved, June 8, 1934.

[CHAPTER 437.]

June 8, 1934.
[S. 2002.]
[Private, No. 211.]

AN ACT

For the relief of R. S. Howard Company, Incorporated.

R. S. Howard Company, Inc.
Claim of, referred to Court of Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Court of Claims to hear and adjudicate, without regard to existing statutes of limitations, the claim of R. S. Howard Company, for just compensation, arising out of the service upon said company of United States Navy Commandeer Order Numbered N–3255, dated June 18, 1918, with the same right as in other cases to either party to apply to the Supreme Court of the United States for writ of certiorari to review any judgment that may be rendered.

Approved, June 8, 1934.

[CHAPTER 438.]

June 8, 1934.
[S. 2969.]
[Private, No. 212.]

AN ACT

For the relief of the Mary Black Memorial Hospital.

Mary Black Memorial Hospital.
Payment to, for treatments to Paul Henry Manning.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Mary Black Memorial Hospital, Incorporated, of Spartanburg, South Carolina, the sum of $2,500.85, in full satisfaction of all claims of such hospital against the United States for expenses incurred in furnishing hospitalization and medical and surgical treatment to Paul Henry Manning, a fireman, second-class, United States Navy, from October 16, 1931, to February 1, 1932, pursuant to a telegraphic authorization dated October 16, 1931, from the Naval Hospital, Norfolk, Virginia, such claim having been subsequently disallowed by the Comptroller General: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 8, 1934.

[CHAPTER 439.]

AN ACT

For the relief of Lucy Cobb Stewart.

June 8, 1934.
[S. 3026.]
[Private, No. 213.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lucy Cobb Stewart, widow of Nathaniel B. Stewart, late consul general at Barcelona, the sum of $9,000, such sum representing one year's salary of her deceased husband, who died while at his post of duty.

Lucy Cobb Stewart.
Payment of death gratuity to.

Approved, June 8, 1934.

[CHAPTER 440.]

AN ACT

For making compensation to the estate of Nellie Lamson.

June 8, 1934.
[H.R. 7168.]
[Private, No. 214.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $325, in full settlement of all claims against the Government of the United States, to Frank A. Lamson, as the administrator of the estate of Nellie Lamson, of Lower Tonsina, Alaska, deceased, as compensation for the loss of nineteen foxes, the property of the said Nellie Lamson, which were killed as a result of careless dynamite blasting on the homestead of the said Nellie Lamson by the employees of the Alaska Road Commission while engaged in public work for the Government on May 2, 1931: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Nellie Lamson.
Payment to estate of.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 8, 1934.

[CHAPTER 441.]

AN ACT

June 9, 1934.
[S. 3390.]
[Private, No. 215.]

Providing for the appointment of Richmond Pearson Hobson, formerly a captain in the United States Navy, as a rear admiral in the Navy, and his retirement in that grade.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to appoint Richmond Pearson Hobson, formerly a captain of the United States Navy, a rear admiral in the Navy, with the rank, pay, and allowances thereof, and upon his acceptance of such appointment and the issuance of the commission in pursuance thereof, he shall be retired by the President as from active service and be placed upon the retired list in the grade of rear admiral, as of thirty years' service, and with the pay of that grade.

Richmond Pearson Hobson.
Appointed a rear admiral, Navy, and placed on retired list.

Approved, June 9, 1934.

[CHAPTER 448.]

June 11, 1934.
[S. 85.]
[Private, No. 216.]

AN ACT

For the relief of Paul J. Sisk.

Paul J. Sisk.
Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General is authorized and directed to settle and certify for payment to Paul J. Sisk, a clerk in the post office at Spokane, Washington, out of any money in the Treasury not otherwise appropriated, the amount of $60, on account of an erroneous payment by him on money order numbered 234886, for that amount, issued at Payette, Idaho, on September 5, 1931.

Approved, June 11, 1934.

[CHAPTER 449.]

June 11, 1934.
[S. 176.]
[Private, No. 217.]

AN ACT

For the relief of Harry Harsin.

Harry Harsin.
Credit in postal accounts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby authorized and directed to credit Harry Harsin, postmaster at Asbury Park, New Jersey, in his accounts with the sum of $28,022, the amount of money and postage stamps lost in the burglary of the post office at Asbury Park, New Jersey, on July 6, 1929.

Approved, June 11, 1934.

[CHAPTER 450.]

June 11, 1934.
[S. 256.]
[Private, No. 218.]

AN ACT

For the relief of Milburn Knapp.

Milburn Knapp.
Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay to Milburn Knapp, out of any money in the Treasury not otherwise appropriated, the sum of $16,000 in full settlement of all claims against the United States for losses sustained by him as the result of the revocation by the Department of the Interior, on November 12, 1913, of a permit granted for the use of the Williamson River in connection with a contract for the cutting and removal of certain timberlands in the Klamath Indian Reservation, in the State of Oregon, entered into on January 24, 1913, by Milburn Knapp and the Commissioner of Indian Affairs on behalf of the United States.

Approved, June 11, 1934.

[CHAPTER 451.]

June 11, 1934.
[S. 512.]
[Private, No. 219.]

AN ACT

For the relief of Peter Pierre.

Peter Pierre.
Reimbursement, for loss of horse.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $45 to Peter Pierre, in payment for a horse which was lost while being used to transport supplies to a forest fire on the Flathead Indian Reservation, State of Montana.

Approved, June 11, 1934.

[CHAPTER 452.]

AN ACT

For the relief of Catherine Wright.

June 11, 1934.
[S. 620.]
[Private, No. 220.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Catherine Wright, of San Francisco, California, the sum of $5,000, in full satisfaction of her claim against the United States for damages arising out of the embezzlement by a former United States commissioner for the northern district of California of a like sum deposited with him as bail on August 2, 1930, by John F. Sullivan: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Catherine Wright.
Payment to.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 11, 1934.

[CHAPTER 453.]

AN ACT

For the relief of Lueco R. Gooch.

June 11, 1934.
[S. 1077.]
[Private, No. 221.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Lueco R. Gooch, of Henderson, North Carolina, out of any money in the Treasury not otherwise appropriated, the sum of $516.28, in full satisfaction of all claims against the United States on account of expenditures made by him in the medical treatment of his son, Lueco R. Gooch, Junior, private, Company C, One Hundred and Twentieth Infantry, North Carolina National Guard, who was injured in the line of duty on July 16, 1929, at Camp Glenn, North Carolina, during the field-training period July 7 to July 21, 1929: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Lueco R. Gooch.
Reimbursement for medical expenditures.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 11, 1934.

[CHAPTER 454.]

AN ACT

For the relief of M. Thomas Petroy.

June 11, 1934.
[S. 1430.]
[Private, No. 222.]

M. Thomas Petroy.
Payment to, for property losses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to M. Thomas Petroy (alias Mieczyslaw Piotrowsky), formerly a private, Service Troop, Eleventh Regiment United States Cavalry, the sum of $193.36 in full satisfaction of his claim against the United States for loss of personal property in the fire which destroyed the saddle and harness rooms of such troop at the presidio of Monterey, California, on January 1, 1925: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 11, 1934.

[CHAPTER 455.]

AN ACT

For the relief of Edgar Stivers.

June 11, 1934.
[S. 1460.]
[Private, No. 223.]

Edgar Stivers.
Credit in postal accounts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the account of Edgar Stivers, postmaster at Dodge Center, Minnesota, in the sum of $240.45, due the United States on account of loss of postal funds resulting from the failure of the Farmers National Bank of Dodge Center, Minnesota: *Provided*, That the said postmaster shall assign to the United States, any and all claims he may have to dividends arising from the liquidation of said bank.

Proviso.
Subrogation of claims.

Approved, June 11, 1934.

[CHAPTER 456.]

AN ACT

For the relief of Michael Bello.

June 11, 1934.
[S. 1516.]
[Private, No. 224.]

Michael Bello.
Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Michael Bello, as administrator of John Bello, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full settlement of all claims against the Government for injuries resulting in the death of the said John Bello when he was struck by a United States Army truck from Fort Tilden, Borough of Queens, New York City, operated by a private in the United States Army attached to the Seventh Company United States Coast Artillery Corps. Said accident occurred on February 4, 1932, while the deceased was riding a bicycle in a southwesterly direction along Cryders Lane, Whitestone, Borough of Queens, New York City, and

the United States Army truck was making a left turn into Cryders Lane from Fifteenth Avenue, Whitestone, Borough of Queens, New York City: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 11, 1934.

[CHAPTER 457.]

AN ACT

For relief of the Western Montana Clinic, Missoula, Montana.

June 11, 1934.
[S. 1772.]
[Private, No. 225.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to the Western Montana Clinic, of Missoula, Montana, out of any money in the Treasury not otherwise appropriated, the sum of $5,022.30 in full satisfaction of its claim against the United States for surgical and medical services rendered prior to May 30, 1932, to Indians on the Flathead Indian Reservation, Montana.

Western Montana Clinic.
Payment to, for professional services.

Approved, June 11, 1934.

[CHAPTER 458.]

AN ACT

For the relief of Claudia L. Polski.

June 11, 1934.
[S. 2023.]
[Private, No. 226.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the requirements of sections 17 and 20 of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties", approved September 7, 1916, as amended, are hereby waived in favor of Claudia L. Polski, formerly a nurse in the United States Public Health Service, and the United States Employees' Compensation Commission is authorized and directed to consider and act upon any claim made by her for compensation for injury alleged to have been suffered in the performance of her duties as such nurse under the other provisions of such Act as amended: *Provided*, That no benefits shall accrue prior to the enactment of this Act.

Claudia L. Polski.
Claim of.
Vol. 39, p. 746.

Proviso. No prior benefits.

Approved, June 11, 1934.

[CHAPTER 459.]

AN ACT

For the relief of A. E. Shelley.

June 11, 1934.
[S. 2377.]
[Private, No. 227.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to A. E. Shelley, of Heber, Arizona, out of any money in the Treasury not otherwise appropriated, the sum of $691.20 in full satisfaction of his claim against the United States for damages on account of injuries sustained on April 6, 1931, which resulted from

A. E. Shelley.
Payment to, for personal injuries.

running into a United States Forest Service telephone wire near Heber, Arizona, which had been negligently left partially down by employees of such Service: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 11, 1934.

[CHAPTER 460.]

June 11, 1934. [S. 2636.] [Private, No. 228.]

AN ACT

For the relief of James Slevin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James Slevin, Island Park, Long Island, New York, $1,425, in full settlement of all claims against the Government of the United States, being the amount found due him as damages to his property at Island Park, New York, by reason of an Army airplane crash on September 8, 1933: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

James Slevin. Payment to, for property damages.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 11, 1934.

[CHAPTER 461]

June 11, 1934. [S. 2790.] [Private, No. 229.]

AN ACT

For the relief of the Charlestown Sand and Stone Company, of Elkton, Maryland.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Charlestown Sand and Stone Company, of Elkton, Maryland, out of any money in the Treasury not otherwise appropriated, the sum of $12,385.99 in full settlement of the additional freight charges incurred by said company in the fulfillment of the requirements of the United States engineer office under the contract of August 23, 1917, for furnishing and delivering cement, sand, and gravel (or broken stone) to Fort Saulsbury, Delaware, for the construction of gun and mortar batteries.

Charlestown Sand and Stone Company. Reimbursement for freight charges.

Approved, June 11, 1934.

[CHAPTER 462.]

AN ACT

For the relief of certain Indians of the Fort Peck Reservation, Montana.

June 11, 1934.
[S. 2889.]
[Private, No. 230.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following-named Indians of the Fort Peck Reservation the amounts herein set forth: James Black Dog, $185; Archie Red Elk, $25; Catherine Medicine Walk and Belle Medicine Walk, $25; James Garfield, $70; Nancy Titus, $35; and Carl W. Eagle, administrator of the estate of Charles Peterson, $25; the above sums representing funds collected for the Indians named, but misapplied by a former employee of the Indian Service.

Fort Peck Reservation, Mont.
Payment to designated Indians of, authorized.

Approved, June 11, 1934.

[CHAPTER 463.]

AN ACT

For the relief of First Lieutenant Walter T. Wilsey.

June 11, 1934.
[S. 2973.]
[Private, No. 231.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to First Lieutenant Walter T. Wilsey the sum of $147.50, in full settlement of all claims against the Government of the United States, which amount was stolen from the safe of Company A, Fourth Motor Repair Battalion, Quartermaster Corps, Camp Holabird, Maryland, on March 6, 1925, and reimbursed to the said company by Lieutenant Wilsey: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Lieutenant Walter T. Wilsey.
Reimbursement, for stolen Army funds.

Proviso.
Limitation on attorney's, etc. fees.

Penalty for violation.

Approved, June 11, 1934.

[CHAPTER 464.]

AN ACT

For the relief of Charles T. Moll.

June 11, 1934.
[H.R. 3985.]
[Private, No. 232.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Charles T. Moll, who served in Company F, Fourteenth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on the 3d day of January 1901 and notwithstanding any provisions to the contrary in the Act relating to pensions approved April 26, 1898, as amended by the Act approved May 11, 1908: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Charles T. Moll.
Military record corrected.

Proviso.
No back pay, etc.

Approved, June 11, 1934.

[CHAPTER 499.]

AN ACT

June 13, 1934.
[S. 2898.]
[Private, No. 233.]

Conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on certain claims of George A. Carden and Anderson T. Herd against the United States.

George A. Carden and Anderson T. Herd. Claims of, referred to Court of Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Court of Claims of the United States, notwithstanding lapse of time or any statute of limitations, or other limitations upon the jurisdiction of such court, to hear, consider, and render judgment upon any claims, legal or equitable, of George A. Carden and Anderson T. Herd, or their legal representatives, against the United States, involving the steamships Erny, Lucia, Anna, Teresa, Clara, Ida, Dora, Himalaia, Franconia, and Campania: *Provided*, That in determining the amount of any judgment on any such claim, allowance shall be made for any amount heretofore awarded the claimants on account of such claim: *Provided further*, That separate suits may be maintained (by or on behalf of the claimants or their legal representatives) with respect to any of such claims, but no suit shall be brought after the expiration of one year from the date of the enactment of this Act: *And provided further*, That the record of the proceedings before the War Department heretofore had with respect to certain of such ships and the evidence there taken may be introduced, together with the exhibits therein offered, before the Court of Claims, with the full force of depositions, subject to objections as to competency and relevancy: *Provided further*, That if the Court of Claims shall upon the evidence reach the conclusion that the contract of sale included any right to the operation of the ships and that such right was not satisfied by the subsequent payment by the Secretary of War as an accord and satisfaction then the recovery shall be limited to the duration of the World War.

Provisos.
Allowance for sums paid.

Separate suits may be maintained.

Entry of, within one year.

Evidence hitherto taken may be introduced.

Recovery, if contract of sale included operation of ships.

Approved, June 13, 1934.

[CHAPTER 500.]

AN ACT

June 13, 1934.
[S. 1994.]
[Private, No. 234.]

For the relief of Estelle Johnson.

Estelle Johnson. Redemption of certificate of indebtedness in favor of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Estelle Johnson, 3¾ per centum United States Treasury certificate of indebtedness, series A–1933, numbered 1798, in the denomination of $500, issued February 1, 1932, matured February 1, 1933, without interest and without presentation of said certificate which is alleged to have been lost or destroyed: *Provided*, That the said certificate of indebtedness shall not have been previously presented and paid: *And provided further*, That the said Estelle Johnson shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of said certificate of indebtedness in such form and with such corporate surety as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the certificate of indebtedness hereinbefore described.

Provisos.
Condition.

Indemnity bond.

Approved, June 13, 1934.

[CHAPTER 501.]

AN ACT

June 13, 1934.
[S. 2750.]
[Private, No. 235.]

For the relief of Claude A. Brown and Ruth McCurry Brown, natural guardians of Mamie Ruth Brown.

Mamie Ruth Brown.
Redemption of Treasury note in favor of natural guardians of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of Claude A. Brown and Ruth McCurry Brown, natural guardians of Mamie Ruth Brown, 3½ per centum United States Treasury note, series A–1930–32, numbered A–oo,018,061, in the denomination of $1,000, issued March 15, 1927, called for redemption March 15, 1931, matured March 15, 1932, without interest and without presentation of said note, which is alleged to have been destroyed: *Provided*, That the said note shall not have been previously presented: *And provided further*, That the said Claude A. Brown and Ruth McCurry Brown shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of the said note, in such form and with such corporate surety as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the note hereinbefore described.

Provisos.
Condition.

Indemnity bond.

Approved, June 13, 1934.

CHAPTER 502.]

AN ACT

June 13, 1934.
[H.R. 311.]
[Private, No. 236.]

For the relief of Martin Henry Waterman, deceased.

Martin Henry Waterman.
Military record corrected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, their widows, and dependent relatives, Martin Henry Waterman, late of Company H, Fourteenth Regiment United States Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 2d day of February 1891: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Proviso.
No back pay, etc.

Approved, June 13, 1934.

[CHAPTER 503.]

AN ACT

June 13, 1934.
[H.R. 2692.]
[Private, No. 237.]

For the relief of Lula A. Densmore.

Lula A. Densmore.
Payment to, for death of husband.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any funds in the Treasury not otherwise appropriated, to Lula A. Densmore, widow of Clarence Densmore, the sum of $5,000 in full settlement of all claims against the Government of the United States for damages incurred by the killing of Clarence Densmore, her husband, on a public highway of Douglas County, Georgia, by Fred Pierce, a Federal prohibition agent, which said killing occurred on July 13, 1932: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect,

Proviso.
Limitation on attorney's, etc., fees.

withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, June 13, 1934.

[CHAPTER 504.]

AN ACT

For the relief of A. C. Francis.

June 13, 1934.
[H.R. 2748.]
[Private, No. 238.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to A. C. Francis, sheriff of Midland County, Texas, the sum of $204.30 as reimbursement of expense incurred in connection with the apprehension of William Dunn Reiger, a fugitive from justice wanted by the Federal Government.

A. C. Francis. Reimbursement of expense.

Approved, June 13, 1934.

[CHAPTER 505.]

AN ACT

For the relief of George Dacas.

June 13, 1934.
[H.R. 4541.]
[Private, No. 239.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $5,000 to the legal guardian of George Dacas for injuries sustained as the result of an explosion of a dynamite cap on the site of Camp Gordon on February 22, 1922: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

George Dacas. Payment to legal guardian of, for injuries.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 13, 1934.

[CHAPTER 506.]

AN ACT

For the relief of Judd W. Hulbert.

June 13, 1934.
[H.R. 4932.]
[Private, No. 240.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission be, and it hereby is, authorized and directed to restore Judd W. Hulbert to the rolls of employees entitled to compensation under the provisions of the Compensation Acts and to give him the benefits of said Acts.

Judd W. Hulbert. Reinstatement of, to disability compensation rolls, authorized.

SEC. 2. That said Commission pay to the said Judd W. Hulbert out of the employees' compensation fund, which is hereby made available for this purpose, the sum of $66.66 per month from the date of enactment of this Act until the date of his death: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum of the lump sum appropriated in section 2 shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum of the lump sum appropriated in section 2 on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Monthly payments.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

SEC. 3. The payment of the sums authorized to be paid under this Act shall be in full settlement of all claims against the United States on account of the injury of the said Judd W. Hulbert.

Payment to be in full settlement.

Approved, June 13, 1934.

[CHAPTER 507.]

AN ACT

For the relief of Jose Ramon Cordova.

June 13, 1934.
[H.R. 5636.]
[Private, No. 241.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jose Ramon Cordova, of Farmington, New Mexico, the sum of $3,500 in full settlement of all claims against the Government of the United States, for injuries sustained, during February 1915, while in the discharge of his duties as member of a posse organized by the United States marshal for the district of Utah for the capture of Tse-Ne-Gat, alias Everett Hatch, a Piute Indian charged with murder: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Jose Ramon Cordova.
Payment to, for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 13, 1934.

[CHAPTER 508.]

AN ACT

For the relief of Oscar P. Cox.

June 13, 1934.
[H.R. 5935.]
[Private, No. 242.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Oscar P. Cox, United States marshal for the district of Hawaii, the sum of $524.37. Said sum represents the amount charged Oscar P. Cox by the United

Oscar P. Cox.
Payment to.

States by reason of his hiring extra guards to accompany Federal prisoners from Hawaii to Leavenworth, Kansas: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 13, 1934.

[CHAPTER 509.]

AN ACT

For the relief of Mrs. Pleasant Lawrence Parr.

June 13, 1934. [H.R. 6890.] [Private, No. 243.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of Mrs. Pleasant Lawrence Parr, widow of Pleasant Lawrence Parr, a former employee of the Navy Department, in the same manner and to the same extent as if application for the benefits of the United States Employees' Compensation Act had been made within the one-year period required by sections 17 and 20 thereof: *Provided*, That no benefits shall accrue prior to the approval of this Act.

Mrs. Pleasant Lawrence Parr. Disability compensation claim to be determined.

Vol. 39, p. 746.

Proviso. No prior benefits.

Approved, June 13, 1934.

[CHAPTER 524.]

AN ACT

For the relief of L. R. Smith.

June 14, 1934. [S. 870.] [Private, No. 244.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to L. R. Smith, of Fortine, Montana, the sum of $19,223, said amount being in full settlement of all claims against the Government of the United States and reimbursement to the said L. R. Smith for the construction of a graded truck road, seven miles in length, on Graves Creek, within the Blackfeet National Forest Reservation in the State of Montana, in pursuance of a survey made by the Forestry Bureau and proposed road development on said reservation in the Blackfeet National Forest: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

L. R. Smith. Reimbursement to.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 14, 1934.

[CHAPTER 525.]

AN ACT

For relief of M. M. Twichel.

June 14, 1934.
[S. 1126.]
[Private, No. 245.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to M. M. Twichel, of Saint Ignatius, Montana, out of any money in the Treasury not otherwise appropriated, the sum of $3,433.34 in full satisfaction of his claim against the United States for compensation for services rendered and expenses incurred in connection with the burial of Indians on the Flathead Indian Reservation, Montana, prior to May 1, 1933: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

M. M. Twichel.
Payment to, for mortuary services.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 14, 1934.

[CHAPTER 526.]

AN ACT

For the relief of Marion Von Bruning (nee Marion Hubbard Treat).

June 14, 1934.
[S. 1731.]
[Private, No. 246.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,900 to Marion Von Bruning (nee Marion Hubbard Treat), in full settlement of all claims against the Government for balance due her for rent for the use and occupation of the premises known as number 1758 N Street northwest, city of Washington, District of Columbia, as offices by the Alien Property Custodian for the period from July 1, 1918, to December 17, 1920: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Marion Von Bruning.
Payment to.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 14, 1934.

[CHAPTER 527.]

AN ACT

For the relief of N. Lester Troast.

June 14, 1934.
[S. 2918.]
[Private, No. 247.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated,

N. Lester Troast.
Payment to.

the sum of $144.28 to N. Lester Troast, of Juneau, Alaska, in full settlement of expenses incurred by him under official orders in connection with the use of his personally owned automobile on official business at Wrangell, Alaska, while supervising the construction of an Indian boarding school at that place.

Approved, June 14, 1934.

[CHAPTER 528.]

AN ACT

For the relief of Warren Burke.

June 14, 1934.
[H.R. 2287.]
[Private, No. 248.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to place Ensign Warren Burke, United States Naval Reserve, upon the retired list of the Navy with three fourths of the active-duty pay of his grade: *Provided*, That a duly constituted naval retiring board finds that the said Warren Burke is incapacitated for service by reason of physical disability incurred in the line of duty: *Provided further*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Ensign Warren Burke.
Placed on Navy retired list.

Provisos.
Incapacity in line of duty to be shown.

No back pay, etc.

Approved, June 14, 1934.

[CHAPTER 529.]

AN ACT

For the relief of Sue Hall Erwin.

June 14, 1934.
[H.R. 3167.]
[Private, No. 249.]

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sue Hall Erwin, mother of Marcus Erwin, Junior, ensign, United States Navy, who was killed by an explosion on the United States ship Mississippi, June 12, 1924, is hereby allowed an amount equal to six months' pay at the rate Marcus Erwin, Junior, was receiving at the time of his death: *Provided*, That the said Sue Hall Erwin shall establish to the satisfaction of the Secretary of the Navy her dependency upon her son, the late Marcus Erwin, Junior.

Sue Hall Erwin.
Navy death gratuity payment to.

Proviso.
Dependency to be established.

Approved, June 14, 1934.

[CHAPTER 530.]

AN ACT

For the relief of Benjamin Wright, deceased.

June 14, 1934.
[H.R. 3423.]
[Private, No. 250.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Benjamin Wright, deceased, who was a lieutenant, junior grade, United States Navy, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States on January 19, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Benjamin Wright.
Military record corrected.

Proviso.
No back pay, etc.

Approved, June 14, 1934.

[CHAPTER 531.]

AN ACT

For the relief of C. A. Betz.

June 14, 1934.
[H. R. 3992.]
[Private, No. 251.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. A. Betz the sum of $103.34 in full settlement of all claims against the Government of the United States. This sum represents the actual expenses incurred by Mr. Betz in making a trip from San Francisco to Bremerton Navy Yard in response to a summons issued by the Navy Department: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

C. A. Betz.
Reimbursement, for travel expenses.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 14, 1934.

[CHAPTER 532.]

AN ACT

For the relief of Joseph B. Lynch.

June 14, 1934.
[H.R. 4962.]
[Private, No. 252.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to advance Lieutenant Joseph B. Lynch, United States Naval Reserve, to a place in the list of lieutenants of the Naval Reserve to rank next after Lieutenant Walter R. Hillberg: *Provided*, That in the computation of service for purposes of pay the said Lieutenant Joseph B. Lynch shall be credited with inactive confirmed commissioned service in the Naval Reserve Force during the period from August 18, 1921, to August 7, 1923, inclusive: *And provided further*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Lieutenant Joseph B. Lynch.
Advancement in numbers, Naval Reserve, authorized.

Proviso.
Service record.

No back pay, etc.

Approved, June 14, 1934.

[CHAPTER 533.]

AN ACT

For the relief of Lieutenant H. W. Taylor, United States Navy.

June 14, 1934.
[H.R. 5780.]
[Private, No. 253.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $52 to Lieutenant H. W. Taylor, United States Navy, to reimburse him for travel expenses incurred in connection with an airplane flight from Philadelphia, Pennsylvania, to Key West, Florida, in December 1925, under orders issued by naval authorities.

Lieutenant H. W. Taylor, Navy.
Reimbursement, for travel expenses.

Approved, June 14, 1934.

[CHAPTER 534.]

AN ACT

For the relief of Mrs. Joseph Roncoli.

June 14, 1934.
[H.R. 7028.]
[Private, No. 254.]

Mrs. Joseph Roncoli.
Payment to, for personal injuries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Joseph Roncoli the sum of $2,500 in full settlement of all claims against the Government of the United States for injuries sustained by her when struck by a truck owned and operated by the Navy Department, while alighting from a street car at Twenty-third Street and Seventh Avenue, in New York City: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 14, 1934.

[CHAPTER 535.]

AN ACT

For the relief of Sarah Smolen.

June 14, 1934.
[H.R. 7367.]
[Private, No. 255.]

Sarah Smolen.
Monthly payments to, for death of husband.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sarah Smolen, of New York City, New York, not to exceed $5,000 in monthly installments of $50 each, to be disbursed through the United States Employees' Compensation Commission, in full settlement of all claims against the Government on account of the death of her husband, the late Joseph Smolen, who was a special employee of the New York City Office of the Bureau of Narcotics, Treasury Department, and who mysteriously disappeared and is believed to have been killed while engaged in official Government business on or about October 4, 1931: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 14, 1934.

[CHAPTER 544.]

AN ACT

For the relief of the Yosemite Lumber Company.

June 15, 1934.
[H.R. 1405.]
[Private, No. 256.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Yosemite Lumber Company the sum of $1,100 in full settlement of all claims against the Government of the United States. Such sum represents the difference between the actual cost to such company for labor, supplies, and transportation of men incurred in the fighting of forest fires in September 1926 in the Yosemite National Park and the amount paid such company by the National Park Service.

Yosemite Lumber Company.
Payment to, expenses fighting forest fires.

Approved, June 15, 1934.

[CHAPTER 560.]

AN ACT

Granting a franking privilege to Grace G. Coolidge.

June 16, 1934.
[H.R. 5344.]
[Private, No. 257.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all mail matter sent by post by Grace G. Coolidge, widow of the late Calvin Coolidge, under her written autograph signature, be conveyed free of postage during her natural life.

Grace G. Coolidge.
Granted postal franking privilege.

Approved, June 16, 1934.

[CHAPTER 561.]

AN ACT

For the relief of Gladding, McBean and Company.

June 16, 1934.
[S. 1173.]
[Private, No. 258.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Gladding, McBean and Company, out of any money in the Treasury not otherwise appropriated the sum of $6,602.40 in full settlement of all claims against the Government of the United States for losses suffered by the said company by reason of the default of the Plains Construction Company, general contractors for the construction of post office at Las Vegas, Nevada, and the contractor's failure to furnish a valid bond as required by law for the protection of labor and material men furnishing labor and material on public works: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Gladding, McBean and Company.
Reimbursement, for building, etc., losses.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 16, 1934.

[CHAPTER 562.]

AN ACT

For the relief of Annie Moran.

June 16, 1934.
[H.R. 4272.]
[Private, No. 259.]

Annie Moran.
Payment to, for death of son.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Annie Moran, New York City, the sum of $5,000. Such sum shall be in full satisfaction of all claims against the United States for damages sustained by the said Annie Moran as the result of the death of her son, Edward Moran, who was struck and fatally injured by a United States mail truck in New York City, May 12, 1930.

Approved, June 16, 1934.

[CHAPTER 563.]

AN ACT

To provide for the payment of compensation to George E. Q. Johnson.

June 16, 1934.
[H.R. 4460.]
[Private, No. 260.]

George E. Q. Johnson.
Payment to, for services as district judge.
R. S., sec. 1761, p. 313.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 1761 of the Revised Statutes, as amended, George E. Q. Johnson shall be paid the sum of $5,500 as compensation for services for the period from August 17, 1932, to March 4, 1933, both days inclusive, during which time he held the office of United States district judge for the northern district of Illinois. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,500, or so much thereof as may be necessary, for payment of the claim: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 16, 1934.

[CHAPTER 564.]

AN ACT

For the relief of Jeannette S. Jewell.

June 16, 1934.
[H.R. 1769.]
[Private, No. 261.]

John F. Jewell.
Payment to widow.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Jeannette S. Jewell, widow of John F. Jewell, late American consul at Birmingham, England, the sum of $7,000, being one year's salary of her deceased husband, who died of illness incurred while in the Consular Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this Act.

Approved, June 16, 1934.

[CHAPTER 565.]

AN ACT

For the relief of Alice M. A. Damm.

June 16, 1934.
[H.R. 5357.]
[Private, No. 262.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Alice M. A. Damm, widow of Henry C. A. Damm, late American consul at Nogales, Mexico, the sum of $5,000, being one year's salary of her deceased husband, who died while in the Foreign Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this Act: *Provided*, That no part of the amount authorized to be appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount authorized to be appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Henry C. A. Damm.
Payment to widow.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 16, 1934.

[CHAPTER 566.]

AN ACT

For the relief of Rosemund Pauline Lowry.

June 16, 1934.
[H.R. 7781.]
[Private, No. 263.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Rosemund Pauline Lowry, widow of Edward Prindle Lowry, late second secretary to the American Embassy at Mexico City, the sum of $4,500, being one year's salary of her deceased husband who died while in foreign service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this Act: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Edward Prindle Lowry.
Payment to widow.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 16, 1934.

[CHAPTER 612.]

AN ACT

For the relief of William Chinsky.

June 16, 1934.
[H.R. 7697.]
[Private, No. 264.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to

William Chinsky.
Payment to, for personal injuries.

William Chinsky the sum of $2,500, in compensation for injuries sustained as the result of an explosion of a hand grenade which he had picked up in Grant Park, Chicago, Illinois, October 12, 1919: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 16, 1934.

[CHAPTER 613.]

AN ACT

For the relief of Charles J. Webb Sons Company, Incorporated.

June 18, 1934. [S. 2138.] [Private, No. 265.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles J. Webb Sons Company, Incorporated, the sum of $18,648.87, in full satisfaction of all claims against the Government of the United States for reimbursement on account of amounts erroneously collected and covered into the Treasury which had been tendered by such company in connection with a conditional offer in settlement dated January 4, 1932, and amended January 8 and 19, 1932, the conditions of which offer were not performed by the Government and the settlement not consummated: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Charles J. Webb Sons Company, Inc. Payment to.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 614.]

AN ACT

For the relief of Pierre E. Teets.

June 18, 1934. [H.R. 206.] [Private, No. 266.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is hereby authorized and directed to certify for payment the claim of Pierre E. Teets, first lieutenant, Field Artillery Reserve, United States Army, for six months' pay and allowances, and reimbursement for such amounts as may be approved by the Secretary of War expended by him for medical and hospital treatment for injuries sustained while under active-duty training from July 3, 1927, to July 17, 1927, at Camp Pine, New York.

Pierre E. Teets. Reimbursement, for medical, etc., expenses.

Approved, June 18, 1934.

[CHAPTER 615.]

AN ACT

For the relief of Laura B. Crampton.

June 18, 1934.
[H.R. 452.]
[Private, No. 267.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission is hereby authorized to consider and determine, in the same manner and to the same extent as if application for the benefits of the Employees' Compensation Act had been made within the one-year period required by sections 17 and 20 thereof, the claim of Laura B. Crampton, on account of injuries alleged to have been sustained by her employment in the service of the United States as an oral hygienist at the United States Veterans' Administration Hospital at San Fernando, California: *Provided*, That she shall file notice of such injury and claim for compensation therefor not later than sixty days from the enactment of this Act: *And provided further*, That no benefits shall accrue prior to the enactment of this Act.

Laura B. Crampton.
Claim of.

Vol. 39, pp. 746, 747.

Provisos.
Time for filing claim.

No prior benefits.

Approved, June 18, 1934.

[CHAPTER 616.]

AN ACT

For the relief of Physicians and Surgeons Hospital (Limited).

June 18, 1934.
[H.R. 471.]
[Private, No. 268.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Physicians and Surgeons Hospital (Limited), Glendale, California, out of any money in the Treasury not otherwise appropriated, the sum of $150 in full settlement of all claims against the Government of the United States for professional services rendered Wilfred Henry Engel for injuries sustained in a motorcycle accident on or about January 15, 1931, said services having been authorized by a naval officer: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Physicians and Surgeons Hospital (Ltd.).
Payment to, for professional services.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 617.]

AN ACT

For the relief of Morris Spirt.

June 18, 1934.
[H.R. 529.]
[Private, No. 269.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Morris Spirt, of Waterbury, Connecticut, the sum of $1,500 in full settlement of all claims against the Government of the United States. Such sum is the amount of a fine paid on such date into the Treasury of the United States pursuant to a plea of guilty to an indictment for violation of certain provisions of the Act entitled "An Act to provide further for the national security and defense by encouraging

Morris Spirt.
Refund of fine.

Vol. 40, p. 276.

the production, conserving the supply, and controlling the distribution of food products and fuel", approved August 10, 1917 (popularly known as the "Lever Act"), prior to the declaration by the Supreme Court of the United States of the invalidity of such provisions: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 618.]

June 18, 1934. [H.R. 1306.] [Private, No. 270.]

AN ACT

For the relief of Clarence A. Wimley.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Clarence A. Wimley, out of any money in the Treasury not otherwise appropriated, the sum of $100 in full settlement of all claims against the Government of the United States for personal injuries resulting from a collision between a taxicab in which he was a passenger and a Navy bus on October 29, 1930: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Clarence A. Wimley. Payment to, for personal injuries.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 619.]

June 18, 1934. [H.R. 1308.] [Private, No. 271.]

AN ACT

For the relief of John Parker Clark, senior.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Parker Clark, senior, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full settlement of all claims against the Government of the United States for personal and property loss resulting from collision with Army vehicle near Freehold, New Jersey, on the night of October 26, 1929: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be

John Parker Clark, senior. Payment to, for property loss.

Proviso. Limitation on attorney's, etc., fees.

unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 620.]

AN ACT

For the relief of John Parker Clark, junior.

June 18, 1934.
[H.R. 1345.]
[Private, No. 272.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay John Parker Clark, junior, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 in full settlement of all claims against the Government of the United States for personal injuries resulting from a collision with Army vehicle near Freehold, New Jersey, on the night of October 26, 1929: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

John Parker Clark, junior.
Payment to, for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 621.]

AN ACT

For the relief of Michael Petrucelli.

June 18, 1934.
[H.R. 1792.]
[Private, No. 273.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Michael Petrucelli, of Meriden, Connecticut, the sum of $5,000 in full settlement of all claims against the United States for injury received on July 20, 1931, near Newington, Connecticut, by reason of an accident in which an airplane of the United States Army was involved: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Michael Petrucelli.
Payment to, for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 622.]

AN ACT

For the relief of Jeanie G. Lyles.

June 18, 1934.
[H.R. 2038.]
[Private, No. 274.]

Lieut. De Witt C. Lyles.
Payment to mother of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jeanie G. Lyles, of Anne Arundel County, Maryland, mother of De Witt C. Lyles, late lieutenant, Twentieth Regiment United States Infantry, the sum of $1,500, which sum is hereby appropriated for the invention, by the said Lieutenant De Witt C. Lyles, of an attachment to the packsaddle frames used by the United States Army; and for the further use by the Army from said date of said invention there shall not be paid any further sum: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 623.]

AN ACT

For the relief of Emma R. H. Taggart.

June 18, 1934.
[H.R. 2326.]
[Private, No. 275.]

Giles Russell Taggart.
Payment of death gratuity to widow of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Emma R. H. Taggart, widow of Giles Russell Taggart, late American consul at Belize, British Honduras, the sum of $4,000, equal to one year's salary of her deceased husband.

Approved, June 18, 1934.

[CHAPTER 624.]

AN ACT

For the relief of Paul I. Morris.

June 18, 1934.
[H.R. 2669.]
[Private, No. 276.]

Paul I. Morris.
Reimbursement to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, the sum of $660 to the said Paul I. Morris in full payment for hospital, physician, and nursing bills and funeral expenses incurred by him in the last illness, death, and burial of William Fuller Morris, who died July 21, 1930, as the result of disease contracted at the Citizens' Military Training Camp, Fort McClellan, Alabama.

Sum appropriated to be in full settlement of claim.

SEC. 2. That the amount herein appropriated shall be in full settlement of all claims of the said Paul I. Morris against the United States on account of the death of his said son.

Approved, June 18, 1934.

[CHAPTER 625.]

AN ACT

For the relief of Ernest Elmore Hall.

June 18, 1934.
[H.R. 3176.]
[Private, No. 277.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to Ernest Elmore Hall, of Asheville, North Carolina, the sum of $2,500. Such sum shall be in full satisfaction of all claims against the United States for damages resulting from injuries to Ernest Elmore Hall, who lost a thumb and two fingers from the explosion in his hand of a hand grenade which was left at or near Camp Wadsworth, Spartanburg, South Carolina, on November 22, 1919: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Ernest Elmore Hall.
Payment to, for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 626.]

AN ACT

To reimburse Earl V. Larkin for injuries sustained by the accidental discharge of a pistol in the hands of a soldier in the United States Army.

June 18, 1934.
[H.R. 3318.]
[Private, No. 278.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Earl V. Larkin the sum of $1,213.25 in full settlement of all claims against the Government of the United States out of any money in the Treasury not otherwise appropriated, being for hospital care and medical services rendered Earl V. Larkin, a civilian, who was injured by the accidental discharge of a gun in the hands of a private in the United States Army: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Earl V. Larkin.
Payment to, for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 627.]

AN ACT

For the relief of William Sheldon.

June 18, 1934.
H.R. 3606.]
[Private, No. 279.]

William Sheldon.
Payment to, for personal injuries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $1,937.10 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the relief of William Sheldon, former deputy United States marshal for the eastern district of Oklahoma, who was injured in the discharge of his duties: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 628.]

AN ACT

For the relief of Mary Orinski.

June 18, 1934.
[H.R. 3748.]
[Private, No. 280.]

Mary Orinski.
Reimbursement to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to Mary Orinski, which sum was paid by the said Mary Orinski to the United States on the bond of Stefan Krync: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 629.]

AN ACT

For the relief of Roland Zolesky.

June 18, 1934.
[H.R. 3912.]
[Private, No. 281.]

Roland Zolesky.
Compensation, for personal injuries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to Roland Zolesky as compensation for injuries sustained, without fault or negligence on his part, when on the 26th

day of February, 1919, at Milwaukee, Wisconsin, by reason of the negligent supervision and control by agents and officers of the United States Government of certain tests of rifle grenades, the said Roland Zolesky came into possession of a certain rifle grenade which exploded with great force; causing permanent injuries to his right arm and face: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 630.]

AN ACT

For the relief of John J. Corcoran.

June 18, 1934. [H. R. 4082.] [Private, No. 282.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John J. Corcoran, of Roxbury, Massachusetts, in full settlement against the Government, the sum of $600 for damages to his automobile, medical expenses, ruined clothing, and permanent injuries sustained by the wife of said John J. Corcoran when his automobile was struck by ambulance numbered 987 of the United States Veterans' Bureau on September 18, 1922, in Boston, Massachusetts: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

John J. Corcoran. Payment to, for injuries and damages.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 631.]

AN ACT

For the relief of Laura Goldwater.

June 18, 1934. [H.R. 4253.] [Private, No. 283.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Laura Goldwater the sum of $5,000 for damages in full settlement of all claims against the Government of the United States, suffered

Laura Goldwater. Payment to, for personal injuries.

by her by reason of being struck and seriously injured by a Government mail truck: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 632.]

AN ACT

For the relief of Mary A. Rockwell.

June 18, 1934. [H.R. 4387.] [Private, No. 284.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of Mary A. Rockwell on account of the death of her husband, Fred P. Rockwell, November 6, 1926, while employed by the Post Office Department as a railway mail clerk, in the same manner and to the same extent as if said Mary A. Rockwell had made application for the benefits of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, within the one-year period required by sections 17 and 20 thereof: *Provided*, That no benefits shall accrue prior to the approval of this Act.

Mary A. Rockwell. Claim of.

Proviso. No prior benefits.

Approved, June 18, 1934.

[CHAPTER 633.]

AN ACT

For the relief of E. E. Hall.

June 18, 1934. [H.R. 4446.] [Private, No. 285.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to E. E. Hall, Richmond, Virginia, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, in full settlement of all claims against the Government of the United States for personal injuries caused by a United States Army truck: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

E. E. Hall. Payment to, for personal injuries.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 634.]

AN ACT

For the relief of Carleton-Mace Engineering Corporation.

June 18, 1934.
[H.R. 4659.]
[Private, No. 286.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Carleton-Mace Engineering Corporation, of Boston, Massachusetts, on account of the extra cost of installing fire-protection system at the naval ammunition depot, Hingham, Massachusetts, under contract numbered 3808–B, which extra cost was occasioned by an embargo placed on freight by the United States Railroad Administration, thereby preventing the completion of the work under the above contract before cold weather set in, and to allow in full and final settlement of said claim such amount, not exceeding $32,726.14, as the Comptroller General may find from the facts and the evidence submitted to him to be the actual amount of the extra cost occasioned by the said embargo. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $32,726.14, or so much thereof as may be necessary, to pay the amount herein authorized to be allowed.

Carleton-Mace Engineering Corporation.
Claim for extra cost on contract to be settled.

Appropriation.

Approved, June 18, 1934.

[CHAPTER 635.]

AN ACT

For the relief of Lyman D. Drake, Junior.

June 18, 1934.
[H.R. 4670.]
[Private, No. 287.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Lyman D. Drake, Junior, of Miami, Florida, the sum of $2,500, out of any money in the Treasury not otherwise appropriated, for personal injuries received while in the employ of and working upon the Panama Railroad and in connection with that service and in the employ of the Panama Canal Commission as brakeman upon the Panama Railroad: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Lyman D. Drake, Junior.
Payment to, for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 636.]

AN ACT

For the relief of William J. Kenely.

June 18, 1934.
[H.R. 5584.]
[Private, No. 288.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and there is hereby appropriated for such payment, to William J.

William J. Kenely.
Payment to, for personal injuries.

Kenely the sum of $500 in full settlement of all claims against the Government of the United States for personal injuries caused through being struck by a bullet fired by one of a detachment of United States marines engaged in target practice, no warning of which was given, as is usual for the safety of passenger and other vessels plying the waters adjacent to Fort Hancock and Sandy Hook, New York: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 637.]

June 18, 1934. [H.R. 5809.] [Private, No. 289.]

AN ACT

To provide compensation for Robert Rayford Wilcoxson for injuries received in Citizens' Military Training Camp.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission be, and it is hereby, directed to apply and extend the provisions, benefits, and privileges of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, to the case of Robert Rayford Wilcoxson on account of injury suffered by him on June 20, 1931, while a student at the Citizens' Military Training Camp at Fort Oglethorpe, Georgia, effective from said June 20, 1931: *Provided*, That, for the purposes of this Act, the pay and allowances of said Robert Rayford Wilcoxson at the time of his said injury shall be considered as having been $150 per month.

Robert Rayford Wilcoxson.

Benefits of Employees' Compensation Act extended to. Vol. 39, p. 743.

Proviso. Pay, etc. basis.

Approved, June 18, 1934.

[CHAPTER 638.]

June 18, 1934. [H.R. 6324.] [Private, No. 290.]

AN ACT

For the relief of Mabel Carver.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mabel Carver the sum of $2,500 in full settlement of all claims against the United States for injuries sustained on August 24, 1929, as a result of being shot by a United States Marine while visiting the United States navy yard at Philadelphia, Pennsylvania: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive

Mabel Carver. Payment to, for personal injuries.

Proviso. Limitation on attorney's, etc., fees.

any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 639.]

AN ACT

For the relief of Arthur Smith.

June 18, 1934.
[H.R. 6350.]
[Private, No. 291.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur Smith, of Bangor, Maine, the sum of $210.35 in full settlement of all claims against the Government of the United States for the loss of private property on August 27, 1919, in connection with the operation and maintenance of the United States Army: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Arthur Smith.
Compensation, for property loss.

Proviso.
Limitation on attorney's, etc. fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 640.]

AN ACT

For the relief of William T. Roche.

June 18, 1934.
[H.R. 6696.]
[Private, No. 292.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William T. Roche, out of any money in the Treasury not otherwise appropriated, the sum of $2,000, as full compensation to said William T. Roche for the loss of both hands as a result of freezing, without negligence on his part, while he was engaged in the regular performance of his duties as rural mail carrier in Sac County, State of Iowa: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

William T. Roche.
Payment to, for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 641.]

AN ACT

June 18, 1934.
[H.R. 6998.]
[Private, No. 293.]

For the relief of Captain Frank J. McCormack.

Captain Frank J. McCormack. Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,813.79 in full settlement of all claims against the Government of the United States to Captain Frank J. McCormack, said sum representing deduction in pay while in the Quartermaster Corps, United States Army: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 642.]

AN ACT

June 18, 1934.
[H.R. 7067.]
[Private, No. 294.]

For the relief of Saint Anthony's Hospital at Michigan City, Indiana; Doctor Russell A. Gilmore; Emily Molzen, nurse; and the Hummer Mortuary.

Saint Anthony's Hospital, etc. Payment to, for professional services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of the naval hospital fund to Saint Anthony's Hospital at Michigan City, Indiana, the sum of $224.30; to Doctor Russell A. Gilmore, the sum of $170; to Emily Molzen, nurse, the sum of $203; and to the Hummer Mortuary, the sum of $10; in all, $607.30, in full settlement of all claims against the Government of the United States for services and professional treatment rendered to Max Harmon Connelly, fireman, third-class (F–1), United States Naval Reserve, while ill with typhoid fever contracted during the period from August 8 to August 22, 1931, while on active duty: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 643.]

AN ACT

June 18, 1934.
[H.R. 7121.]
[Private, No. 295.]

Authorizing the Secretary of the Treasury to pay Doctor A. W. Pearson, of Peever, South Dakota, and the Peabody Hospital, at Webster, South Dakota, for medical services and supplies furnished to Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,764.40 to Doctor A. W. Pearson, of Peever, South Dakota, and the sum of $11,675.97 to the Peabody Hospital, at Webster, South Dakota, or as much thereof as is necessary, in full and final settlement waiving all liens and claims they hold against the Indians' property for medical services and supplies furnished to indigent Indians of the Sisseton Agency in South Dakota during the fiscal years 1920 to 1931, inclusive, such services and supplies having been furnished with the knowledge and approval of the superintendent in charge of the said reservation: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Doctor A. W. Pearson, etc.
Payment to, for medical services and supplies.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 644.]

AN ACT

June 18, 1934.
[H.R. 7230.]
[Private, No. 296.]

For the relief of J. B. Hudson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $250 to J. B. Hudson, said sum representing deduction in pay while a sergeant in the United States Army.

J. B. Hudson.
Payment to.

Approved, June 18, 1934.

[CHAPTER 645.]

AN ACT

June 18, 1934.
[H.R. 7272.]
[Private, No. 297.]

For the relief of John W. Adair.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act of September 7, 1916, entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", are hereby extended to John W. Adair, of Pinetop, Arizona, for the death of his son, John Robin Adair, who lost his life on June 21, 1916, while fighting a forest fire on the Fort Apache Indian Reservation; and the United States Employees' Compensation Commission is authorized and directed to pay compensation to John W. Adair as a partial dependent parent at the rate of $30 per month for a period of eight years from and after the passage of this Act: *Provided*, That no compensation shall be held to have accrued prior to

John W. Adair.
Provisions of Employees' Compensation Act extended to.
Vol. 39, p. 744.

Monthly payments authorized.

Provisos.
No back pay.

Limitation on attorney's, etc., fees.

the passage of this Act and the payments above provided for shall be in full settlement of all claims against the United States: *Provided further*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, June 18, 1934.

[CHAPTER 646.]

AN ACT

June 18, 1934.
[H.R. 8115.]
[Private, No. 298.]

For the relief of May L. Marshall, administratrix of the estate of Jerry A. Litchfield.

Jerry A. Litchfield. Payment to administratrix of estate of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $5,000 to May L. Marshall, administratrix of the estate of Jerry A. Litchfield, who was killed on the night of December 7, 1925, in a collision between the barge Pine Grove and the highway bridge at Coinjock, North Carolina, while said bridge was owned and operated by the United States, and by the lowering of the draw of said bridge on the pilot house of the barge Pine Grove, in which said Jerry A. Litchfield was a passenger: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to, or received by, any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive, any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

SEC. 2. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved, June 18, 1934.

[CHAPTER 647.]

JOINT RESOLUTION

June 18, 1934.
[S.J.Res. 117.]
[Priv. Res., No. 2.]

Authorizing the President of the United States to present the Distinguished Flying Cross to Emory B. Bronte.

Emory B. Bronte. Distinguished Flying Cross to be presented to.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized to present the Distinguished Flying Cross to Emory B. Bronte, of San Francisco, California, in recognition of his heroic courage and great skill as a navigator on the second successful airplane flight from California to the Hawaiian Islands, made under extremely adverse weather conditions in twenty-five hours, two minutes, on July 14 and 15, 1927.

Approved, June 18, 1934.

[CHAPTER 678.]

AN ACT

For the relief of John T. Garity.

June 19, 1934.
[S. 3096.]
[Private, No. 299.]

Whereas John T. Garity of Savannah, Georgia, became surety upon the supersedeas bond of Wilson Jenkins in the sum of $15,000 to secure the appearance of the said Wilson Jenkins pending a decision on a writ of appeal from the Circuit Court of Appeals of the United States; and

John T. Garity.
Preamble.

Whereas said Wilson Jenkins failed to answer to the final judgment rendered in said case; and

Whereas the bond signed by the said John T. Garity as surety for the said Wilson Jenkins was forfeited and estreated; and

Whereas the said John T. Garity paid $2,500 in May 1933 on account of said forfeiture as part payment on said bond; and

Whereas the said Wilson Jenkins was apprehended on June 7, 1933, and then incarcerated in the Federal penitentiary in Atlanta, Georgia, and is now in the custody and control of the prison authorities of the United States Government and is serving the sentence for which said bond signed by the said John T. Garity as surety was given for the appearance of said Wilson Jenkins; and

Whereas said $2,500 paid on said bond is more than sufficient to defray any expense incurred by the United States Government in connection with the apprehension of said Wilson Jenkins: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John T. Garity be, and he is hereby, relieved from all further liability as surety on the supersedeas bond signed by said John T. Garity for the appearance of Wilson Jenkins pending a writ of error from the Circuit Court of Appeals for the Fifth Circuit to answer to a sentence and final judgment which had been imposed by the United States District Court for the Southern District of Georgia, Savannah division, said bond dated March 29, 1930, and which sentence he is now serving.

Relief from further liability as surety on bond.

Approved, June 19, 1934.

[CHAPTER 679.]

AN ACT

To refund to Caroline M. Eagan income tax erroneously and illegally collected.

June 19, 1934.
[H.R. 194.]
[Private, No. 300.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and pay, out of any money in the Treasury not otherwise appropriated, to Caroline M. Eagan, Eagan Apartment, Board Walk and Florida Avenue, Atlantic City, New Jersey, the sum of $10,950.19 for income tax erroneously and illegally collected from her for the calendar year 1925: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any

Caroline M. Eagan.
Refund of erroneously collected income tax.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved, June 19, 1934.

[CHAPTER 680.]

June 19, 1934.
[H.R. 2418.]
[Private, No. 301.]

AN ACT

For the relief of certain claimants at Leavenworth, Kansas, occasioned through damage to property inflicted by escaping prisoners.

Leavenworth, Kans., penitentiary.
Payments to certain claimants for damages caused by escaping prisoners.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of Elizabeth Phillips, in the amount of $55; Joseph M. Kressin, in the amount of $63.30; Joseph Verlinde, in the amount of $4.95, all arising through damages to personal property occasioned by the escape of seven prisoners from the United States penitentiary at Leavenworth, Kansas, on December 11, 1931. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $123.75, or so much thereof as may be necessary, for the payment of these claims.

Appropriation.

Approved, June 19, 1934.

[CHAPTER 681.]

June 19, 1934.
[H.R. 3243.]
[Private, No. 302.]

AN ACT

For the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased.

Ephraim N. Good.
Redemption of stolen Liberty bonds in favor of estate of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Harry E. Good, of Winamac, Indiana, administrator de bonis non of the estate of Ephraim N. Good, deceased, United States registered bonds numbered 650051, 650052, in the denomination of $100 each, and numbered 122336 in the denomination of $1,000, of the third Liberty loan 4¼ per centum bonds of 1928, inscribed "Ephraim N. Good", with interest from March 15, 1928, to September 15, 1928, without presentation of the bonds, said bonds having been assigned in blank by the heirs of the payee, and subsequently stolen from the First State Bank, Star City, Indiana: *Provided*, That said bonds shall not have been presented to the Treasury Department for payment: *Provided, further*, That said Harry E. Good shall first file with the Treasury Department a bond in the penal sum of double the amount of the principal of the said bonds and the final interest thereon payable September 15, 1928, in such form and with such corporate surety as may be acceptable to the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any loss on account of the bonds herein described.

Provisos.
Condition.

Indemnity bond.

Approved, June 19, 1934.

[CHAPTER 682.]

AN ACT

June 19, 1934.
[H.R. 5736.]
[Private, No. 303.]

For the relief of Shelby J. Beene, Mrs. Shelby J. Beene, Leroy T. Waller, and Mrs. Leroy T. Waller.

Shelby J. Beene, etc.
Refunds of overpayments of income tax, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Shelby J. Beene the sum of $14,739.58, to Mrs. Shelby J. Beene the sum of $15,227.80, and to Leroy T. Waller and Mrs. Leroy T. Waller each the sum of $14,531.79, together with interest at the rate of 6 per centum per annum thereon in each case from December 28, 1929, to the date of making payment under this Act. Such sums represent overpayments of income taxes made (under protest) on such date by the said persons for the years 1921 and 1922. The said persons were four of forty-eight partners composing a partnership each member of which was assessed with deficiency assessments for 1921 and 1922. Depletion on account of certain bonuses and advanced royalties received by the partnership was not allowed and each partner's taxable income was correspondingly increased. Forty-four of the partners paid under protest and entered suits for refunds. The other four partners named in this Act appealed from the deficiency assessment, but the Board of Tax Appeals and Circuit Court of Appeals, Fifth Circuit maintained the validity of the assessments as to them, and the United States Supreme Court refused to grant them writs of certiorari. Subsequently the United States Supreme Court in the case of Palmer against Bender (287 U.S. 551) (being the consolidated suits of the forty-four remaining partners before the Supreme Court on writs of certiorari to the Circuit Court of Appeals, Fifth Circuit) held that the depletion claimed by the partnership should have been allowed, and the forty-four partners were allowed refunds accordingly. The four partners' claims for refunds involved the same facts and law as those of the forty-four partners: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 19, 1934.

[CHAPTER 683.]

AN ACT

June 19, 1934.
[H.R. 5947.]
[Private, No. 304.]

Authorizing adjustment of the claim of the Western Union Telegraph Company.

Western Union Telegraph Company.
Refund of certain rent overpayment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of the Western Union Telegraph Company for refund of certain overpayment of rent in 1931, amounting to $512.22, under its license Numbered Miscellaneous 12293, dated February 17, 1923, for the use of certain War Department submarine telegraph cables Numbered 336 and 462, between

Fort Stevens, Oregon, Fort Columbia and Fort Canby, Washington, and to allow in full and final settlement of said claim not to exceed the sum of $512.22. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $512.22, or so much thereof as may be necessary, for the payment of said claim: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Appropriation.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 19, 1934.

[CHAPTER 684.]

June 19, 1934. [H.R. 6625.] [Private, No. 305.]

AN ACT

For the relief of Charles Farr.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Charles Farr, of Greeley, Colorado, temporary coupon bond numbered 156241, of the Third Liberty Loan of 1928, in the denomination of $1,000, with interest from March 15, 1920, to September 15, 1928, at the rate of 4¼ per centum per annum, without presentation of the bond, said bond having been alleged to have been inadvertently destroyed by fire: *Provided*, That the said bond shall not have been previously presented to the Department: *And provided further*, That the said Charles Farr shall first file in the United States Treasury Department a bond in the penal sum of double the amount of the principal of such missing bond and of the interest thereon from March 15, 1920, to September 15, 1928, in such form and with such corporate surety as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the bond hereinbefore described.

Charles Farr. Redemption of lost Liberty bond in favor of.

Provisos. Condition.

Indemnity bond.

Approved, June 19, 1934.

[CHAPTER 685.]

June 19, 1934. [H.R. 7387.] [Private, No. 306.]

AN ACT

For the relief of Royce Wells.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Royce Wells the sum of $1,500 in full settlement for personal injury sustained by Royce Wells by reason of the explosion of a bomb under the direction of the war-loan organization of the eighth Federal Reserve district in connection with a Victory-loan drive at De Soto, Missouri: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in

Royce Wells. Payment to, for personal injury.

Proviso. Limitation on attorney's, etc., fees.

connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, June 19, 1934.

[CHAPTER 686.]

AN ACT

June 19, 1934.
[H.R. 7816.]
[Private, No. 307.]

For the relief of Oswald H. Halford, Hunter M. Henry, William C. Horne, Rupert R. Johnson, David L. Lacey, William Z. Lee, Fenton F. Rodgers, Henry Freeman Seale, Felix M. Smith, Edwin C. Smith, Robert S. Sutherland, and Charles G. Ventress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, in full settlement of all claims against the Government of the United States, to Oswald H. Halford, bugler (1599067), $76.63; Hunter M. Henry, private, first-class (1599070), $192.13; William C. Horne, wagoner (1599034), $226.77; Rupert R. Johnson, corporal (1599036), $220.94; David L. Lacey, private, first-class (1599038), $214.73; William Z. Lee, private (1599080), $203.60; Fenton F. Rodgers, private (1599092), $151.47; Henry Freeman Seale, wagoner (1599094), $193.17; Felix M. Smith, private (1599021), $193.38; Edwin C. Smith, private, first-class (1599047), $79.80; Robert S. Sutherland, bugler (1599102), $78.55; Charles G. Ventress, sergeant (1599107), $253.06; being amount of salary deducted on account of general court-martial sentences June 1918: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Oswald H. Halford, etc.
Payments to, for certain salary reductions.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 19, 1934.

[CHAPTER 697.]

AN ACT

June 21, 1934.
[S. 1118.]
[Private, No. 308.]

For the relief of George J. Bloxham.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and is hereby, authorized and directed to credit the account of George J. Bloxham, postmaster at Sheldon, Iowa, in the sum of $53.90 due the United States on account of the loss resulting from the closing of the First National Bank of Sheldon, Iowa.

George J. Bloxham.
Credit in postal accounts.

Approved, June 21, 1934.

[CHAPTER 698.]

AN ACT

June 21, 1934.
[S. 1119.]
[Private, No. 309.]

For the relief of Fred A. Robinson.

Fred A. Robinson. Credit in postal accounts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and is hereby, authorized and directed to credit the account of Fred A. Robinson, postmaster at Estherville, Iowa, in the sum of $65.05, due the United States on account of the loss resulting from the closing of the First National Bank of Estherville, Iowa.

Approved, June 21, 1934.

[CHAPTER 699.]

AN ACT

June 21, 1934.
[S. 1600.]
[Private, No. 310.]

For the relief of S. G. Mortimer.

S. G. Mortimer. Credit in postal accounts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General is authorized and directed to credit the accounts of S. G. Mortimer, postmaster at Belle Fourche, South Dakota, in the amount of $178.92, such sum representing certain amounts charged against the said S. G. Mortimer by reason of his deposit of funds of the United States in the First National Bank of Belle Fourche, South Dakota, and the subsequent closing of such bank.

Approved, June 21, 1934.

[CHAPTER 700.]

AN ACT

June 21, 1934.
[S. 2627]
[Private, No. 311.]

For the relief of Arvin C. Sands.

Arvin C. Sands. Credit in postal accounts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow and credit to the accounts of Arvin C. Sands, postmaster at Mallard, Iowa, the sum of $78.21, being the amount due the United States on account of loss resulting from the closing in 1927 of the First National Bank of Mallard, Iowa.

Approved, June 21, 1934.

[CHAPTER 701.]

AN ACT

June 21, 1934.
[H.R. 541.]
[Private, No. 312.]

For the relief of John P. Leonard.

John P. Leonard. Military record corrected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John P. Leonard, late of Company I [1], Eighteenth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said Company L, Eighteenth Regiment United States Infantry, on the 31st day of December 1901: *Provided*, That no bounty, pension, back pay, or allowances shall be held to have accrued prior to the passage of this Act.

Proviso. No back pay, etc.

Approved, June 21, 1934.

[1] So in original.

[CHAPTER 702.]

AN ACT

For the relief of Frank Salisbury, executor of the estate of Emerson C. Salisbury, deceased.

June 21, 1934.
[H.R. 2414.]
[Private, No. 313.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Frank Salisbury, executor of the estate of Emerson C. Salisbury, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $1,500, as full compensation for damages to his property on December 11, 1931, when three Federal prisoners escaped from the United States penitentiary at Leavenworth, Kansas, and barricaded themselves in the house which was bombarded by the posse seeking the escaped prisoners: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Emerson C. Salisbury.
Payment to estate of, for property damages.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 21, 1934.

[CHAPTER 703.]

AN ACT

For the relief of William G. Burress, deceased.

June 21, 1934.
[H.R. 2439.]
[Private, No. 314.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William G. Burress, who was a member of Company A, Eleventh Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 7th day of March 1897: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

William G. Burress.
Military record corrected.

Proviso.
No back pay, etc.

Approved, June 21, 1934.

[CHAPTER 704.]

AN ACT

For the relief of Paul Jelna.

June 21, 1934.
[H.R. 3032.]
[Private, No. 315.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, their widows or dependent relatives, Paul Jelna, who was a private of Company A, Twenty-ninth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on November 30, 1902: *Provided*, That no back pay, pension, or other emolument shall accrue prior to the passage of this Act.

Paul Jelna.
Military record corrected.

Proviso.
No back pay, etc.

Approved, June 21, 1934.

[CHAPTER 705.]

June 21, 1934.
[H.R. 3296.]
[Private, No. 316.]

AN ACT

For the relief of Carl F. Castleberry.

Carl F. Castleberry.
Certain limitations of Employees' Compensation Act waived in favor of.
Vol. 39, pp. 746, 747. U.S.C., p. 79.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 17 and 20 of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U.S.C., title 5, secs. 767 and 770), are hereby waived in favor of Carl F. Castleberry, a former employee of the Railway Mail Service: *Provided*, That no benefit shall accrue hereunder until after the enactment of this Act.

Proviso.
No prior benefit.

Approved, June 21, 1934.

[CHAPTER 706.]

June 21, 1934.
[H.R. 4579.]
[Private, No. 317.]

AN ACT

For the relief of Doctor Charles T. Granger.

Doctor Charles T. Granger.
Payment to, for professional services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Department of the Interior be, and he is hereby, authorized and directed to pay, out of funds of the Chippewa Indians of Minnesota and in full settlement against the Government, the sum of $290 to Doctor Charles T. Granger for hospitalization and medical services rendered Joseph Abbett, an Indian patient at the Granger Hospital, McGregor, Minnesota.

Approved, June 21, 1934.

[CHAPTER 707.]

June 21, 1934.
[H.R. 4838.]
[Private, No. 318.]

AN ACT

For the relief of the Massachusetts Bonding and Insurance Company, a corporation organized and existing under the laws of the State of Massachusetts.

Massachusetts Bonding and Insurance Company.
Payment to, on account of certain unpaid money orders.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized and directed to pay to the Massachusetts Bonding and Insurance Company, a corporation organized under the laws of the State of Massachusetts, out of the fund credited to unpaid money orders more than one year old, the sum of $22,216.47, being the aggregate of three thousand four hundred and eighteen money orders made payable to Philipsborn's, The Outer Garment House, and endorsed and made payable to the National Bank of the Republic, and stolen from said Philipsborn's on December 11, 1919, and never recovered or paid, which sum the Massachusetts Bonding and Insurance Company paid to said Philipsborn's under its contract of indemnity, and become subrogated to the rights of Philipsborn's as the payee of said money orders: *Provided*, That the said Massachusetts Bonding and Insurance Company shall first file in the Post Office Department of the United States a bond in the penal sum of $44,432.94, without limitation on the period of liability, with such surety or sureties as may be acceptable to the Postmaster General, to indemnify and save harmless the United States from any loss on account of the stolen postal money orders herein described: *Provided further*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or

Provisos.
Indemnity bond.

Limitation on attorney's, etc., fees.

attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, June 21, 1934.

[CHAPTER 708.]

AN ACT

For the relief of the Dallas County Chapter of the American Red Cross.

June 21, 1934.
[H.R. 7953.]
[Private, No. 319.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $541.33 in full settlement of all claims against the Government of the United States to the Dallas County Chapter of the American Red Cross as reimbursement of amount paid by virtue of their endorsement of Government check erroneously issued to one Fannie Hilliard: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Dallas County Chapter, American Red Cross.
Reimbursement to.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 21, 1934.

[CHAPTER 721.]

AN ACT

To grant permission to the Willard Family Association to erect a tablet at Fort Devens, Massachusetts.

June 22, 1934.
[S. 3528.]
[Private, No. 320.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is authorized and directed to grant permission to the Willard Family Association to erect an appropriate tablet at Fort Devens, Massachusetts, on the site of the farm formerly owned by Major Simon Willard, but the United States shall not be put to any expense in or by the erection thereof.

Willard Family Association.
May erect tablet at Fort Devens, Mass.

No Federal expense.

Approved, June 22, 1934.

[CHAPTER 722.]

AN ACT

For the relief of Wade Dean.

June 22, 1934.
[H.R. 740.]
[Private, No. 321.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to waive the statute of limitations in the application filed by Wade Dean, an employee in the post office

Wade Dean.
Claim of.
Vol. 39, pp. 746, 747.

at Stewart, Ohio, as to the provision of an Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, in order that he may receive the same consideration as though he has applied within the specified time required by law: *Provided*, That no benefits shall accrue prior to the approval of this Act.

Proviso. No prior benefits.

Approved, June 22, 1934.

[CHAPTER 723.]

AN ACT

For the relief of C. V. Mason.

June 22, 1934. [H.R. 1354.] [Private, No. 322.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to C. V. Mason, out of any money in the Treasury not otherwise appropriated and in full settlement of all claims against the Government of the United States, the sum of $1,206.76, representing expenses incurred by him as a result of the death and burial of his son, Dwight D. Mason, who died as a result of injuries received while employed as a teacher of manual training at Kanakanak Industrial School in Alaska on December 30, 1931: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

C. V. Mason. Payment to.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 22, 1934.

[CHAPTER 724.]

AN ACT

For the relief of Julia E. Smith.

June 22, 1934. [H.R. 3705.] [Private, No. 323.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,500 to Julia E. Smith in full settlement of all claims against the United States because of personal injuries sustained by the said Julia E. Smith when struck and injured on or about October 13, 1925, in the city of Boston, Massachusetts, by a motor truck owned and operated by the Post Office Department of the United States: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary

Julia E. Smith. Compensation, for personal injuries.

Proviso. Limitation on attorney's, etc., fees.

notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000. Penalty for violation.

Approved, June 22, 1934.

[CHAPTER 725.]

AN ACT

For the relief of Gustav Welhoelter.

June 22, 1934.
[H.R. 3791.]
[Private, No. 324.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $900 to Gustav Welhoelter, assistant superintendent of the Fox Creek post-office station, Detroit, Michigan. Said sum represents the amount paid by said Gustav Welhoelter to the United States Government to make up the deficit in the accounts of the Fox Creek station, which deficit was caused by robbery or burglary of said post office: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Gustav Welhoelter. Repayment for stolen postal funds.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 22, 1934.

[CHAPTER 726.]

AN ACT

For the relief of Anthony Hogue.

June 22, 1934.
[H.R. 3793.]
[Private, No. 325.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $600 to Anthony Hogue, formerly finance clerk of the Fox Creek post-office station, Detroit, Michigan. Said sum represents the amount paid by said Anthony Hogue to the United States Government to make up the deficit in the accounts of the Fox Creek station, which deficit was caused by robbery or burglary of said post office: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Anthony Hogue. Repayment of certain stolen postal funds.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 22, 1934.

[CHAPTER 727.]

AN ACT

For the relief of Edith L. Peeps.

June 22, 1934.
[H.R. 5031.]
[Private, No. 326.]

Edith L. Peeps.
Payment to, for personal injuries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Edith L. Peeps in full settlement of all claims against the Government of the United States for injuries sustained by reason of the negligence on the part of a special-delivery messenger of the Milwaukee (Wisconsin) post office whose truck struck and injured the said Edith L. Peeps, without fault or negligence on her part, October 30, 1931: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 22, 1934.

[CHAPTER 728.]

AN ACT

For the relief of W. R. McLeod.

June 22, 1934.
[H.R. 5606.]
[Private, No. 327.]

W. R. McLeod.
Reimbursement for loss of postal funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200, and when appropriated the Treasurer of the United States is hereby authorized and directed to pay same to W. R. McLeod, postmaster at Apopka, Florida, to reimburse him in the amount of postal funds stolen from the post office by burglars: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 22, 1934.

[CHAPTER 729.]

AN ACT

For the relief of M. R. Welty.

June 22, 1934.
[H.R. 6238.]
[Private, No. 328.]

M. R. Welty.
Payment to, for property damages.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated,

to M. R. Welty the sum of $750 for damages to his automobile by a mail truck belonging to the Government: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 22, 1934.

[CHAPTER 730.]

AN ACT

For the relief of John R. Novak.

June 22, 1934. [H.R. 6284.] [Private, No. 329.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John R. Novak the sum of $4,000 in full settlement of all claims against the Government of the United States for fatal injuries sustained by his daughter, La Verne Novak, by an automobile truck owned and operated by the Post Office Department, on February 20, 1932, at the northeast corner of Fulton and Green Streets, Chicago, Illinois: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

John R. Novak. Payment to, for fatal injuries to daughter.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 22, 1934.

[CHAPTER 731.]

AN ACT

For the relief of James Henry Green.

June 22, 1934. [H.R. 6497.] [Private, No. 330.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James Henry Green, deceased, who was a member of the Forty-third Ohio Vounteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 9th day of April 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

James Henry Green. Military record corrected.

Proviso. No back pay, etc.

Approved, June 22, 1934.

[CHAPTER 732.]

AN ACT

For the relief of Donald K. Warner.

June 22, 1934.
[H.R. 7372.]
[Private, No. 331.]

Donald K. Warner.
Payment to, for loss of postal funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, to Donald K. Warner, former postmaster at Oakdale, Nebraska, the sum of $869.17, being the amount of stamps and postal funds lost in the burglary of the post office on the night of December 13, 1928: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 22, 1934.

[CHAPTER 733.]

AN ACT

For the relief of Jeannette Weir.

June 22, 1934.
[H.R. 8108.]
[Private, No. 332.]

Jeannette Weir.
Payment to, for personal injuries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, in full settlement of all claims against the Government of the United States, to Jeannette Weir for injuries sustained by being struck by a United States mail truck January 4, 1922: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 22, 1934.

[CHAPTER 734.]

AN ACT

For the relief of Ralph LaVern Walker.

June 22, 1934.
[H.R. 7893.]
[Private, No. 333.]

Ralph LaVern Walker.
Payment to guardian, for loss of arm, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, the sum of $500 to the legal guardian of Ralph LaVern Walker for the loss of his arm and other injuries as the result of an explosion of a cap on the site of Camp Gordon on February 23, 1929.

Monthly disability payments authorized.

SEC. 2. That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to pay to the legal guardian of Ralph LaVern Walker the sum of $50 per month, beginning with the passage of this Act and continuing for the period of eight years: *Provided*, That no part of the amount appropriated in this Act in excess of $100 shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of $100 on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000: *Provided further*, That the above amounts shall be in full settlement against the Government.

Provisos.
Limitation on attorney's, etc., fees.

Penalty for violation.

Payment to be in full settlement.

Approved, June 22, 1934.

[CHAPTER 737.]

AN ACT

For the relief of M. N. Lipinski.

June 24, 1934.
[H.R. 7264.]
[Private, No. 334.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full and complete settlement, to M. N. Lipinski the sum of $1,100 as reimbursement for damages sustained in the losses of livestock by poisoning as the result of weed-killing experiments conducted by the Bureau of Fisheries of the Department of Commerce on premises used for pasture purposes by M. N. Lipinski: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

M. N. Lipinski.
Reimbursement for loss of livestock.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 24, 1934.

[CHAPTER 738.]

AN ACT

For the relief of Arthur A. Burn, Senior, and J. K. Ryland.

June 24, 1934.
[H.R. 7631.]
[Private, No. 335.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Arthur A. Burn, Senior, of Daufuskie Island, South Carolina, the sum of $5,000; and to J. K. Ryland, of Bermuda, Alabama, the sum of $4,246.06, the same being in full satisfaction of any claim they may have against the United States Government on account of the death of Arthur A. Burn, Junior, and J. B. Ryland as a result of having been sent to sea in an admittedly unseaworthy boat or skiff while employed in the United States Coast and Geodetic

Arthur A. Burn, Senior, and J. K. Ryland.
Payment to.

Proviso. Limitation on attorney's, etc., fees.

Survey near Saint Petersburg, Florida, February 3, 1926: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, June 24, 1934.

[CHAPTER 739.]

June 24, 1934.
[H.R. 8328.]
[Private, No. 336.]

AN ACT

For the relief of the heirs of C. K. Bowen, deceased.

C. K. Bowen. Payment to certain heirs of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary E. Christenson, Houston, Texas; Mrs. F. N. Heiman, Seabrook, Texas; Mrs. A. B. Christenson, Burbank, California; and C. K. Bowen, Burbank, California, heirs of C. K. Bowen, deceased, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $450.50, for damages sustained by the said heirs of the said C. K. Bowen, deceased, who lost his life during the hurricane of September 8, 1900, when the light station at Halfmoon Shoal, Texas, was demolished, and the said C. K. Bowen, deceased, was drowned, as shown by Public Document Numbered 103 of the Fifty-seventh Congress, first session, dated December 7, 1901: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 24, 1934.

[CHAPTER 744.]

June 25, 1934.
[S. 3562.]
[Private, No. 337.]

AN ACT

For the relief of Robert Rayl.

Robert Rayl. Desert land patent issued to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to Robert Rayl on desert-land entry, Blackfoot, Idaho, numbered 039881, entered by him November 17, 1925, for the northwest quarter, and the west half southwest quarter section 15, township 11 south, range 17 east, Boise (Idaho) meridian.

Approved, June 25, 1934.

[CHAPTER 745.]

AN ACT

For the relief of Mrs. George Logan and her minor children, Lewis and Barbara Logan.

June 25, 1934.
[H.R. 2416.]
[Private, No. 338.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 to Mrs. George Logan and her minor children, Lewis and Barbara Logan, as dependents of George Logan (deceased), who sustained injuries in line of duty and later died of such injuries, which were received while on duty as a prison guard at Fort Leavenworth, Kansas.

George Logan.
Payment to dependents, for fatal injury to.

Approved, June 25, 1934.

[CHAPTER 746.]

AN ACT

For the relief of Thelma Lucy Rounds.

June 25, 1934.
[H.R. 3636.]
[Private, No. 339.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $270.28 to Thelma Lucy Rounds, Fall River, Massachusetts, in full settlement of all claims against the Government of the United States for injuries received while visiting the United States Ship Bridge at Newport, Rhode Island, on July 12, 1931, when an enlisted man showing visitors a revolver fired a shot through Miss Rounds's leg, causing injuries which resulted in a long period of unemployment: *Provided*, That no part of the amount appropriated in this Act in excess of 10 percentum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Thelma Lucy Rounds.
Compensation for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 25, 1934.

[CHAPTER 747.]

AN ACT

For the relief of Theodore W. Beland.

June 25, 1934.
[H.R. 4952.]
[Private, No. 340.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $32.30 to Theodore W. Beland, an employee of the Lighthouse Service, in full and final settlement for expenses incurred in the operation of a privately owned automobile on Government business during April 1929.

Theodore W. Beland.
Payment to.

Approved, June 25, 1934.

[CHAPTER 748.]

AN ACT

June 25, 1934.
[H.R. 6622.]
[Private, No. 341.]

Authorizing the Secretary of Commerce to lease certain Government land at Woods Hole, Massachusetts.

Woods Hole, Mass. Certain Government land at, leased to Woods Hole Yacht Club, Incorporated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce be, and he hereby is, authorized and directed to lease—for such period and on such terms as the Secretary shall deem advisable—to the Woods Hole Yacht Club, Incorporated, of Woods Hole, Massachusetts, that portion of the land owned by the United States Government, at Penzance Point, or Long Neck, Woods Hole, bounded and described as follows, namely: Side A, from boundary mark in direction two hundred and twenty-four degrees fourteen minutes forty-five seconds true, a distance of ninety feet, which comes to high-water mark; side B, from boundary mark in direction one hundred and eleven degrees fourteen minutes forty-five seconds true, a distance of two hundred and fifteen feet; side C, from easterly end of side B in direction one hundred and ninety degrees twenty-nine minutes fifteen seconds true, a distance of seventy-four feet, which comes to the high-water mark; side D, from the southerly end of side C in a westerly direction along the irregular high-water line to the southerly end of side A and including the rocks lying offshore: *Provided, however*, That the Secretary shall not execute such lease unless and until all persons who have any interest in said premises under the provisions of the deed of gift conveying to the United States the land of which said parcel is a part, and any Act relating to the conveyance of such premises to the United States, shall have waived and released for the term of such lease all their right, title, and interest therein, and shall consent that the said lease shall not operate to divest the United States of the title to said property or any part thereof.

Description.

Proviso. Subject to waivers, etc.

United States interest not divested.

Approved, June 25, 1934.

[CHAPTER 766.]

AN ACT

June 26, 1934.
[S. 101.]
[Private, No. 342.]

For the relief of Robert Gray Fry, deceased.

Robert Gray Fry. Military record corrected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, benefits, and privileges upon honorably discharged soldiers Robert Gray Fry, deceased, shall be held and considered as having been honorably discharged from the military service of the United States on July 31, 1865, late of Company H, Twenty-eighth Regiment Iowa Volunteer Infantry: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Proviso. No back pay, etc.

Approved, June 26, 1934.

[CHAPTER 767.]

AN ACT

June 26, 1934.
[S. 173.]
[Private, No. 343.]

For the relief of William Martin and John E. Walsh, Junior.

William Martin and John E. Walsh, Junior. Refund of excess duties authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William Martin and John E. Walsh, Junior, who have succeeded to and are the sole owners of all right, title, and interest of Martin-Walsh (Incorporated) in and to the within claim, out of any money in the Treasury not otherwise appropriated, the sum of $4,221.50

in full settlement of all claims against the United States. Such sum is the amount of excess duties levied and collected from Martin-Walsh (Incorporated) by the collector of the port of New York on thirty-one distinct entries covering importations of kraft wrapping paper from Sweden and Norway during the years 1922 and 1923: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 768.]

AN ACT

For the relief of John Hampshire.

June 26, 1934. [S. 255.] [Private, No. 344.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Hampshire, of Grants Pass, Oregon, the sum of $32,715.81 in full satisfaction of his claim against the United States for damages resulting from the suspension of work under his contract with the United States Numbered I–1p–71, dated July 29, 1927, for road construction and improvement in Mount Rainier National Park in the State of Washington, such suspension having been made necessary by the failure to provide adequate appropriations to permit the continuance of the work in accordance with such contract: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

John Hampshire. Compensation, for damages.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 769.]

AN ACT

For the relief of the Edward F. Gruver Company.

June 26, 1934. [S. 336.] [Private, No. 345.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is authorized to adjust and settle the claim of the Edward F. Gruver Company in an amount not to exceed $200 for leather labels furnished the Federal Radio Commission, notwithstanding any provision of law requiring such supplies to be obtained from the Government Printing Office.

Edward F. Gruver Company. Payment to.

Vol. 40, p. 1270.

Approved, June 26, 1934.

[CHAPTER 770.]

AN ACT

For the relief of Frederick G. Barker.

June 26, 1934.
[S. 379.]
[Private, No. 346.]

Frederick G. Barker. Payment to, for personal injuries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frederick G. Barker, of Cleveland, Ohio, the sum of $3,000 in full settlement of all claims against the Government of the United States for injuries received November 14, 1919, when a United States mail truck collided with him: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 771.]

AN ACT

For the relief of William H. Connors, alias John H. Connors, alias Michael W. H. Connors.

June 26, 1934.
[S. 418.]
[Private, No. 347.]

William H. Connors, alias John H. Connors, alias Michael W. H. Connors. Military record corrected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William H. Connors, alias John H. Connors, alias Michael W. H. Connors, who was a member of Battery C, Sixth Regiment United States Field Artillery, Fort Bliss, Texas, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 14th day of October 1914: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Proviso. No back pay, etc.

Approved, June 26, 1934.

[CHAPTER 772.]

AN ACT

For the relief of Norman Beier.

June 26, 1934.
[S. 488.]
[Private, No. 348.]

Norman Beier. Compensation, for personal injuries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to Norman Beier, Brooklyn, New York, in full settlement of all claims against the Government of the United States for injuries sustained by him when struck by a truck of the Post Office Department: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It

Proviso. Limitation on attorney's, etc., fees.

shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 773.]

AN ACT

For the relief of Henry Poole.

June 26, 1934.
[S. 521.]
[Private, No. 349.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Henry Poole, who was a member of Company D, Seventeenth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 8th day of April 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Henry Poole.
Military record corrected.

Proviso.
No back pay, etc.

Approved. June 26, 1934.

[CHAPTER 774.]

AN ACT

For the relief of A. W. Holland.

June 26, 1934.
[S. 551.]
[Private, No. 350.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $900 to A. W. Holland in payment of extra services as postmaster at Drumright, Oklahoma, a post office of the fourth class.

A. W. Holland.
Compensation, for extra services.

Approved, June 26, 1934.

[CHAPTER 775.]

AN ACT

For the relief of William G. Fulton.

June 26, 1934.
[S. 740.]
[Private, No. 351.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William G. Fulton, of Annapolis Junction, Maryland, out of any money in the Treasury not otherwise appropriated, the sum of $1,528, in full settlement of all claims against the Government, for damage to crop on the Camp Meade Reservation, Maryland, for which he had entered into contract with the United States Army authorities at Camp Meade on May 18, 1922: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per

William G. Fulton.
Payment to, for crop damages.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved, June 26, 1934.

[CHAPTER 776.]

AN ACT

For the relief of Howell K. Stephens.

June 26, 1934.
[S. 879.]
[Private, No. 352.]

Howell K. Stephens.
Military record corrected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Howell K. Stephens, who was a private, Medical Department, United States Army, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on the 25th day of October 1919: *Provided*, That no back pay, compensation, benefit, or allowance shall be held to have accrued prior to the passage of this Act.

Proviso.
No back pay, etc.

Approved, June 26, 1934.

[CHAPTER 777.]

AN ACT

For the relief of Rufus J. Davis.

June 26, 1934.
[S. 1072.]
[Private, No. 353.]

Rufus J. Davis.
Payment to, for personal injuries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Rufus J. Davis, Hope Mills, North Carolina, the sum of $1,223.50, in full settlement of all claims against the Government of the United States arising out of personal injuries sustained by him as the result of an accident involving a United States Army truck on North Carolina State highway numbered 22, on March 13, 1928: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 778.]

AN ACT

For the relief of Alice E. Broas.

June 26, 1934.
[S. 1161.]
[Private, No. 354.]

Alice E. Broas.
Payment for personal injuries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to Alice E. Broas, of Chevy Chase, Maryland, as payment in full for personal injuries sustained by being struck by an

automobile driven by Private Cyrus L. Scribner, United States Army, on April 22, 1931, at Washington, District of Columbia: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 779.]

AN ACT

For the relief of Virginia Houghton.

June 26, 1934. [S. 1162.] [Private, No. 355.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 to Virginia Houghton, of Chevy Chase, Maryland, as payment in full for personal injuries sustained by being struck by an automobile driven by Private Cyrus L. Scribner, United States Army, on April 22, 1931, at Washington, District of Columbia: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Virginia Houghton. Payment for personal injuries.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 780.]

AN ACT

For the relief of Mary V. Spear.

June 26, 1934. [S. 1163.] [Private, No. 356.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to Mary V. Spear, of Chevy Chase, Maryland, as payment in full for personal injuries sustained by being struck by an automobile driven by Private Cyrus L. Scribner, United States Army, on April 22, 1931, at Washington, District of Columbia: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10

Mary V. Spear. Payment for personal injuries.

Proviso. Limitation on attorney's, etc., fees.

per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 781.]

AN ACT

For the relief of Elizabeth Millicent Trammell.

June 26, 1934.
[S. 1200.]
[Private, No. 357.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to Elizabeth Millicent Trammell, widow of H. Eric Trammell, late third secretary of American Embassy at Rio de Janeiro, Brazil, the sum of $3,000, equal to one year's salary of her deceased husband.

H. Eric Trammell. Payment to widow of.

Approved, June 26, 1934.

[CHAPTER 782.]

AN ACT

For the relief of Charles F. Littlepage.

June 26, 1934.
[S. 1258.]
[Private, No. 358.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles F. Littlepage, of Charleston, West Virginia, the sum of $50 per month from December 14, 1931, in an amount not to exceed $3,000, in full satisfaction of his claim against the United States for injuries suffered when struck by a United States mail truck at Charleston, West Virginia, on December 14, 1931: *Provided*, That before any payment is made to the claimant, Charles F. Littlepage, a trustee be appointed, and that reimbursement be made to the Mountain State Hospital, Incorporated, Charleston, West Virginia, in full satisfaction of all hospital and medical expenses incurred by Charles F. Littlepage.

Charles F. Littlepage. Compensation for personal injuries.

Proviso. Trustee to be appointed. Reimbursing hospital, etc.

Approved, June 26, 1934.

[CHAPTER 783.]

AN ACT

For the relief of Otto Christian.

June 26, 1934.
[S. 1288.]
[Private, No. 359.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to summon Otto Christian, late captain, Medical Corps of the Regular Army of the United States, before a retiring board for the purpose of a hearing of his case and to inquire into all facts touching upon the nature of his disabilities, to determine and report the disabilities which in its judgment have produced his incapacity and whether such disabilities were incurred during his active service in the Army and were in line of duty; that if the findings of such board are in the affirmative the President is further authorized, in his discretion, to nominate and appoint, by and with the advice and consent of the Senate, the said Otto Christian a captain in the Medical Corps and to place him immediately thereafter upon the retired

Otto Christian. Summoned before Army retiring board as to fitness, etc.

Appointment as captain, retired, on action by board, etc.

list of the Army with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for the officers of the Regular Army: *Provided*, That the said Otto Christian shall not be entitled to any back pay or allowance by the passage of this Act.

Proviso.
No back pay, etc.

Approved, June 26, 1934.

[CHAPTER 784.]

AN ACT

June 26, 1934.
[S. 1498.]
[Private, No. 360.]

Authorizing the Secretary of the Interior to pay E. C. Sampson, of Billings, Montana, for services rendered the Crow Tribe of Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized and directed to pay, upon proper vouchers, out of the tribal funds belonging to the Crow Tribe of Indians of Montana in the Treasury of the United States, and in full settlement of all claims against the Government of the United States, a sum not exceeding $600 to E. C. Sampson, irrigation engineer, of Billings, Montana, employed by the Crow Tribe to investigate, report, and testify in the manner[1] of the claims pending in the Court of Claims entitled "The Crow Tribe of Indians against the United States", arising out of construction of irrigation project within the Crow Reservation with tribal funds: *Provided*, That the said E. C. Sampson shall submit with his vouchers satisfactory evidence of services rendered the said tribe: *And provided further*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

E. C. Sampson.
Payment to.

Provisos.
Evidence of service to be submitted.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 785.]

AN ACT

June 26, 1934.
[S. 1526.]
[Private, No. 361.]

For the relief of Ann Engle.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ann Engle, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 in full settlement of all claims against the Government for personal injuries caused as a result of an accident involving an Army vehicle near Garden City, Long Island, New York, on October 1, 1930: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive

Ann Engle.
Payment to, for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

[1] So in original.

any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 786.]

AN ACT

For the relief of Elizabeth Buxton Hospital.

June 26, 1934.
[S. 1531.]
[Private, No. 362.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elizabeth Buxton Hospital, of Newport News, Virginia, the sum of $224.80 in full settlement of all claims against the Government of the United States for services rendered to late Private Frederick Loyal Kerl, United States Marine Corps, from February 9 to February 15, 1930, while on furlough: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Elizabeth Buxton Hospital.
Payment for services.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 787.]

AN ACT

For the relief of Harry Lee Shaw.

June 26, 1934.
[S. 1557.]
[Private, No. 363.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Harry Lee Shaw shall be held and considered to have been honorably discharged as a captain, Medical Corps, United States Army, on December 5, 1918: *Provided*, That no compensation, retirement pay, back pay, pension, or other benefit shall be held to have accrued by reason of this Act prior to its passage.

Harry Lee Shaw.
Military record corrected.

Proviso.
No prior pay, etc.

Approved, June 26, 1934.

[CHAPTER 788.]

AN ACT

For the relief of the Black Hardware Company.

June 26, 1934.
[S. 1585.]
[Private, No. 364.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Black Hardware Company, a Texas corporation, with

Black Hardware Company.
Refund of customs duties.

principal offices at Galveston, the sum of $7,998.04 to refund to said company the difference between the rate of customs duties erroneously assessed and collected from it on corrugated iron bars at Galveston, Texas, between December 30, 1924, and September 27, 1926, under paragraph 304 of the Act of 1922, and the rate of duty assessed and collected on the same class of merchandise in the same customs district, at Houston, Texas, during the same period, under paragraph 312 of said Act, without the knowledge of said company, and which latter rate, subsequently, was decided to be according to law: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Vol. 42, p. 875.

Vol. 42, p. 877.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 789.]

AN ACT

For the relief of Carlos C. Bedsole.

June 26, 1934.
[S. 1707.]
[Private, No. 365.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, on certification by the Secretary of the Interior, be, and he is hereby, authorized and directed to pay to Carlos C. Bedsole, of Natchitoches, Louisiana, out of any money in the Treasury not otherwise appropriated, such sum, not to exceed $1,000, as may be found by the Secretary of the Interior to be the fair and reasonable value of all improvements placed by said Bedsole upon lot 5, section 18, township 14 north, range 4 east, Louisiana meridian, prior to the date of final cancelation of his homestead entry, General Land Office serial numbered 01229, which was allowed December 17, 1927, covering said land.

Carlos C. Bedsole. Payment to.

Approved, June 26, 1934.

[CHAPTER 790.]

AN ACT

For the relief of Marcella Leahy McNerney.

June 26, 1934.
[S. 1753.]
[Private, No. 366.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Marcella Leahy McNerney, widow of Gerald Francis McNerney, late Foreign Service officer, State Department, in full settlement of all claims against the Government of the United States, the sum of $2,500, being one year's salary of her deceased husband, who died while in the Foreign Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this Act: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact,

Gerald Francis McNerney. Payment of death gratuity to widow of.

Proviso. Limitation on attorney's, etc., fees.

collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 791.]

AN ACT

June 26, 1934.
[S. 1758.]
[Private, No. 367.]

For the relief of B. E. Dyson, former United States marshal, southern district of Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the General Accounting Office is hereby authorized and directed to credit the accounts of B. E. Dyson, former United States marshal, southern district of Florida, in the amount of $1,060 disallowed by certificate of settlement numbered F–22358–J, dated December 18, 1931, representing payments made to Frank A. Kopp for services rendered as bailiff while also holding an appointment as deputy marshal at a compensation of $175 per annum.

B. E. Dyson.
Credit allowed in accounts of.

Approved, June 26, 1934.

[CHAPTER 792.]

AN ACT

June 26, 1934.
[S. 1803.]
[Private, No. 368.]

For the relief of certain riparian owners for losses sustained by them on the drained Mud Lake bottom in Marshall County in the State of Minnesota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized to pay, out of any money in the Treasury not otherwise appropriated, and the appropriation of which is hereby authorized, the following sums of money, if their claims are properly adjusted to the satisfaction of the Secretary of the Interior, to the following persons or their heirs, assigns, or legal representatives: A. N. Eckstrom, $2,792.25; Margit Vaule, $3,894.80; Bernard Larson, $57.24; F. H. Wellcome Company, $1,027.20; L. M. Larson, $31.64; Mrs. Gusta Petterson, $580.38; Ava Luella Dale, $2,321.52; Elmer Odie, $2,638.08; George E. Olson, $2,325.35; J. M. Silberstein, $1,860.28; R. Rierson, $1,770.39; Ruth Lyons Rose, $196.71; Clarence Larson, $1,671.26; Mrs. O. B. Johnson, $528.01; Christian Burckland, $1,370.88; Karen Knutson, $1,522.80; Nels A. Fosen, $964.50; Christian Larson Ring, $289.20; Elizabeth Risberg, $3,128.58; Axel Nelson, $3,620.30; G. F. Cashman, $301.69; D. B. Bakke, $3,482.70; and Frank W. Erickson, $1,030.68.

Mud Lake bottom, Marshall County, Minn.
Payment, for losses to certain riparian owners on.

Approved, June 26, 1934.

[CHAPTER 793.]

AN ACT

June 26, 1934.
[S. 1804.]
[Private, No. 369.]

To authorize the transfer of certain real estate by the Secretary of the Treasury to C. F. Colvin in settlement of the Northfield (Minnesota) post-office site litigation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States district attorney representing the United States in the condemnation proceedings for the procurement of a site (including the Colvin tract of twenty-two feet by sixty-six feet) for the post office

C. F. Colvin, etc.
Transfer of certain real estate to, in settlement for post office site, authorized.

at Northfield, Minnesota, is authorized to enter into a written stipulation with C. F. Colvin, and his wife and other persons, if any, having any interest whatever in such tract, providing for the acceptance by the said C. F. Colvin of $1,540 in full payment for the north portion of the Colvin tract, such portion being the north twelve feet of the west sixty-six feet of lot 2, block 34, of the town, now city, of Northfield, Rice County, Minnesota, and in full satisfaction of all claims, and any judgment in favor, of the said C. F. Colvin, his wife, and such other persons, or any of them, arising out of the condemnation of such tract, and providing for the transfer to the said C. F. Colvin by the United States of all right, title, and interest of the United States in the south portion of the Colvin tract, such portion being the south ten feet of the west sixty-six feet of the north twenty-two feet of such lot 2. The Secretary of the Treasury is authorized and directed, upon the filing of such stipulation in the court in such proceedings, to transfer to the said C. F. Colvin all the right, title, and interest of the United States in the south portion of the Colvin tract described in this Act.

Cash payment.

Approved, June 26, 1934.

[CHAPTER 794.]

AN ACT

For the relief of W. P. Fuller and Company.

June 26, 1934.
[S. 1818.]
[Private, No. 370.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claim of W. P. Fuller and Company, of San Francisco, California, against the United States for damages alleged to have been caused by a collision on or about November 29, 1912, in San Francisco Harbor, between their steamer Sunol and the Government tug Angel Island, then in the service of the Immigration Bureau of the Department of Commerce and Labor, may be sued for by the said W. P. Fuller and Company in the District Court of the United States for the Northern District of California, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the said W. P. Fuller and Company or against the said W. P. Fuller and Company in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the said suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this Act.

W. P. Fuller and Company.
May bring suit for collision damages to steamer *Sunol* in District Court.

Jurisdiction of court.

Provisos.
Notice, etc., to Attorney General.

Commencement of suit.

SEC. 2. The District Court of the United States for the Northern District of California in the adjudication of such claim is authorized in its discretion to permit the use, in addition to any evidence which may be offered in such suit, any affidavits or other written documents in the files of the United States Department of Labor, or in the files of the said W. P. Fuller and Company, relating to or bearing upon such claim.

Evidence admitted.

Approved, June 26, 1934.

[CHAPTER 795.]

AN ACT

For the relief of Harold Sorenson.

June 26, 1934.
[S. 1822.]
[Private, No. 371.]

Major Harold Sorenson.
Credit allowed in accounts of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General is authorized and directed to credit the accounts of Harold Sorenson, major, United States property and disbursing officer, North Dakota National Guard, in the amount of $1,518.91, representing the credit disallowed in such accounts by reason of the payment of such sum by such Harold Sorenson during the year 1926, out of funds of the United States, for certain work in connection with the construction of a water-supply system near Camp Grafton, North Dakota, pursuant to obligations incurred after the termination of the authority for such obligations.

Approved, June 26, 1934.

[CHAPTER 796.]

AN ACT

For the relief of William A. Delaney.

June 26, 1934.
[S. 1901.]
[Private, No. 372.]

William A. Delaney.
Payment to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William A. Delaney, former captain, Medical Corps, United States Army, the sum of $133.53, in full satisfaction of his claim against the United States arising out of a payment made by the Quartermaster Corps, United States Army, to Daniel E. Anthony, a soldier who fraudulently represented himself to be a second lieutenant entitled to such payment, and for which payment the said William A. Delaney was held accountable: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 797.]

AN ACT

For the relief of James W. Walters.

June 26, 1934.
[S. 1972.]
[Private, No. 373.]

Captain James W. Walters.
Credit allowed in accounts of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he hereby is, authorized and directed to pass and allow credit for in the settlement of the disbursing accounts of James W. Walters, captain, Ordnance Department, United States Army, an item in the sum of $2,626.76, representing a shortage in the disbursing account of John D. Gallagher, civilian clerk, employed at the Raritan Arsenal, New Jersey, for

which said James W. Walters has been held accountable: *Provided*, That any amounts stopped against the pay of Captain Walters on account of this disallowance which is cleared by the passage of this Act shall also be refunded to him.

Proviso. Repayments.

Approved, June 26, 1934.

[CHAPTER 798.]

AN ACT

For the relief of The Lower Salem Commercial Bank, Lower Salem, Ohio.

June 26, 1934. [S. 1993.] [Private, No. 374.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of The Lower Salem Commercial Bank, Lower Salem, Ohio, 4¾ per centum United States Treasury notes, series B–1927, numbered 99886, 99891, 99892, 99893, 99894, 99895 in the denomination of $100 each, and 61646, in the denomination of $500, dated May 15, 1923, matured March 15, 1927, without interest and without presentation of the said notes which are alleged to have been lost or destroyed: *Provided*, That the said notes shall not have been previously presented and paid: *And provided further*, That the said The Lower Salem Commercial Bank shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of the said notes in such form and with such corporate surety as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the Treasury notes hereinbefore described.

Lower Salem Commercial Bank. Redemption of lost Treasury notes.

Provisos. Condition. Indemnity bond.

Approved, June 26, 1934.

[CHAPTER 799.]

AN ACT

For the relief of the estate of Martin Flynn.

June 26, 1934. [S. 1998.] [Private, No. 375.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Martin Flynn, deceased, of Des Moines, Iowa, the sum of $3,810, in full satisfaction of its claim against the United States for expenses incurred by the estate in restoring to their original condition the fifth and sixth floors of the Flynn Building, Des Moines, Iowa, which were vacated on September 30, 1929, by the United States Veterans' Bureau, at the expiration of its lease: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Martin Flynn. Payment to estate of.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 800.]

AN ACT

For the relief of James R. Mansfield.

June 26, 1934.
[S. 2074.]
[Private, No. 376.]

James R. Mansfield. Monthly payments to, for permanent disability.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James R. Mansfield, the sum of $58.33 a month for the remainder of his natural life, as compensation for a permanent disability resulting from injuries received by him on or about January 4, 1925, while assisting a prohibition agent in making a raid on an illicit still on Waldens Ridge, Rhea County, Tennessee. Such monthly payments shall be made through the United States Employees' Compensation Commission, and shall date from the approval of this Act: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Payments to be made through Employees' Compensation Commission.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 801.]

AN ACT

For the relief of W. H. Key and the estate of James E. Wilson.

June 26, 1934.
[S. 2112.]
[Private, No. 377.]

W. H. Key and estate of James E. Wilson. Payment to, for lands erroneously deeded to Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $160 to W. H. Key and the estate of James E. Wilson, their heirs or assigns, in full settlement of all claims against the Government of the United States for the northeast quarter of the northeast quarter section 31, township 7 south, range 8 west, Huntsville meridian, Lawrence County, Alabama, erroneously deeded to the United States of America by George E. Barnett, trustee of S. E. Gardner (bankrupt), by deed dated March 21, 1918, and recorded among the land records of Lawrence County in libre 2, folio 148, March 23, 1918: *Provided*, That the said W. H. Key and the estate of James E. Wilson, their and each of their heirs or assigns, shall quitclaim to the United States all of their rights, title, and interest in and to the said described land: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Provisos.
Conditional upon quitclaim to United States.

Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 802.]

AN ACT

For the relief of Roy Lee Groseclose.

June 26, 1934.
[S. 2141.]
[Private, No. 378.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Roy Lee Groseclose, of Alderson, West Virginia, the sum of $37.50, in full satisfaction of his claim against the United States for damages to his automobile resulting from a collision on May 26, 1933, on State Highway Numbered 3, three and one half miles west of Alderson, West Virginia, when such automobile was struck by a cow owned by the Federal Industrial Institution for Women, Alderson, West Virginia: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Roy Lee Groseclose. Payment to, for collision damages.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 803.]

AN ACT

For the relief of Mildred F. Stamm.

June 26, 1934.
[S. 2233.]
[Private, No. 379.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mildred F. Stamm, of Washington, District of Columbia, the sum of $1,000 in full settlement of all claims against the Government of the United States for injuries, permanent and otherwise, resulting from a driver of a United States Naval Air Station truck negligently running into and upon Mildred F. Stamm while she was in an automobile at Sixteenth Street and Constitution Avenue northwest, Washington, District of Columbia, on the 12th day of February 1932, and said injuries resulting from no fault of the said Mildred F. Stamm: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mildred F. Stamm. Payment to, for personal injuries.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 804.]

June 26, 1934.
[S. 2322.]
[Private, No. 380.]

AN ACT

For the relief of A. J. Hanlon.

A. J. Hanlon.
Credit allowed in accounts of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of A. J. Hanlon, special disbursing agent, Bureau of Prohibition, San Juan, Puerto Rico, with the sum of $223.75, said sum representing the amount paid on vouchers to Juan R. Toledo, prohibition agent, as per diem in lieu of subsistence for the period June 13 to July 21, 1929, which sum was disallowed by the General Accounting Office.

Approved, June 26, 1934.

[CHAPTER 805.]

June 26, 1934.
[S. 2338.]
[Private, No. 381.]

AN ACT

For the relief of Robert V. Rensch.

Robert V. Rensch.
Reimbursement to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $136.50 to Robert V. Rensch, of Saint Paul, Minnesota, in full settlement of all claims against the Government of the United States for expenses in said sum incurred and paid by him as assistant United States attorney for the district of Minnesota, on behalf of the United States of America with the approval of the Attorney General of the United States of America, in the trial of the case of United States of America against Wilbur B. Foshay, and others, in the city of Minneapolis, in said district, between August 31, 1931, and September 30, 1931, which said sum was duly paid to said Robert V. Rensch by the United States marshal for said district, and subsequently and on the 20th day of October 1933 refunded by said Robert V. Rensch, under protest, to said United States marshal, by reason of the fact that on the 3d day of March 1933 the Comptroller General of the United States of America refused to allow credit to the said United States marshal for vouchers covering said sum for said expense: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 806.]

June 26, 1934.
[S. 2343.]
[Private, No. 382.]

AN ACT

For the relief of Herbert E. Matthews.

Herbert E. Matthews.
Claim of, for benefits of Employees' Compensation Act, to be considered.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of Herbert E. Matthews, of Johnson City, Tennessee, formerly employed by the Federal Barge

Lines, operated by the Inland Waterways Corporation, aboard the steamer Memphis, in the same manner and to the same extent as if application for the benefits of the United States Employees' Compensation Act had been made within the one-year period required by sections 17 and 20 thereof: *Provided*, That no benefits shall accrue prior to approval of this Act.

Vol. 39, pp. 676, 677.

Proviso.
No prior benefits.

Approved, June 26, 1934.

[CHAPTER 807.]

AN ACT

For the relief of Arthur Bussey.

June 26, 1934.
[S. 2357.]
[Private, No. 383.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur Bussey the sum of $29,848.93, in full satisfaction of his claim against the United States for damages for loss of, or damage to, personal property consequent upon the taking of his plantation, Riverside, in Chattahoochee County, Georgia, for military purposes, under the Act of July 2, 1917.

Arthur Bussey.
Payment to, for property damages.

Approved, June 26, 1934.

[CHAPTER 808.]

AN ACT

For the relief of Emilie C. Davis.

June 26, 1934.
[S. 2367.]
[Private, No. 384.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Emilie C. Davis, widow of Raymond Davis, late Foreign Service officer of the United States, and formerly American consul at Aden, Arabia; Paris, France; Rosario, Argentina; and Prague, Czechoslovakia, the sum of $4,500, being one year's salary of her deceased husband.

Raymond Davis.
Payment to widow of.

Approved, June 26, 1934.

[CHAPTER 809.]

AN ACT

For the relief of Nancy Abbey Williams.

June 26, 1934.
[S. 2398.]
[Private, No. 385.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Nancy Abbey Williams 3½ per centum United States Treasury note, series C-1930–32, numbered 5182 B, in the denomination of $100, issued January 16, 1928, called for redemption December 15, 1931, without interest and without presentation of said note which is alleged to have been lost, stolen, or destroyed: *Provided*, That the said note shall not have been previously presented: *And provided further*, That the said Nancy Abbey Williams shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of said note in such form and with such corporate surety as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the note hereinbefore described.

Nancy Abbey Williams.
Redemption of lost Treasury note in favor of.

Provisos.
Condition.

Indemnity bond.

Approved, June 26, 1934.

[CHAPTER 810.]

June 26, 1934.
[S. 2467.]
[Private, No. 386.]

AN ACT

For the relief of Ammon McClellan.

Ammon McClellan.
Payment to, for services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ammon McClellan, out of any money in the Treasury not otherwise appropriated, the sum of $376.27 in full settlement of all claims against the Government of the United States for services rendered from July 18, 1933, to August 31, 1933, in the Department of Agriculture: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 811.]

June 26, 1934.
[S. 2470.]
[Private, No. 387.]

AN ACT

For the relief of Erik Nylin.

Erik Nylin.
Provisions of Employees' Compensation Act extended to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Employees' Compensation Commission is hereby authorized to consider and determine, in the same manner and to the same extent as if application for the benefits of the Employees' Compensation Act had been made within the one-year period required by sections 17 and 20 thereof, the claim of Erik Nylin, on account of disability caused by his employment in the service of the United States at Elim, Alaska: *Provided*, That no benefits shall accrue prior to the enactment of this Act.

Vol. 39, pp. 746.

Proviso.
No prior benefits.

Approved, June 26, 1934.

[CHAPTER 812.]

June 26, 1934.
[S. 2549.]
[Private, No. 388.]

AN ACT

For the relief of Albert W. Harvey.

Albert W. Harvey.
Payment to, for damages.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Albert W. Harvey, Rutland, Vermont, out of any money in the Treasury not otherwise appropriated, the sum of $49.15, in full settlement of all claims against the Government of the United States of said Harvey for damages incurred in an accident in which an automobile was seized by a Federal prohibition agent in the performance of his duties for the Government: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess

Proviso.
Limitation on attorney's, etc., fees.

of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000. Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 813.]

AN ACT

For the relief of the Brewer Paint and Wall Paper Company, Incorporated.

June 26, 1934.
[S. 2553.]
[Private, No. 389.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Brewer Paint and Wall Paper Company, Incorporated, out of any money in the Treasury not otherwise appropriated, the sum of $846.80, in full settlement of all claims against the Government on account of extra painting work performed under contract numbered W6174–qm–33, dated April 25, 1931, in connection with the construction of three barracks buildings at Langley Field, Virginia: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Brewer Paint and Wall Paper Company, Incorporated.
Payment to, for extra services.
Proviso.
Limitation on attorney's, etc., fees.
Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 814.]

AN ACT

For the relief of Robert R. Prann.

June 26, 1934.
[S. 2561.]
[Private, No. 390.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is hereby authorized and directed to certify for payment to Robert R. Prann, of San Juan, Puerto Rico, the sum of $3,375, which amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated, in full payment of all claims against the United States for extra work performed under contract with the War Department, dated May 12, 1925, for the construction of a section of wall east of San Augustin Battery, San Juan, Puerto Rico: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Robert R. Prann.
Payment to, for extra services.
Proviso.
Limitation on attorney's, etc., fees.
Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 815.]

June 26, 1934.
[S. 2584.]
[Private, No. 391.]

AN ACT

For the relief of Elmer Kettering.

Elmer Kettering.
Redemption of Liberty bonds in favor of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Elmer Kettering, Mellette, South Dakota, United States registered notes numbered L-1230844 and L-1230845 (uncalled) in the denomination of $100 each of the Victory Liberty Loan 4¾ per centum convertible gold notes of 1922-1923, registered in the name of Elmer Kettering, without presentation of the notes which are alleged to have been stolen in a mail robbery after having been assigned in blank by the registered payee: *Provided*, That the said notes shall not have been presented to the Department: *And provided further*, That the said Elmer Kettering shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of the said notes, in such form and with such corporate surety as may be acceptable to the Secretary of the Treasury with condition to indemnify and save harmless the United States from any claim on account of the notes hereinbefore described.

Provisos.
Condition.
Indemnity bond.

Approved, June 26, 1934.

[CHAPTER 816.]

June 26, 1934.
[S. 2613.]
[Private, No. 392.]

AN ACT

For the relief of Jewell Maness.

Jewell Maness.
Claim of.
Vol. 39, p. 746.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 17 and 20 of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, are hereby waived in favor of Jewell Maness, widow of Ward W. Maness, deceased, former transfer mail clerk, Union Depot, Jackson, Tennessee and the United States Employees' Compensation Commission is authorized and directed to consider and determine her claim for compensation on account of her husband's death notwithstanding the limitations in the first paragraph of section 10 of the said Act: *Provided*, That compensation, if any, shall commence from and after the date of the passage of this Act.

Proviso.
Compensation.

Approved, June 26, 1934.

[CHAPTER 817.]

June 26, 1934.
[S. 2619.]
[Private, No. 393.]

AN ACT

For the relief of E. Clarence Ice.

E. Clarence Ice.
Payment to, for death of son.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to E. Clarence Ice, out of any money in the Treasury not otherwise appropriated, the sum of $3,000, in full settlement of all claims against the Government on account of the death of his son, Corporal Egbert J. Ice, who was killed August 15, 1933, while in the performance of his duties with the District of Columbia National Guard at Camp Albert C. Ritchie: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or

Proviso.
Limitation on attorney's, etc., fees.

attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 818.]

AN ACT

For the relief of N. W. Carrington and J. E. Mitchell.

June 26, 1934.
[S. 2620.]
[Private, No. 394.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to N. W. Carrington, Dumbarton, Virginia, and J. E. Mitchell, Richmond, Virginia, out of any money in the Treasury not otherwise appropriated, the sums of $1,020 and $1,260, respectively, in full settlement of all claims against the Government of the United States, as Federal indemnity for the destruction of their cattle in 1925 and 1926 which were found to be affected with tuberculosis: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

N. W. Carrington and J. E. Mitchell.
Payment to, for destruction of cattle.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 819.]

AN ACT

For the relief of George M. Wright.

June 26, 1934.
[S. 2720.]
[Private, No. 395.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and pay, out of any money in the Treasury not otherwise appropriated, to George M. Wright, Great Falls, South Carolina, the sum of $545.03, in full settlement of all claims against the Government of the United States, for income taxes erroneously collected for the taxable year 1924: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

George M. Wright.
Refund of erroneously collected income taxes.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 820.]

AN ACT

June 26, 1934.
[S. 2806.]
[Private, No. 396.]

To confer jurisdiction on the Court of Claims to hear and determine the claim of Carlo de Luca.

Carlo de Luca.
Claim of, referred to Court of Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims of the United States be, and it is hereby, given jurisdiction to hear and determine the claim of Carlo de Luca, and to award him just compensation for losses and damages, if any, which he may have suffered through action of the United States Shipping Board Emergency Fleet Corporation in commandeering or requisitioning two certain contracts dated June 25, 1917, which the said Carlo de Luca owned and which he had with the Standard Shipbuilding Corporation of New York for the construction and delivery of two certain ships designated as "hulls 12 and 13"; and to enter decree or judgment against the United States for such just compensation, if any, notwithstanding the bars or defenses of any alleged settlement or adjustment heretofore made or of res judica, lapse of time, laches, or any statute of limitation: *Provided, however*, That the United States shall be given credit for any sum heretofore paid the said Carlo de Luca by reason of said action of the United States Shipping Board and/or the United States Shipping Board Emergency Fleet Corporation.

Proviso.
Credit for sum paid.

Commencement of suit.

Jurisdiction, etc.

Vol. 36, p. 1136; U.S.C., p. 897.

SEC. 2. Such claim may, under section 1 of this Act, be instituted at any time within four months from the approval of this Act. Proceedings in any suit brought in the Court of Claims under this Act, appeals therefrom, and payment of any judgment therein shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

Approved, June 26, 1934.

[CHAPTER 821.]

AN ACT

June 26, 1934.
[S. 2809.]
[Private, No. 397.]

Conferring jurisdiction upon the Court of Claims to hear and determine the claims of the International Arms and Fuze Company, Incorporated.

International Arms and Fuze Company, Incorporated.
Claims of, referred to Court of Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Court of Claims, notwithstanding the lapse of time or any statute of limitations or any defense because of any awards previously made by the War Department or other authority of the United States or any alleged acceptances thereof by the International Arms and Fuze Company, Incorporated, to hear and determine, upon the basis of just compensation, the claims of the said International Arms and Fuze Company, Incorporated, growing out of contracts numbered G–1048–559–A, dated January 1, 1918, and P–19219–4797–A, dated November 5, 1918, with the United States and the amendments and modifications thereof: *Provided, however*, That from any decision or judgment rendered in any suit presented under the authority of this Act a writ of certiorari to the Supreme Court of the United States may be applied for by either party thereto, as is provided by law in other cases.

Proviso.
Writ of certiorari allowed either party to U.S. Supreme Court.

Approved, June 26, 1934.

[CHAPTER 822.]

AN ACT

For the relief of Marie Louise Belanger.

June 26, 1934.
[S. 2872.]
[Private, No. 398.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full settlement of all claims against the Government on account of the death of Alfred Belanger, caused by an explosion in the meter house of the Federal Hospital for Defective Delinquents, at Springfield, Missouri, on September 15, 1933: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Marie Louise Belanger.
Payment to.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 823.]

AN ACT

For the relief of Stella D. Wickersham.

June 26, 1934.
[S. 2873.]
[Private, No. 399.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full settlement of all claims against the Government on account of the death of Robert L. Wickersham, caused by an explosion in the meter house of the Federal Hospital for Defective Delinquents, at Springfield, Missouri, on September 15, 1933: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Stella D. Wickersham.
Payment to.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 824.]

AN ACT

For the relief of Cornelia Claiborne.

June 26, 1934.
[S. 2919.]
[Private, No. 400.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to Cornelia Claiborne, widow

Hamilton Cabell Claiborne.
Payment to widow of.

of Hamilton Cabell Claiborne, late American consul at Frankfort, Germany, the sum of $7,000, being one year's salary of her deceased husband, who died while in the Foreign Service.

Approved, June 26, 1934.

[CHAPTER 825.]

AN ACT

June 26, 1934.
[S. 2957.]
[Private, No. 401.]

For the relief of the rightful heirs of Wakicunzewin, an Indian.

Wakicunzewin.
Payment to heirs of, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the respective heirs of Wakicunzewin, deceased Sisseton-Wahpeton allottee, as determined by the Secretary of the Interior pursuant to existing law, the sum of $2,888.90, as follows: Waste, $481.48; Cankumazwin, $481.48; Hotonnahowin, $240.74; Ticahdeiyotanke, $240.74; Mnimapson, or Charles Boesdi, $240.74; Cetanhote, or Grayhawk, $120.37; Hankadutana, or Charles Blackbird, $60.20; George Young, $60.19; Cankutopewin, $481.48; and George Track, $481.48: *Provided*, That, in the discretion of the Secretary of the Interior, the amount due any beneficiary may be deposited to the credit of the individual and handled in the same manner as other individual Indian moneys: *Provided further*, That, should any of the persons named herein be not living upon the date of the passage of this Act, his or her share shall be credited to and become a part of the estate of such beneficiary.

Provisos.
Sum due may be deposited to credit and benefit of Indian.

Credit of estate if person named be dead.

Approved, June 26, 1934.

[CHAPTER 826.]

AN ACT

June 26, 1934.
[S. 3016.]
[Private, No. 402.]

For the relief of the Dongji Investment Company, Limited.

Dongji Investment Company, Limited.
Release of liability for excess amount of performance bond.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Private Law Numbered 228, Seventy-second Congress, entitled "An Act for the relief of the Dongji Investment Company (Limited)", be, and it is hereby, amended by deleting from lines 5 and 6 the words "in excess of the amount of the performance bond given by such company".

Approved, June 26, 1934.

[CHAPTER 827.]

AN ACT

June 26, 1934.
[S. 3122.]
[Private, No. 403.]

For the relief of H. N. Wilcox.

H. N. Wilcox.
Compensation, for hospital, etc., treatments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to H. N. Wilcox, out of any money in the Treasury not otherwise appropriated, the sum of $119 in full settlement of all claims against the Government for hospital and medical expenses incurred as a result of injuries sustained by H. N. Wilcox and Edson Reed in an explosion aboard the gasoline fishing boat Cachalot on December 8, 1933: *Provided*, That before any payment is made to the claimant, H. N. Wilcox, that reimbursement be made to the Truesdale Hospital, Incorporated, of Fall River, Massachusetts, and

Provisos.
Conditional upon reimbursement of hospital, etc.

Doctor C. H. Bryant, of Tiverton, Rhode Island, in full satisfaction of all hospital and medical expenses incurred by H. N. Wilcox and Edson Reed: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 828.]

AN ACT

For the relief of Charles E. Secord.

June 26, 1934.
[S. 3160.]
[Private, No. 404.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles E. Secord the sum of $500, in full settlement of all claims against the Government, for injuries received through the negligent operation of a motor vehicle by a prohibition agent working under the Treasury Department of the United States Government: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Charles E. Secord.
Payment to, for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 829.]

AN ACT

For the relief of Mary Seeley Watson.

June 26, 1934.
[S. 3161.]
[Private, No. 405.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed to pay Mary Seeley Watson, widow of the late John J. Crittenden Watson, formerly Foreign Service officer, American Consulate, Dundee, Scotland, the sum of $5,000, being one year's salary of her deceased husband, who died of illness incurred while in the Consular Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this Act.

John J. Crittenden Watson.
Payment to widow.

Approved, June 26, 1934.

[CHAPTER 830.]

AN ACT

For the relief of Arthur Hansel.

June 26, 1934.
[S. 3192.]
[Private, No. 406.]

Arthur Hansel.
Payment to, for personal injuries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $2,500 to Arthur Hansel for injuries sustained when struck by an ambulance of the Second Motor Transport Company, Brooklyn, New York, on October 11, 1932: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 831.]

AN ACT

For the relief of J. B. Walker.

June 26, 1934.
[S. 3248.]
[Private, No. 407.]

J. B. Walker.
Relief of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to accept the sum of $346.64 in full settlement of the judgment recovered by the United States against J. B. Walker, of Buffton, South Carolina, as surety upon the appeal bond given in the case of United States against Woodrow Jenkins, such bond having been forfeited because of the willful default of said Woodrow Jenkins, who was subsequently rearrested at an expense to the United States of $346.64, including the costs of suit to recover judgment on such bond.

Approved, June 26, 1934.

[CHAPTER 832.]

AN ACT

For the relief of Muriel Crichton.

June 26, 1934.
[S. 3264.]
[Private, No. 408.]

Muriel Crichton.
Payment to, for personal injuries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Muriel Crichton, of Washington, District of Columbia, the sum of $5,000, in full and final settlement of all claims against the Government of the United States for hospitalization and medical and other charges and expenses and for pain, suffering, and damage to her person, resulting from an injury suffered by her as the result of being knocked down by an employee of the Senate at or near the east door of the Senate Chamber on March 28, 1933: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any

Proviso.
Limitation on attorney's, etc., fees.

agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 833.]

AN ACT

For the relief of Joanna A. Sheehan.

June 26, 1934.
[S. 3335.]
[Private, No. 409.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of Joanna A. Sheehan, of Haverhill, Massachusetts, United States Liberty Loan permanent coupon bond numbered 321498, in the denomination of $1,000, of the third 4¼'s, issued May 9, 1918, matured September 15, 1928, without presentation of said bond, the said bond having been lost, stolen, or destroyed: *Provided*, That the said bond shall not have been previously presented and paid: *And provided further*, That the said Joanna A. Sheehan shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of the said Liberty Loan bond, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any loss on account of the Liberty Loan bond hereinbefore described: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Joanna A. Sheehan.
Redemption of lost Liberty bond in favor of.

Provisos.
Condition.

Indemnity bond.

Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 834.]

AN ACT

For the relief of Robert N. Stockton.

June 26, 1934.
[S. 3656.]
[Private, No. 410.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Robert N. Stockton, out of any money in the Treasury not otherwise appropriated, the sum of $4,000 in full settlement of all claims against the Government for injuries received on January 7, 1933, while he was assisting Federal enforcement officers in apprehending bootleggers, said Stockton being the night marshal of Amory, Mississippi: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account

Robert N. Stockton.
Payment to, for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 835.]

June 26, 1934.
[H.R. 1133.]
[Private, No. 411.]

AN ACT

For the relief of Silas B. Lawrence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 to Silas B. Lawrence as reimbursement for expenses actually incurred by him as a direct result of personal injuries received by him on August 29, 1897, while in the discharge of his duties as a member of a posse under the command of the United States marshal for the eastern district of Arkansas, and as full compensation for said injuries, the pain and suffering from the same, including loss of earnings and any permanent disability resulting from said injury: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Silas B. Lawrence. Compensation, for personal injuries.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 836.]

June 26, 1934.
[H.R. 2419.]
[Private, No. 412.]

AN ACT

For the relief of W. B. Ford.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement of all claims against the Government, the sum of $1,000 to W. B. Ford, injured in the performance of his duties while postmaster at Oskaloosa, Kansas: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim,

W. B. Ford. Compensation, for personal injuries.

Proviso. Limitation on attorney's, etc., fees.

any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000. Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 837.]

AN ACT

For the relief of Jerry O'Shea.

June 26, 1934.
[H.R. 4666.]
[Private, No. 413.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jerry O'Shea, of Blackwater, North Dakota, the sum of $275 in full satisfaction of his claim against the United States for damages arising out of the destruction of his crops in August 1930 by a herd of horses belonging to Indians of the Fort Berthold Indian Reservation: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Jerry O'Shea.
Payment to, for crop damages.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 838.]

AN ACT

For the relief of William S. Steward.

June 26, 1934.
[H.R. 5122.]
[Private, No. 414.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act of Congress approved September 7, 1916, entitled "An Act to provide compensation for employees of the United States receiving injuries in the performance of their duties, and for other purposes", are hereby extended to William S. Steward for injuries sustained by him while engaged in work for the Isthmian Canal Commission in 1912, and the Governor of the Panama Canal is authorized to pay said William S. Steward, from and after the passage of this Act, such sums as would be due him had his injury occurred subsequent to September 7, 1916, such compensation to be a charge against the employees' compensation fund.

William S. Steward.
Claim of.
Vol. 39, pp. 746, 747.

Approved, June 26, 1934.

[CHAPTER 839.]

AN ACT

For the relief of Frank Baglione.

June 26, 1934.
[H.R. 7107.]
[Private, No. 415.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Baglione, of Suffolk County, Boston, Massachusetts, the sum of $3,500 in full settlement of all claims against the Government

Frank Baglione.
Payment to, for injuries to son.

of the United States for damages to his son, Vincent Baglione, caused by negligence on the part of the employees of the United States in the operation of a mail truck owned and operated by the United States Government on March 19, 1924: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 840.]

AN ACT

June 26, 1934. [H.R. 7161.] [Private, No. 416.]

To provide for the refund or abatement of the customs duty on altar candlesticks and cross imported for the Church of the Good Shepherd, Memphis, Tennessee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and directed to refund or abate the customs duty (consumption entry numbered 023, June 26, 1933) assessed on altar candlesticks and cross imported by Canon Hiram K. Douglass for the Church of the Good Shepherd, Memphis, Tennessee.

Church of the Good Shepherd, Memphis, Tenn. Refund of duty on candlesticks, etc.

Approved, June 26, 1934.

[CHAPTER 841.]

AN ACT

June 26, 1934. [H.R. 7163.] [Private, No. 417.]

For the relief of the D. F. Tyler Corporation and the Norfolk Dredging Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the D. F. Tyler Corporation and the Norfolk Dredging Company jointly $14,727.11, out of any money in the Treasury not otherwise appropriated, in full settlement of all claims against the Government of the United States by reason of court judgments and claims against them on account of dumping of dredged material on certain oysters, oyster grounds, and marshlands, under a contract dated January 19, 1931, between the United States and the said D. F. Tyler Corporation, for dredging in the Nansemond River, Virginia: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

D. F. Tyler Corporation and the Norfolk Dredging Company. Payment of court judgments.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 842.]

AN ACT

For the relief of the Boston Store Company, a corporation, Chicago, Illinois

June 26, 1934.
[H.R. 7292.]
[Private, No. 418.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $6,246 to the Boston Store Company, a corporation of Chicago, Illinois, such sum representing a loss incurred because of misrepresentation in the purchase of cots from the quartermaster supply officer of the surplus property branch at Chicago, Illinois, August 16, 1921, which claim had at one time been allowed and paid, but subsequently, because of some technicality, now cured, returned to the Treasury upon request: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Boston Store Company, Chicago, Ill. Reimbursement for losses.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 843.]

AN ACT

For the relief of B. J. Sample.

June 26, 1934.
[H.R. 8650.]
[Private, No. 419.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to B. J. Sample the sum of $1,324.14 in full settlement of all claims against the Government of the United States for carrying the mail upon star route numbered 20183, between Allendale and Augusta, the said sum representing pay for mileage on said route in excess of the mileage advertised by the Post Office Department as a correct mileage of the route: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

B. J. Sample. Payment to.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 26, 1934.

[CHAPTER 844.]

AN ACT

June 26, 1934.
[H.R. 8727.]
[Private, No. 420.]

For the relief of the First State Bank and Trust Company, of Mission, Texas.

First State Bank and Trust Company, Mission, Tex.
Redemption of lost Liberty bond in favor of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the First State Bank and Trust Company, of Mission, Texas, United States registered bond numbered 89539 for $1,000 of the third Liberty Loan 4½ per centum per annum bonds of 1928, registered in the name of Alpha G. Decker, with interest from March 15, 1928, to September 15, 1928, without presentation of the bond, said bond having been assigned in blank by the registered payee and alleged to have been lost, stolen, or destroyed in the First State Bank and Trust Company, of Mission, Texas:

Provisos.
Condition.
Indemnity bond.

Provided, That the said bond shall not have been previously presented and paid: *And provided further*, That the said First State Bank and Trust Company shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said bond and the final interest payable thereon September 15, 1928, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the bond hereinbefore described.

Approved, June 26, 1934.

[CHAPTER 852.]

AN ACT

June 27, 1934.
[S. 86.]
[Private, No. 421.]

For the relief of A. L. Ostrander.

A. L. Ostrander.
Payment to, for services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to A. L. Ostrander, of Yakima, Washington, the sum of $270 in full satisfaction of his claim against the United States for compensation for services rendered during the year 1931 as a member of the land designating committee for the Wapato project, Washington, in connection with the designation of irrigable lands of such project:

Proviso.
Limitation on attorney's, etc., fees.

Provided, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding.

Penalty for violation.

Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved, June 27, 1934.

[CHAPTER 853.]

AN ACT

June 27, 1934.
[S. 365.]
[Private, No. 422.]

For the relief of Archibald MacDonald.

Archibald MacDonald.
Reimbursement, due to loss of postal funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to

Archibald MacDonald, postmaster at Putnam, Connecticut, the sum of $143.86, in full settlement of all claims against the Government of the United States, for payment of loss of postal funds due to the failure of the First National Bank of Putnam: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 27, 1934.

[CHAPTER 854.]

AN ACT

For the relief of Lucy B. Hertz and J. W. Hertz.

June 27, 1934. [S. 887.] [Private, No. 423.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to Lucy B. Hertz and J. W. Hertz, out of any money in the Treasury not otherwise appropriated, the sum of $1,500, in full satisfaction of all claims against the United States on account of injuries sustained on February 18, 1931, when they were struck by a bus belonging to the United States Indian Service: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Lucy B. Hertz and J. W. Hertz. Payment to, for personal injuries.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 27, 1934.

[CHAPTER 855.]

AN ACT

For the relief of Uldric Thompson, Junior.

June 27, 1934. [S. 1382.] [Private, No. 424.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Court of Claims of the United States, notwithstanding the lapse of time or the statute of limitations, to hear, determine, and render judgment under the Act of July 1, 1918 (40 Stat.L., ch. 114, pp. 704, 705), on the claims of Uldric Thompson, Junior, for the use of or the manufacture by the United States without license of the owner thereof or the lawful right to use or manufacture war material under certain inventions of said Uldric Thompson, Junior, described in or covered by Letters Patent

Uldric Thompson, Junior. Claim of, referred to Court of Claims, regardless of statute of limitations. Vol. 40, p. 705.

Provisos.
Evidence available to court.

Numbered 1237362 and 1255836, respectively: *Provided*, That the records of the War Department as to such manufacture and use under these patents shall be available to the court and to the claimant: *Provided further*, That from any decision in any suit prosecuted under the authority of this Act an appeal may be taken by either party as is provided for by law in other cases.

Appeal allowed.

Approved, June 27, 1934.

[CHAPTER 856.]

AN ACT

For the relief of Thomas E. Read.

June 27, 1934.
[S. 1505.]
[Private, No. 425.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Thomas E. Read, otherwise known as Thomas Griffiths, who was a member of Company I, Twenty-sixth Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 12th day of February 1900: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

Thomas E. Read.
Military record corrected.

Proviso.
No back pay, etc.

Approved, June 27, 1934.

[CHAPTER 857.]

AN ACT

For the relief of Bert Moore.

June 27, 1934.
[S. 2272.]
[Private, No. 426.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Bert Moore, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 in full settlement of all claims for injuries sustained by reason of being shot and seriously wounded by a military guard at Fort Logan H. Roots on the night of April 23, 1925: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Bert Moore.
Payment to, for personal injuries.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 27, 1934.

[CHAPTER 858.]

AN ACT

For the relief of the estate of Jennie Walton.

June 27, 1934.
[S. 2617.]
[Private, No. 427.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Jennie Walton, late of Bantry, North Dakota, the sum of

Jennie Walton.
Payment to estate of, for damages.

$4,000, in full satisfaction of its claim against the United States for damages from an automobile accident on Highway Numbered 5, near Belcourt, North Dakota, within the Turtle Mountain Indian Reservation, on October 5, 1931.

Approved, June 27, 1934.

[CHAPTER 859.]

AN ACT

For the relief of the legal beneficiaries and heirs of Mrs. C. A. Toline.

June 27, 1934.
[S. 2752.]
[Private, No. 428.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal beneficiaries and heirs of Mrs. C. A. Toline, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full settlement of all claims against the Government on account of the death of Mrs. C. A. Toline, which occurred November 7, 1923, at the National Military Home for Disabled Volunteer Soldiers, Wisconsin: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mrs. C. A. Toline.
Payment to legal beneficiaries, etc., of.

Proviso.
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 27, 1934.

[CHAPTER 860.]

AN ACT

For the relief of Margoth Olsen von Struve.

June 27, 1934.
[S. 2875.]
[Private, No. 429.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Margoth Olsen von Struve, widow of Henry C. von Struve, late American consul at Tenerife, Canary Islands, the sum of $5,000, equal to one year's salary of her deceased husband.

Henry C. von Struve.
Payment to widow.

SEC. 2. That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this Act.

Appropriation authorized.

Approved, June 27, 1934.

[CHAPTER 861.]

AN ACT

For the relief of Ransome Cooyate.

June 27, 1934.
[S. 2906.]
[Private, No. 430.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 to Ransome Cooyate, of the Zuni Reservation in New Mexico, in full satisfaction of his claim for injuries received while a

Ransome Cooyate.
Payment to, for personal injuries.

Proviso. Discretionary monthly installments.

student at the Albuquerque Boarding School, New Mexico: *Provided*, That in the discretion of the Secretary of the Interior, the amount herein appropriated may be held as individual Indian money by the Superintendent of the Zuni Agency, New Mexico, and disbursed to the beneficiary at the rate of $30 a month.

Approved, June 27, 1934.

[CHAPTER 862.]

June 27, 1934. [S. 2972.] [Private, No. 431.]

AN ACT

For the relief of John N. Knauff Company, Incorporated.

John N. Knauff Company, Incorporated. Payment to, findings of Court of Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $19,032.78 to John N. Knauff Company, Incorporated, in full settlement of all claims against the Government for damage and loss incurred by said corporation in complying with the orders of the Surgeon General of the United States or his representatives on contract duly executed between the Government of the United States and the plaintiff corporation on January 28, 1920, providing for the making of certain repairs and alterations for the United States in the United States Public Health Service Hospital at Hudson, Jay, and Staple Streets, New York City, in 1920 and 1921, as found by the Court of Claims and reported in Senate Document Numbered 128, Seventy-third Congress, second session: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Proviso. Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 27, 1934.

[CHAPTER 863.]

June 27, 1934. [H.R. 3295.] [Private, No. 432.]

AN ACT

For the relief of the estate of White B. Miller.

White B. Miller. Payment to, for services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of White B. Miller, former special assistant to the Attorney General, the sum of $25,000 in full satisfaction of the claim of said estate against the United States for compensation for legal services rendered by the said White B. Miller on behalf of the United States in connection with the tax litigation involved in the Cannon against Bailey cases, a final report of which litigation was rendered by the deceased on March 14, 1929: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents,

Proviso. Limitation on attorney's, etc., fees.

attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Penalty for violation.

Approved, June 27, 1934.

[CHAPTER 864.]

AN ACT

June 27, 1934.
[H.R. 5668.]
[Private, No. 433.]

Authorizing the relief of the McNeill-Allman Construction Company, Incorporated, of W. E. McNeill, Lee Allman, and John Allman, stockholders of the McNeill-Allman Construction Company, Incorporated, and W. E. McNeill, dissolution agent of McNeill-Allman Construction Company, to sue in the United States Court of Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction be, and it is hereby, conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party, to hear, examine, and adjudicate and render judgment upon the claim of McNeill-Allman Construction Company, Incorporated, of W. E. McNeill, Lee Allman, and John Allman, stockholders of the McNeill-Allman Construction Company, Incorporated, and W. E. McNeill, dissolution agent of McNeill-Allman Construction Company, for a refund of internal-revenue income and excess-profits taxes paid by said McNeill-Allman Construction Company, Incorporated, to the collector of internal revenue for the internal-revenue district of North Carolina in the sum of $4,320 for the fiscal year ending May 31, 1922, said Court of Claims being hereby granted jurisdiction to hear and determine the merits of said claim without regard to any statutory limitations with respect to the allowance of a refund thereof should the same be found by said court to be legally or equitably due or refundable, such statute of limitation being hereby expressly waived.

McNeill-Allman Construction Company, Incorporated, etc. Claims of, referred to Court of Claims.

Statutory limitations waived.

Approved, June 27, 1934.

[CHAPTER 870.]

AN ACT

June 28, 1934.
[S. 3517.]
[Private, No. 434.]

Authorizing the Court of Claims to hear, consider, adjudicate, and enter judgment upon the claims against the United States of J. A. Tippit, L. P. Hudson, Chester Howe, J. E. Arnold, Joseph W. Gillette, J. S. Bounds, W. N. Vernon, T. B. Sullivan, J. H. Neill, David C. McCallib, J. J. Beckham, and John Toles.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims is hereby authorized to hear, consider, and adjudicate the claims against the United States of J. A. Tippit, L. P. Hudson, Chester Howe, J. E. Arnold, Joseph W. Gillette, J. S. Bounds, W. N. Vernon, T. B. Sullivan, J. H. Neill, David C. McCallib, J. J. Beckham, and John Toles for services rendered and expenses incurred in connection with the identification, enrollment, removal, allotment, and subsistence of Mississippi Choctaw Indians to enable them to acquire citizenship in the Choctaw Nation of Oklahoma, and to render judgment therein in such amount as may be found to be legally or equitably due each claimant, after deducting such sum or sums the claimant may have collected or received from the Indian or

Choctaw Indians. Certain claims against, to be heard, etc., by Court of Claims.

Provisos.
No Federal obligation to be created.

Indians benefited by the said services or expenses: *Provided*, That nothing herein contained shall be construed to create any obligation not heretofore existing in law or equity against the United States in its governmental capacity or as trustee for the individual Indians receiving the benefit of such services and/or expenses: *Provided, further*, That the jurisdiction hereby conferred shall be limited to claims for services rendered and expenses incurred on behalf only of such Indian or Indians as were enrolled as citizens of the Choctaw Nation under the provisions of the Choctaw-Chickasaw supplemental agreement approved by the Act of July 1, 1902, and ratified by the Choctaws and Chickasaws on September 25, 1902 (32 Stat. 641, 651–652), and the provisions of this Act shall not be construed as authorizing the consideration or adjudication of any claim for services rendered and expenses incurred on behalf of any person not so enrolled.

Court jurisdiction limited.

Vol. 32, p. 641; Vol. 34, p. 140.

Petition to be filed.

SEC. 2. No claim herein authorized to be submitted to the Court of Claims shall be heard or adjudicated by the court unless a petition duly verified by affidavit of the claimant or by his heirs, executors, or administrators, or by his or their agent or attorney, shall be filed within one year from the date of this enactment, failing in which the claim shall be forever barred. The petition shall fully set forth the claim, what persons are owners thereof or interested therein, and when, and upon what consideration, such persons became so interested. The petition shall further set forth that no assignment or transfer of said claim or any part thereof or interest therein has been made, except as set forth in the petition; that the claimant is justly entitled to the amount therein claimed from the United States after allowing all just credits and offsets, and that the petitioner believes the facts as stated in the petition are true. The said petition shall contain an itemized statement of the amount or amounts claimed to be due, together with a full accounting for all sums had and received from the Indian or Indians benefited by the services rendered and expenses incurred.

Statements to accompany.

Statement of amount claimed.

Review of court's decree by Supreme Court.
Vol. 43, p. 939.

SEC. 3. All judgments and decrees entered by the Court of Claims under the provisions of this Act shall be subject to review by the Supreme Court as provided in section 3 of the Act of February 13, 1925 (43 Stat. 936, 939).

Attendance of Attorney General, etc.

SEC. 4. The Attorney General, or his assistants under his direction, shall appear for the defense and protection of the interests of the United States in all actions filed in the Court of Claims under the provisions of this Act, with the same power to interpose counterclaims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses, in like manner as he is required to defend the United States in other suits in said court.

Depositions, etc., to be admitted in evidence.
Vol. 34, p. 140.

SEC. 5. That in the hearing of any suit or suits brought in said court under the provisions of this Act the Court of Claims is hereby authorized to admit in evidence with such weight as to the court may seem proper all depositions and other competent evidence introduced in evidence and constituting a part of the record in said court in the case entitled " Estate of Charles F. Winton and others against Jack Amos and others ", docket numbered 29,821.

Approved, June 28, 1934.

CONCURRENT RESOLUTIONS

OF THE

TWO HOUSES OF CONGRESS

CONCURRENT RESOLUTIONS OF CONGRESS

FIRST SESSION, SEVENTY-THIRD CONGRESS

INVESTIGATION OF DIRIGIBLE DISASTERS

April 20, 1933.
[H.Con.Res., No. 15.]

Investigation of dirigible disasters.

Joint committee created.

Resolved by the House of Representatives (the Senate concurring), That there is hereby created a joint committee to consist of five Members of the Senate to be appointed by the President of the Senate and five Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. The committee shall select its own chairman.

Duties.

Such committee is hereby authorized and directed to investigate the cause, or causes of the wreck of the Navy dirigible Akron and the wrecks of other Army and Navy dirigibles, to fix responsibility for the same, to inquire generally into the question of the utility of dirigibles in the military and naval establishments, and to make recommendations to the Senate and House of Representatives with respect to the future use of dirigibles for military or naval purposes. The committee shall report to the Senate and House of Representatives as soon as practicable the results of its investigations, together with its recommendations.

Report and recommendations.

Powers conferred.

Hearings, etc.

Personal services.

Testimony.

Expense from contingent funds of both Houses.

Serving subpœnas.

R.S. secs. 102-104, pp. 17, 18.
U.S.C., p. 12.

For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings, to sit and act at such times and places during the sessions or recesses of the present Congress, to employ such experts, clerical, stenographic, and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take testimony, to have such printing and binding done, and to make such expenditures as it deems advisable, not exceeding $5,000, one-half of said amount to be paid out of the contingent fund of the Senate and one-half out of the contingent fund of the House.

Subpœnas shall be issued under the signature of the chairman of the committee and shall be served by any person designated by him. The provisions of sections 102, 103, and 104 of the Revised Statutes shall be applicable to any person summoned as a witness under the authority of this resolution in the same manner as such provisions are applicable to any person summoned as a witness in the case of an inquiry before a committee of either House.

Passed, April 20, 1933.

AGRICULTURAL ADJUSTMENT ACT

May 10, 1933.
[H.Con.Res. No. 18.]

Agricultural Adjustment Act.
Ante, p. 31.

Correction in enrollment of, directed.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 3835) to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock

land banks, and for other purposes, the Clerk of the House is authorized and directed to strike out the word "basic" where it appears in subsection (3) of section 8.

Ante, p. 35.

Passed, May 10, 1933.

June 13, 1933.
[S.Con.Res. No. 2.]

THE CONSTITUTION AND DECLARATION OF INDEPENDENCE

The Constitution and Declaration of Independence. Printing of, as Senate document ordered.

Resolved by the Senate (the House of Representatives concurring), That the Constitution of the United States, as amended to April 1, 1933, together with the Declaration of Independence, be printed as a Senate document, with an index, in such form and style as may be directed by the Joint Committee on Printing, and that three thousand five hundred additional copies be printed, of which one thousand copies shall be for the use of the Senate and two thousand five hundred copies for the use of the House of Representatives.

Distribution.

Passed, June 13, 1933.

June 13, 1933.
[H.Con.Res. No. 23.]

BANKING ACT OF 1933

Banking Act of 1933. *Ante*, p. 162. Corrections in enrollment of, directed.

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives is authorized and directed, in the enrollment of the bill (H.R. 5661) entitled "An Act to provide for the safer and more effective use of the assets of banks, to regulate interbank control, to prevent the undue diversion of funds into speculative operations, and for other purposes", to make the following necessary changes in the language of the bill:

Ante, p. 179.

In the first sentence of the second paragraph of subsection (y) of section 12B (added by the bill to the Federal Reserve Act, as amended), insert after "State bank" and before the parenthesis the words ", which term shall also include all banking institutions located in the District of Columbia"; and in the same sentence, strike out "State authority" and insert "authority".

In the seventh paragraph of subsection (l) of such section 12B, after "Corporation" insert a comma and "or a member of the Fund provided for in subsection (y)".

In the last paragraph of such subsection (y), strike out the word "title" and insert in lieu thereof the word "section".

Passed, June 13, 1933.

June 16, 1933.
[H.Con.Res. No. 24.]

ADJOURNMENT

Adjournment of Congress, June 16, 1933.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Friday, the 16th day of June 1933, and that when they adjourn on said day they stand adjourned sine die.

Passed, June 16, 1933.

CONCURRENT RESOLUTIONS OF CONGRESS

SECOND SESSION, SEVENTY-THIRD CONGRESS

JOINT MEETING

January 3, 1934.
[H.Con.Res., No. 25.]

Joint meeting of the two Houses to receive communications from the President.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, the 3d day of January 1934, at 1:30 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Passed, January 3, 1934.

UNITED STATES ROANOKE COLONY COMMISSION

January 27, 1934.
[H.Con.Res., No. 27.]

United States Roanoke Colony Commission.
Time for report of, extended.
Vol. 47, p. 1782, amended.

Resolved by the House of Representatives (the Senate concurring), That the House concurrent resolution of the Seventy-second Congress establishing the United States Roanoke Colony Commission is continued in full force and effect during the Seventy-third Congress, and, as continued, section 2 of such resolution is amended by striking out "1934" and inserting in lieu thereof "1937."

Passed, January 27, 1934.

DAM CONSTRUCTION, YAQUINA BAY

March 5, 1934.
[S.Con.Res., No. 10.]

Dam construction, Yaquina Bay.
Correction in enrollment of bill (S. 1759) relating to, ordered.
Ante, p. 398.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be, and he is hereby, authorized and directed, in the enrollment of the bill (S. 1759) "To extend the time for the construction of dams and dikes in Lincoln County, Oregon, to prevent the flow of waters of Yaquina Bay and River into Nute's Slough, Boones Slough, and sloughs connected therewith", to correct an error by striking out, in line 1, of the House engrossed amendment, the words "June 13" and inserting in lieu thereof "June 17".

Passed, March 5, 1934.

CENTENNIAL OF DEATH OF GENERAL LAFAYETTE

March 20, 1934.
[H.Con.Res., No. 26.]

Centennial of death of General Lafayette.
Special joint committee on arrangements to be appointed.
Ante, p. 784.
Post, p. 1476.

Resolved by the House of Representatives (the Senate concurring), That there is hereby established a special joint congressional committee to be composed of five Members of the Senate, to be appointed by the President of the Senate and five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, which shall make appropriate arrangements for the commemoration of the one hundredth anniversary of the death of General Lafayette, occurring on May 20, 1934.

Committee organization, dissolution, etc.

SEC. 2. The committee shall select a chairman from among its members. Any vacancy occurring in the membership of the committee shall be filled in the manner in which the original appointment was made. The committee shall cease to exist upon making its report as hereinafter provided.

Acceptance of contributions authorized. Report thereof.

SEC. 3. The committee is authorized to accept and make use of contributions for carrying out the purposes of this resolution and shall file with the Secretary of the Senate and the Clerk of the House of Representatives a report with respect to amounts so received and expended.

Passed, March 20, 1934.

March 27, 1934.
[S.Con.Res., No. 11.]

ALASKA PROHIBITION REPEAL

Alaska prohibition repeal. Return of bill relative to, requested. *Ante*, p. 583.

Resolved by the Senate (the House of Representatives concurring), That the President is requested to return to the Senate the bill (S. 2729, Seventy-third Congress, second session) to repeal an Act of Congress entitled "An Act to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes", approved February 14, 1917, and for other purposes.

Passed, March 27, 1934.

April 5, 1934.
[S.Con.Res., No. 12.]

ALASKA PROHIBITION REPEAL

Alaska prohibition repeal. Reenrollment of bill concerning. *Ante*, p. 583. Vol. 39, p. 903.

Resolved by the Senate (the House of Representatives concurring), That the action of the Vice President and of the Speaker of the House of Representatives in signing the enrolled bill (S. 2729) entitled "An Act to repeal an Act of Congress entitled 'An Act to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes', approved February 14, 1917, and for other purposes", be rescinded, and that in the reenrollment of such bill the last proviso of section 1 reading as follows: "*Provided*, That the Governor of the Territory of Alaska, from and after the passage and approval of this Act, shall have the power and authority to grant pardons to persons theretofore convicted of violations of the aforesaid Act of February 14, 1917.", be stricken out.

Proviso. Granting pardons.

Passed, April 5, 1934.

April 12, 1934.
[H.Con.Res., No. 35.]

FEES IN NATURALIZATION PROCEEDINGS

Naturalization fees. Return of bill (H.R. 3521) relating to, requested. *Ante*, p. 597.

Resolved by the House of Representatives (the Senate concurring), That the President is requested to return to the House of Representatives the bill (H.R. 3521, Seventy-third Congress, second session) entitled "An Act to reduce certain fees in naturalization proceedings, and for other purposes", for the purpose of correcting an error in said bill.

Passed, April 12, 1934.

INVESTIGATION OF AIR- AND OCEAN-MAIL CONTRACTS

April 25, 1934.
[S.Con.Res., No. 13.]

Investigation of air- and ocean-mail contracts.
Additional copies of testimony, ordered printed.
Vol. 34, p. 1012.
U.S.C., p. 1423.

Resolved by the Senate (the House of Representatives concurring), That, in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Special Committee on Air and Ocean Mail Contracts of the Senate be, and is hereby, empowered to have printed one thousand five hundred additional copies of each and all parts of the testimony taken before said special committee during the Seventy-third Congress in connection with its investigation of air-mail and ocean-mail contracts.

Passed, April 25, 1934.

LEGISLATIVE APPROPRIATION ACT, 1935.

May 2, 1934.
[S.Con.Res., No. 14.]

Legislative Appropriation Act, 1935.
Preamble.

Whereas H.R. 8617, the Legislative Branch Appropriation Act, 1935, passed by the House on March 22, 1934, contains a provision on page 9, beginning in line 12 and extending down to and including a part of line 17, as follows:

"For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, $144,455"; and

Inquiries and investigations, Senate.
Ante, p. 824.

Whereas the Senate adopted an amendment (number 21) to the foregoing provision, as follows: On page 9, line 17, strike out "$144,455" and insert: "$268,955, of which $150,000 shall be for the fiscal year 1934"; and

Whereas the conferees, in their report on the said bill, which was adopted by both Houses, recommended that the House recede from its disagreement to the said amendment and agree to the same, said amendment therefore not being subject to further amendment; and

Whereas the joint resolution (H.J.Res. 332) to provide appropriations to meet urgent needs in certain public services, and for other purposes, passed by the House on April 26, 1934, was amended by the Senate by inserting on page 1, after line 6, certain language, of which the following is a part:

Appropriations, certain public services.
Ante, p. 820.

Language inserted.

"SENATE

"For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1934, $150,000"; and

Whereas the foregoing amendment is a duplication of the appropriation of $150,000 for the fiscal year 1934, as contained in the Legislative Branch Appropriation Act, 1935: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That in the event the Senate amendment to the foregoing joint resolution (H.J.Res. 332) is agreed to by the House of Representatives, and the existing differences of the two Houses on certain amendments of the Senate to the bill, H.R. 8617, the Legislative Branch Appropriation Act, 1935, are adjusted, the Clerk of the House of Representatives be, and he is hereby, authorized and directed, in the enrollment of the said bill, H.R. 8617, to insert, in lieu of the language contained in said Senate amendment numbered 21, the following: "$118,955".

Correction in enrollment directed.

Passed, May 2, 1934.

May 3, 1934.
[H.Con.Res., No. 37.]

CENTENNIAL OF DEATH OF GILBERT DU MOTIER, MARQUIS DE LA FAYETTE

Centennial of death of Gilbert du Motier, Marquis de La Fayette.
Joint session in commemoration of, authorized.
Joint committee on arrangements to be appointed.
Ante, pp. 784, 1473.

Resolved by the House of Representatives (the Senate concurring), That in commemoration of the one hundredth anniversary of the death of Gilbert du Motier, Marquis de La Fayette, the two Houses of Congress shall assemble in the Hall of the House of Representatives at 11 o'clock antemeridian, on Sunday, May 20, 1934.

That a joint committee consisting of five Members of the House of Representatives and five Members of the Senate shall be appointed by the Speaker of the House of Representatives and the President of the Senate, respectively, which is empowered to make suitable arrangements for fitting and proper exercises for the joint session of Congress herein authorized.

Invitations.

That invitations to attend the exercises be extended to the President of the United States and the Members of his Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), the General of the Armies, the Chief of Staff of the Army, the Chief of Naval Operations, the Major General Commandant of the Marine Corps, and the Commandant of the Coast Guard, and such other persons as the joint committee on arrangements shall deem proper.

President of the United States invited to make address.

That the President of the United States is hereby invited to address the American people at the joint session of the Congress in commemoration of the centennial anniversary of the death of General La Fayette.

Passed, May 3, 1934.

May 10, 1934.
[H.Con.Res., No. 38.]

REVENUE ACT OF 1934

Revenue Act of 1934. Additional copies of, ordered printed.
Ante, p. 680.

Resolved by the House of Representatives (the Senate concurring), That there be printed eighteen thousand additional copies of Public Law Numbered 216, Seventy-third Congress, entitled "An Act to provide revenue, equalize taxation, and for other purposes", of which ten thousand copies shall be for the use of the House Document Room, five thousand copies for the use of the Senate Document Room, two thousand copies for the use of the Committee on Ways and Means of the House of Representatives, and one thousand copies for the use of the Committee on Finance of the Senate.

Passed, May 10, 1934.

May 17, 1934.
[S.Con.Res., No. 16.]

NATIONAL MOTOR VEHICLE THEFT ACT

National Motor Vehicle Theft Act.
Correction in enrollment of (S. 2845), directed.
Ante, p. 794.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate is authorized and directed, in the enrollment of the bill (S. 2845) entitled "An Act to extend the provisions of the National Motor Vehicle Theft Act to other stolen property", to strike out "1929" where it appears in section 7 thereof and insert in lieu thereof "1919."

Passed, May 17, 1934.

DANIEL BOONE BICENTENNIAL

May 21, 1934.
[S.Con.Res., No. 17.]

Daniel Boone Bicentennial.
Return of bill relating to, requested.
Ante, p. 807.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 3355) to authorize the coinage of 50-cent pieces in commemoration of the two-hundredth anniversary of the birth of Daniel Boone, to correct an error therein.

Passed, May 21, 1934.

DANIEL BOONE BICENTENNIAL

May 22, 1934.
[S.Con.Res., No. 18.]

Daniel Boone Bicentennial.
Reenrollment of bill relating to, with amendment added, directed.
Ante, p. 807.

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the President of the Senate in signing the enrolled bill (S. 3355) to authorize the coinage of 50-cent pieces in commemoration of the two-hundredth anniversary of the birth of Daniel Boone, be rescinded, and that the Secretary of the Senate be authorized and directed to reenroll the bill with the following amendment:

Before the period at the end of section 1 insert a semicolon and the following: "but the United States shall not be subject to the expense of making the models or master dies or other preparations for this coinage."

Passed, May 22, 1934.

CITIZENSHIP AND NATURALIZATION

May 22, 1934.
[S.Con.Res., No. 19.]

Citizenship and naturalization.
Return of bill (H.R. 3673) relating to, requested.
Ante, p. 797.

Reenrollment, with amendments added, directed.

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the House of Representatives the enrolled bill (H.R. 3673) to amend the law relative to citizenship and naturalization, and for other purposes; that if and when the said bill is returned, the action of the Speaker of the House and of the President of the Senate in signing the said bill be deemed to be rescinded; and that the Clerk of the House of Representatives be, and he is hereby, authorized and directed to reenroll the said bill with the following amendments, namely:

On page 2, line 1, of the House engrossed bill, strike out the following: "and unless the child, in" and insert in lieu thereof a period and the word "In".

On page 2, line 2, of said engrossed bill, after the word "alien" and the comma, insert the following: "the right of citizenship shall not descend unless the child".

Passed, May 22, 1934.

STATUE OF WILLIAM JENNINGS BRYAN

June 14, 1934.
[H.Con.Res., No. 43.]

Statue of William Jennings Bryan.
Proceedings at unveiling of, ordered printed.
Vol. 46, p. 783; Vol. 47, p. 335.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed with illustrations, in such form and style as may be directed by the Joint Committee on Printing, five thousand copies of the proceedings held in connection with the unveiling of the statue of William Jennings Bryan, in Washington, District of Columbia, May 3, 1934, together with such other matter as may be relevant thereto, of which one thousand copies shall be for the use

Distribution.

of the Senate, three thousand one hundred copies for the use of the House of Representatives, and nine hundred copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Nebraska.

Illustrations.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer and shall procure suitable illustrations to be published with these proceedings.

Passed, June 13, 1934.

June 14, 1934.
[S.Con.Res., No. 20.]

SAINT LAWRENCE WATERWAYS

Saint Lawrence Waterways.
Additional copies of hearings on, ordered printed.
Vol. 34, p. 1012.

Resolved by the Senate (the House of Representatives concurring), That in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Foreign Relations of the Senate be, and is hereby, empowered to have printed for its use two thousand copies of the hearings held before a subcommittee of said committee during the second session of the Seventy-second Congress, on the resolution (S.Res. 278), entitled "Resolution authorizing the Committee on Foreign Relations to make an investigation and to hold hearings, respecting matters touching the Saint Lawrence Waterways Treaty", part 1 and 2.

Passed, June 14, 1934.

June 16, 1934.
[H.Con.Res., No. 32.]

INVESTIGATING SALE, ETC., OF DAIRY PRODUCTS

Investigating sale, etc., of dairy products.
Preamble.

Whereas an audit made by the Agricultural Adjustment Administration has revealed that distributors in four of the largest milksheds in the United States, for the five years ended December 31, 1933, made a net profit of 25.71 per centum on their net plant investment; and

Whereas this audit shows the net profits of distributors in each of the milksheds for the five-year period to be: Philadelphia (distributors handling 85 per centum of volume), 30.76 per centum; Boston (distributors handling 75 per centum of volume), 22.45 per centum; Saint Louis (distributors handling 67 per centum of volume), 14.64 per centum; and Chicago (distributors handling 90 per centum of volume), 25.84 per centum; and

Whereas during this same five-year period the wholesale price of milk sold by farmers declined 50 per centum, resulting in severe hardships and suffering to milk producers throughout the United States and strikes and violence in many rural and metropolitan centers; and

Whereas the aforesaid audit by the Agricultural Adjustment Administration has revealed net profits of milk distributors which tends to establish that similar conditions exist in other milksheds throughout the United States; and

Whereas an investigation in the District of Columbia pursuant to S.Res. 76, Seventy-third Congress, first session, revealed testimony which abundantly sustains the contention that over a period of years large milk distributors have attempted to create a monopoly in the District of Columbia, and largely as a result of these efforts farmers producing milk for the District of Columbia milkshed have received low returns for their product and have been placed at a serious disadvantage; and

Whereas the testimony adduced at hearings in the aforesaid investigation in the District of Columbia tends to prove that similar monopolistic efforts likewise exist in other milksheds in the United States; and

Whereas there is reason to believe that there exists a close tie between certain leaders of milk producers' cooperatives and milk distributors, which tie is unbeknown to milk producers and detrimental to their interests; and

Whereas the continuation of the practices now engaged in by milk distributors and certain leaders of milk cooperatives seriously endangers the efforts of the Agricultural Adjustment Administration and of the several States to alleviate and remedy the distress now widespread among dairy farmers in the United States, which distress if permitted to continue will result in the destruction of the already sorely pressed agricultural industry: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Federal Trade Commission is authorized and directed to investigate conditions with respect to the sale and distribution of milk and other dairy products within the territorial limits of the United States by any person, partnership, association, cooperative, or corporation, with a view to determining particularly whether any such person, partnership, association, cooperative, or corporation is operating within any milkshed of the United States in such a manner as to substantially lessen competition or to tend to create a monopoly in the sale or distribution of such dairy products, or is a party to any conspiracy in restraint of trade or commerce in any such dairy products, or is in any way monopolizing or attempting to monopolize such trade or commerce within the United States or any part thereof, or is using any unfair method of competition in connection with the sale or distribution of any such dairy products, or is in any way operating to depress the price of milk sold by producers. The Federal Trade Commission shall report to the House of Representatives as soon as practicable the result of its investigations, together with its recommendations, if any, for necessary remedial legislation.

Federal Trade Commission directed to conduct investigations within territorial limits of United States.

Report and recommendations to House of Representatives.

Passed, June 15, 1934.

STATUES OF GEORGE WASHINGTON AND ROBERT E. LEE

June 15, 1934.
[H.Con.Res., No. 45.]

Resolved by the House of Representatives (the Senate concurring), That there be printed with illustrations, in such form and style as may be directed by the Joint Committee on Printing, seven thousand copies of the proceedings in Congress, together with the proceedings held in the Rotunda of the Capitol and such other matter as may be relevant thereto, upon the acceptance of the statues of George Washington and Robert E. Lee, presented by the State of Virginia, of which one thousand shall be for the use of the Senate and two thousand three hundred for the use of the House of Representatives, and the remaining three thousand seven hundred copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Virginia.

Statues of George Washington and Robert E. Lee.
Proceedings on acceptance of, ordered printed.

Distribution.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer and shall procure suitable illustrations to be published with these proceedings.

Illustrations.

Passed, June 15, 1934.

June 15, 1934.
[H.Con.Res., No. 46.]

ALCOHOLIC BEVERAGES IN CANAL ZONE

Alcoholic beverages in Canal Zone.
Provisions of Senate bill, etc., to be incorporated in Canal Zone Code.
Ante, pp. 1116, 1122.

Resolved by the House of Representatives (the Senate concurring), That the provisions of S. 3696, entitled "An Act authorizing the President to make rules and regulations in respect to alcoholic beverages in the Canal Zone, and for other purposes", shall, with necessary editorial changes, be incorporated and printed in the proper place in the "Canal Zone Code" (H.R. 8700) prior to its enrollment and signature.

Passed, June 15, 1934.

June 16, 1934.
[S.Con.Res., No. 23.]

DEFICIENCY APPROPRIATIONS ACT

Deficiency Appropriations Act.
Correction in enrollment of, directed.
Ante, p. 1022.

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives is authorized in the enrollment of the bill (H.R. 9830) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, to provide supplemental general and emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes, to insert on page 2, after line 23, of the House engrossed bill the following:

George F. Brumm.
Pay to sisters.

"For payment to Susan I. Brumm and Joan L. Brumm, sisters of George F. Brumm, late a Representative from the State of Pennsylvania, $8,500."

Passed, June 16, 1934.

June 18, 1934.
[H.Con.Res., No. 39.]

CENTENNIAL OF DEATH OF LA FAYETTE

Centenary observance of death of La Fayette.
Proceedings at joint session ordered printed.
Ante, pp. 1473, 1476.

Resolved by the House of Representatives (the Senate concurring), That there shall be compiled, and printed with illustrations, in such form and style as may be directed by the Joint Committee on Printing, seven thousand copies of the proceedings at the joint session of the two Houses of Congress in the Hall of the House of Representatives on May 20, 1934, held in commemoration of the centennial anniversary of the death of Gilbert du Motier, Marquis de La Fayette, together with such other matter as the committee may deem pertinent, of which one thousand copies shall be for the use of the Senate, four thousand copies shall be for the House of Representatives, and two thousand copies for the use of the Joint Committee on Arrangements.

Distribution.

Passed, June 16, 1934.

June 18, 1934.
[H.Con.Res., No. 44.]

PRAYERS BY THE CHAPLAIN OF THE HOUSE

Prayers by the Chaplain of the House.
Printing of, ordered.

Resolved by the House of Representatives (the Senate concurring), That two thousand five hundred copies of the prayers offered by the Reverend James Shera Montgomery, Chaplain of the House of Representatives, at the opening of the daily sessions of the House during the Seventy-second and Seventy-third Congresses, be printed and bound for the use of the House of Representatives.

Passed, June 16, 1934.

TEXAS CENTENARY, JOINT COMMITTEE

June 18, 1934.
[S.Con.Res., No. 21.]

Texas centenary, joint committee.
Appointment authorized to consider Federal participation, etc.

Resolved by the Senate (the House of Representatives concurring), That there is hereby established a joint congressional committee to be composed of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, to inquire into and report to Congress to what extent, if any, the Federal Government should participate in the Centennial of the Independence of the Republic of Texas, to be held in the State of Texas in the year 1936.

Division of expenses.

The expenses of the committee, including necessary clerical assistance and traveling expenses, which shall not exceed $5,000, shall be paid, one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers, approved by the chairman.

Passed, June 18, 1934.

TAXATION OF FIREARMS, ETC.

June 18, 1934.
[S.Con.Res., No. 24.]

Taxation of firearms, etc.
Correction in enrollment of bill, directed.
Ante, p. 1236.

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House is authorized and directed, in the enrollment of the bill (H.R. 9741) to provide for the taxation of manufacturers, importers, and dealers in certain firearms and machine guns, to tax the sale or other disposal of such weapons, and to restrict importation and regulate interstate transportation thereof, to insert after line 22, on page 4 of the House bill, the following:

Matter inserted.

(c) Under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe, and upon proof of the exportation of any firearm to any foreign country (whether exported as part of another article or not) with respect to which the transfer tax under this section has been paid by the manufacturer, the Commissioner shall refund to the manufacturer the amount of the tax so paid, or, if the manufacturer waives all claim for the amount to be refunded, the refund shall be made to the exporter.

Passed, June 18, 1934.

SIGNING ENROLLED BILLS, ETC., AFTER ADJOURNMENT

June 18, 1934.
[H.Con.Res., No. 48.]

Enrolled bills and resolutions.
Signing after adjournment of Congress.

Resolved by the House of Representatives (the Senate concurring), That notwithstanding the adjournment of the second session of the Seventy-third Congress, the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized to sign any enrolled bill or joint resolution duly passed by the two Houses, and which have been examined by the Committee on Enrolled Bills of each House and found truly enrolled.

Passed, June 18, 1934.

ADJOURNMENT

June 18, 1934.
[H.Con.Res., No. 47.]

Adjournment of Congress, June 18, 1934.

Resolved by the House of Representatives (the Senate concurring), That when the Senate shall adjourn as of the legislative day of June 6, 1934, and the House of Representatives shall adjourn as of the legislative day of June 15, 1934, they shall stand adjourned sine die.

Passed, June 18, 1934.

TREATIES AND CONVENTIONS

CONCLUDED BY THE

UNITED STATES OF AMERICA

WITH

FOREIGN NATIONS

1483

86637°—34—PT 2——13

TREATIES AND CONVENTIONS

Convention between the United States of America and Panama modifying claims convention of July 28, 1926. Signed at Panama, December 17, 1932; ratification advised by the Senate, February 18, 1933; ratified by the President, February 23, 1933; ratified by Panama, March 20, 1933; ratifications exchanged at Panama, March 25, 1933; proclaimed March 30, 1933.

December 17, 1932.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Claims convention with Panama. Preamble.

WHEREAS, a convention between the United States of America and the Republic of Panama to modify certain provisions of the convention for the settlement and amicable adjustment of claims presented by the citizens of each country against the other, signed at Washington on July 28, 1926, was concluded and signed by their respective plenipotentiaries at Panama on the seventeenth day of December, one thousand nine hundred and thirty-two, the original of which convention, being in the English and Spanish languages, is word for word as follows:

Contracting powers.

The United States of America and the Republic of Panama desiring to modify certain provisions of a Convention for the settlement and amicable adjustment of claims presented by the citizens of each country against the other, signed at Washington July 28, 1926, have decided to conclude a Convention for that purpose and have nominated as their plenipotentiaries:

Los Estados Unidos de América y la República de Panamá, deseosos de modificar ciertas estipulaciones de una Convención para el arreglo y ajuste amigable de reclamaciones presentadas por ciudadanos de cada uno de los dos países contra el otro, firmada en Washington el 28 de Julio de 1926, han decidido concluir una Convención a tal propósito y han nombrado como sus plenipotenciarios:

Plenipotentiaries.

The President of the United States of America, Mr. Roy Tasco Davis, Envoy Extraordinary and Minister Plenipotentiary of the United States to Panama; and

The President of the Republic of Panama, His Excellency Doctor J. Demóstenes Arosemena, Secretary for Foreign Affairs of the Republic of Panama;

El Presidente de los Estados Unidos de América, al Señor Roy Tasco Davis, Enviado Extraordinario y Ministro Plenipotenciario de los Estados Unidos en Panamá; y

El Presidente de la República de Panamá, a Su Excelencia el Doctor Don Juan Demóstenes Arosemena, Secretario de Relaciones Exteriores de la República de Panamá;

who after having communicated to each other their respective full powers found to be in due and proper form, have agreed upon the following articles:

quienes después de haberse comunicado el uno al otro sus respectivos plenos poderes y encontrado que están en forma debida y adecuada, han convenido en los siguientes articulos:

ARTICLE I

Time extended for consideration, etc., of claims.

The second paragraph of Article VI of the Convention between the United States of America and the Republic of Panama for the settlement and amicable adjustment of claims by citizens of each country against the other, signed at Washington July 28, 1926, is amended to read as follows:

> The Commission shall be bound to hear, examine and decide, before July 1, 1933, all the claims filed on or before October 1, 1932.

ARTICULO I

El segundo parágrafo del Artículo VI de la Convención entre los Estados Unidos de América y la República de Panamá para el arreglo y ajuste amigable de las reclamaciones presentadas por ciudadanos de cada uno de los dos países contra el otro, firmada en Washington el 28 de Julio de 1926, queda enmendado como sigue:

> La Comisión estará obligada a oir, sustanciar y fallar, antes del 1º de Julio de 1933, todas las reclamaciones presentadas el 1º de Octubre de 1932, o antes.

ARTICLE II

Payment of awards extended to July 1, 1936.

Article VIII of the Claims Convention signed at Washington on July 28, 1926, by plenipotentiaries of the United States of America and the Republic of Panama is amended to read as follows:

> The total amount awarded in all the cases decided in favor of the citizens of one country shall be deducted from the total amount awarded to the citizens of the other country, and the balance shall be paid at the city of Panama or at Washington, in gold coin or its equivalent the first of July, 1936, or before, to the Government of the country in favor of whose citizens the greater amount may have been awarded.

ARTICULO II

El Artículo VIII de la Convención de Reclamaciones firmada en Washington el 28 de Julio de 1926 por Plenipotenciarios de los Estados Unidos de América y de la República de Panamá, queda enmendada como sigue:

> La cantidad total adjudicada en todos los casos decididos a favor de los ciudadanos de un país será deducida de la cantidad total adjudicada a los ciudadanos del otro país, y el saldo será pagado en la ciudad de Panamá o en Washington, en moneda de oro o su equivalente, el 1º de Julio de 1936, o antes, al Gobierno del país en favor de cuyos ciudadanos se haya adjudicado la cantidad mayor.

ARTICLE III

Exchange of ratifications.

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective Constitutions. Ratifications of this Convention

ARTICULO III

Esta Convención será ratificada por las Altas Partes Contratantes, de acuerdo con sus respectivas Constituciones. Las ratificaciones serán canjeadas en la ciudad

shall be exchanged in Panama as soon as practicable and the Convention shall take effect on the date of the exchange of ratifications.

de Panamá tan pronto como sea dable y la Convención comenzará a surtir sus efectos desde la fecha en que se verifique el canje.

In witness whereof, the respective Plenipotentiaries have signed and affixed their seals to this Convention.

Done in duplicate in Panama this seventeenth day of December, 1932.

En testimonio de lo cual, los Plenipotenciarios respectivos han firmado y sellado esta Convención.

Hecho por duplicado en Panamá el día diecisiete de Diciembre de 1932.

Signatures.

[SEAL] ROY T. DAVIS
J D AROSEMENA [SEAL]

AND WHEREAS the said convention has been duly ratified on both parts and the ratifications of the two Governments were exchanged in the city of Panama on the twenty-fifth day of March, one thousand nine hundred and thirty-three;

Ratifications exchanged.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

Proclamation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this thirtieth day of March in the year of our Lord one thousand nine hundred and thirty-
[SEAL] three and of the Independence of the United States of America the one hundred and fifty-seventh.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL,
Secretary of State.

March 14, 1932.

Convention between the United States of America and Panama modifying former convention respecting the transit of alcoholic liquors through the territory of the Canal Zone. Signed at Panama, March 14, 1932; ratification advised by the Senate, June 18, 1932; ratified by the President, June 24, 1932; ratified by Panama, March 20, 1933; ratifications exchanged at Panama, March 25, 1933; proclaimed, April 7, 1933.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Convention with Panama modifying convention for prevention of smuggling of intoxicating liquors.
Preamble.
Vol. 43, p. 1878.

WHEREAS a convention between the United States of America and the Republic of Panama, modifying the convention for the prevention of the smuggling of intoxicating liquors, signed between the two countries at Washington on June 6, 1924, and regulating the transportation of alcoholic liquors through the territory of the Canal Zone from one point in the Republic of Panama to another point in that Republic, was concluded and signed by their respective plenipotentiaries at the city of Panama on the fourteenth day of March one thousand nine hundred and thirty-two, the original of which convention, being in the English and Spanish languages, is word for word as follows:

Contracting powers.

The President of the United States of America and the President of the Republic of Panama desiring, in accordance with the

Vol. 43, p. 1878.

provisions of Article V of the Convention between the United States of America and the Republic of Panama for the Prevention of Smuggling of Intoxicating Liquors, signed at Washington, June 6, 1924, to modify the said Convention by adding to it an article which shall regulate transit through the territory of the Canal

Vol. 33, p. 2235.

Zone, referred to in Article VI of the Treaty signed at Washington, on November 18, 1903, with respect to the shipment of alcoholic liquors from one point in the Republic of Panama to another point in the Republic of Panama, have decided to conclude a convention for that purpose and have appointed as their plenipotentiaries:

El Presidente de la República de Panamá y el Presidente de los Estados Unidos de América, de conformidad con las estipulaciones del Artículo 5° del Convenio entre la República de Panamá y los Estados Unidos de América para la prevención del contrabando de licores embriagantes, firmado en Washington el 6 de Junio de 1924, y deseando modificar el dicho Convenio añadiéndole un artículo que reglamente el tránsito por el territorio de la Zona del Canal, estipulado en el Artículo VI del Tratado firmado en Washington el 18 de Noviembre de 1903, en lo que respecta al embarque de licores alcohólicos desde un punto de la República de Panamá a otro punto de la República de Panamá, han acordado celebrar un Convenio con tal propósito y han nombrado como sus Plenipotenciarios:

The President of the United States of America, Mr. Roy T. Davis, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Panama; and

The President of the Republic of Panama, His Excellency Enrique Geenzier, Secretary for Foreign Affairs;

Who, having communicated their full powers found in good and due form, have agreed as follows:

ARTICLE I

No penalty or forfeiture under the laws of the United States of America shall be applicable or attach to alcoholic liquors or to vehicles or persons by reason of the carriage of such liquors when they are in transit under seal and under certificate by Panamanian authority from the terminal ports of the Canal to the cities of Panama or Colon or from the cities of Panama or Colon to the terminal ports of the Canal when said liquors are intended for exportation, or between the cities of Panama or Colon and any other points of the Republic or between any two points of the territory of the Republic when in any of these cases the direct or natural means of communication is through Canal Zone territory and provided that such liquors remain under the said seals and certificates while they are passing through Canal Zone territory.

ARTICLE II

Article I of the present convention shall be deemed to constitute an integral part of the convention of June 6, 1924, and as such shall be subject to the provisions of that convention regarding modification and termination.

If the substance of Article I of the present convention be incorporated in any treaty which may hereafter be concluded between

El Presidente de la República de Panamá, a Su Excelencia el señor Enrique Geenzier, Secretario de Relaciones Exteriores de la República de Panamá, y

El Presidente de los Estados Unidos de América, al señor Roy T. Davis, Enviado Extraordinario y Ministro Plenipotenciario de los Estados Unidos de América ante la República de Panamá,

Quienes, habiéndose comunicado sus plenos poderes y hallándolos en buena y debida forma, han convenido en lo siguiente:

ARTICULO I

No penalty attached to transit of liquors under seal through Canal Zone.

No se aplicará pena o decomiso conforme a las leyes de los Estados Unidos de América ni a los licores alcohólicos ni a los vehículos ni a las personas, por razón del transporte de tales licores cuando se hallen en tránsito, bajo sello y certificado de autoridad panameña, de los puertos terminales del Canal a las ciudades de Panamá y Colón y de las ciudades de Panamá y Colón a los puertos terminales del Canal, cuando dichos licores sean para la exportación, y entre las ciudades de Panamá y Colón y cualquiera otro punto de la República y entre dos puntos cualesquiera del territorio de la República, cuando en cualquiera de esos casos el medio directo o natural de comunicación sea a través del territorio de la Zona del Canal y siempre que tales licores permanezcan bajo dichos sello y certificado mientras pasen por el territorio de la Zona del Canal.

ARTICULO II

Article I deemed integral part of existing convention. Vol. 43, p. 1878.

El Artículo I de la presente Convención está destinado a constituir parte integrante de la Convención de 6 de Junio de 1924, y como tal estará sujeto a las estipulaciones de esa Convención en lo relativo a su modificación y a su terminación.

Lapse of Article I if incorporated in future treaty.

Si la esencia del Artículo I de la presente Convención fuere incorporada en cualquier tratado que en lo futuro pueda pactarse

the United States of America and the Republic of Panama, the present convention shall automatically lapse when such treaty shall come into force.

entre la República de Panamá y los Estados Unidos de América, la presente Convención caducará automáticamente cuando tal tratado entre en vigor.

ARTICLE III

ARTICULO III

Exchange of ratifications.

The present convention shall be ratified by the High Contracting Parties in accordance with the requirements of the constitutions of the United States of America and the Republic of Panama, respectively, and the ratifications shall be exchanged at Panama as soon as possible. The convention shall enter into force on the date of the exchange of ratifications.

La presente Convención será ratificada por las Altas Partes contratantes de acuerdo con lo estipulado en las Constituciones de la República de Panamá y de los Estados Unidos de América, y las ratificaciones serán canjeadas en Panamá tan pronto como sea posible. Esta Convención entrará en vigor en la fecha del canje de ratificaciones.

Signatures.

In witness whereof, the respective Plenipotentiaries have signed the present Convention in duplicate, in the English and Spanish languages, both of which shall be authentic, and have hereunto affixed their seals.

Done in the City of Panama this fourteenth day of March, in the year of our Lord one thousand nine hundred and thirty two.

En testimonio de lo cual, los respectivos Plenipotenciarios han firmado la presente Convención en duplicado, en las lenguas castellana e inglesa, en dos ejemplares auténticos, a los cuales han adherido sus sellos respectivos.

Hecho en la ciudad de Panamá, hoy, catorce de marzo del año de mil novecientos treinta y dos.

ROY T. DAVIS
[SEAL]

ENRIQUE GEENZIER
[SEAL]

Ratifications exchanged.

AND WHEREAS the said convention has been duly ratified on both parts and the ratifications of the two Governments were exchanged at the city of Panama on the twenty-fifth day of March one thousand nine hundred and thirty-three;

Proclamation.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this seventh day of April in the year of our Lord one thousand nine hundred and thirty-
[SEAL] three and of the Independence of the United States of America the one hundred and fifty-seventh.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL,
Secretary of State.

Parcel post agreement between the United States of America and New Zealand with regulations of execution. Signed at Wellington, March 3, 1933; at Washington, April 24, 1933; approved by the President, May 3, 1933.

March 3, 1933.
April 24, 1933.

AGREEMENT

between

NEW ZEALAND AND THE UNITED STATES OF AMERICA CONCERNING THE EXCHANGE OF PARCEL POST

Parcel post agreement with New Zealand. Preamble.

The undersigned, provided with full powers by their respective governments, have by common consent and subject to ratification by the competent superior authorities, drawn up the following Agreement:

ARTICLE I.

Object of the Agreement.

Object.

Territory embraced.

1. Between the United States of America (including Alaska, Puerto Rico, the Virgin Islands, Guam, Samoa, and Hawaii) on one hand, and New Zealand (including the Cook Islands [Rarotonga, Mangaia, Atiu, Aitutaki, Mitiaro, Mauke (or Parry), and Hervey or Manuae)]; Palmerston (or Avarua), Niue (or Savage), Danger, Rakahanga, Manihiki, Penrhyn (or Tongareva), and Suwarrow Islands; also Western Samoa (Savaii and Upolu Islands) and the Tokelau (Union) Group [Atafu, Fakaofo, and Nukunonu Islands]) on the other hand, there may be exchanged, under the denomination of parcel post, parcels up to the maximum weight and the maximum dimensions indicated in the Regulations of Execution.

ARTICLE II.

Transit Parcels.

Transit parcels.

Rights guaranteed.

1. Each Postal Administration guarantees the right of transit through its service, to or from any country with which it has parcel-post communication, of parcels originating in or addressed for delivery in the service of the other contracting Administration.

Notice.

2. Each Postal Administration shall inform the other to which countries parcels may be sent through it as intermediary, and the amount of the charges due to it therefor, as well as other conditions.

Intermediate Administration, requirements.

3. To be accepted for onward transmission, parcels sent by one of the contracting Administrations through the service of the other Administration must comply with the conditions prescribed from time to time by the intermediate Administration.

ARTICLE III.

Postage and Fees.

Postage, etc. Collecting, from sender.

1. The Administration of origin is entitled to collect from the sender of each parcel the postage and the fees for requests for information as to the disposal of a parcel made after it has been posted, and also, in the case of insured parcels, the insurance fees and the fees for return receipts, that may from time to time be prescribed by its regulations.

Prepayment.

2. Except in the case of returned or redirected parcels, the postage and such of the fees mentioned in the preceding section as are applicable, must be prepaid.

ARTICLE IV.

Preparation of parcels.

Preparation of Parcels.

Packing.

Every parcel shall be packed in a manner adequate for the length of the journey and the protection of the contents as set forth in the Regulations of Execution.

ARTICLE V.

Prohibitions.

Prohibitions.

Articles specified.

1. The following articles are prohibited transmission by parcel post:

Letters, etc.

(a) A letter or a communication having the nature of a letter. Nevertheless it is permitted to enclose in a parcel an open invoice, confined to the particulars which constitute an invoice, and also a simple copy of the address of the parcel, that of the sender being added.

With different address.

(b) An enclosure which bears an address different from that placed on the cover of the parcel.

Live animals.

(c) Any live animal, except leeches.

Nonadmissible articles.

(d) Any article the admission of which is forbidden by the Customs or other laws or regulations in force in either country.

Explosives.

(e) Any explosive or inflammable article, and in general, any article the conveyance of which is dangerous, including articles which from their nature or packing may be a source of danger to postal employees or may soil or damage other parcels.

Obscene, etc., articles.

(f) Obscene or immoral articles.

Designated uninsured articles.

(g) It is, moreover, forbidden to send coin, platinum, gold or silver (whether manufactured or unmanufactured), precious stones, jewels, or other precious articles in uninsured parcels.

Treatment of.

If a parcel which contains coin, platinum, gold or silver (whether manufactured or unmanufactured), precious stones, jewels, or other precious articles is sent uninsured, it shall be placed under insurance by the country of destination and treated accordingly.

Prohibited articles erroneously handled.

2. When a parcel contravening any of these prohibitions is handed over by one Administration to the other, the latter shall proceed in accordance with its laws and inland regulations. Explosive or inflammable articles, as well as documents, pictures and other articles injurious to public morals may be destroyed on the spot by the Administration which has found them in the mails.

Parcel containing a letter.

The fact that a parcel contains a letter, or a communication having the nature of a letter, may not, in any case, entail the return of the parcel to the sender. The letter is, however, marked for the collection of postage due from the addressee at the regular rate.

List of prohibited articles to be published.

The two Administrations advise each other, by means of the List of Prohibited Articles published by the International Bureau of the Universal Postal Union, of all prohibited articles. However, they do not assume, on that account, any responsibility towards the customs or police authorities, or the sender.

Article VI.

Insurance.

Insurance.

Maximum.

1. Parcels may be insured up to the amount of 500 francs gold or its equivalent in the currency of the country of origin. However, the Chiefs of the Postal Administrations of the two contracting countries may, by mutual consent, increase or decrease this maximum amount of insurance.

Limitation.

A parcel cannot give rise to the right to an indemnity higher than the actual value of its contents, but it is permissible to insure it for only part of that value.

Article VII.

Indemnity.

Indemnity.

Allowance to sender.

1. Except in the cases mentioned in the section following, the Administrations are responsible for the loss of insured parcels mailed in one of the two contracting countries for delivery in the other and for the abstraction of or damage to their contents.

Amount restricted.

The sender, or other rightful claimant, is entitled on this account to an indemnity corresponding to the actual amount of the loss, abstraction or damage. The amount of indemnity is calculated on the basis of the actual value (current price, or, in the absence of current price, at the ordinary estimated value) at the time and place of mailing of the parcel, provided in any case that the indemnity shall not exceed the amount for which the parcel was insured and on which the insurance fee has been collected, or the maximum of 500 francs gold.

Return of postage on loss of parcel.

In the case where indemnity is payable for the loss of a parcel or for the destruction or abstraction of the whole of the contents thereof, the sender is entitled to the return of the postal charges. However, the insurance fees are not in any case returned.

Transit originating in a third country destined for either contracting power.

In the absence of special agreement to the contrary between the countries involved no indemnity will be paid by either country for the loss of transit insured parcels originating in a country not participating in this Agreement and destined for one of the two contracting countries.

Parcel forwarded to a third country.

When an insured parcel originating in one country and addressed for delivery in the other country is reforwarded from there to a third country or is returned to a third country at the request of the sender or addressee, the party entitled to the indemnity, in case of loss, rifling or damage occurring subsequent to the reforwarding or return of the parcel by the original country of destination, can lay claim, in such cases, only to the indemnity which the country where the loss, rifling or damage occurred consents to pay, or which that country is obligated to pay in accordance with the agreement made between the countries directly interested in the reforwarding or return. Either of the two countries signing the present Agreement which wrongly forwards an insured parcel to a third country is responsible to the sender to the same extent as the country of origin, that is, within the limit of the present Agreement.

Responsibility for error.

Release of responsibility.
Unconditional acceptance.
2. The Administrations are relieved of all responsibility.
(a) In case of parcels of which the addressee has accepted delivery without reservation.

Loss, etc., through *force majeure*.
(b) In case of loss or damage through force majeure (causes beyond control) although either Administration may at its option and without recourse to the other Administration pay indemnity for loss or damage due to force majeure even in cases where the Administration of the country in the service of which the loss or damage occurred recognizes that the damage was due to force majeure.

Destruction of official documents.
(c) When they are unable to account for parcels in consequence of the destruction of official documents through force majeure.

Damage through fault of sender, addressee, etc.
(d) When the damage has been caused by the fault or negligence of the sender or the addressee or the representative of either, or when it is due to the nature of the article.

Prohibited articles.
(e) For parcels which contain prohibited articles.

Declared above real value.
(f) In case the sender of an insured parcel, with intent to defraud, shall declare the contents to be above their real value; this rule, however, shall not prejudice any legal proceedings necessitated by the legislation of the country of origin.

Seized, because of false declarations.
(g) For parcels seized by the customs because of false declaration of contents.

Unclaimed within a year.
(h) When no inquiry or application for indemnity has been made by claimant or his representative within a year commencing with the day following the posting of the insured parcel.

Matter of no intrinsic value, etc.
(i) For parcels which contain matter of no intrinsic value or perishable matter or which did not conform to the stipulations of this Convention or which were not posted in the manner prescribed, but the country responsible for the loss, rifling or damage may pay indemnity in respect of such parcels without recourse to the other Administration.

Indirect loss, etc.
3. No compensation shall be given for indirect loss or loss of profits of any parcel transmitted under this Agreement.

Indemnity payment.
4. The payment of compensation for an insured parcel shall be made to the rightful claimant as soon as possible and at the latest within a period of one year counting from the day following that on which the application is made.

Deferred, in exceptional cases.
However, the paying Postal Administration may exceptionally defer payment of indemnity for a longer period than that stipulated if, at the expiration of that period, it has not been able to determine the disposition made of the article in question or the responsibility incurred.

Payment by country of origin if country of destination delays 9 months.
5. Except in cases where payment is exceptionally deferred as provided in the second paragraph of the foregoing section, the Postal Administration which undertakes the payment of compensation is authorized to pay indemnity on behalf of the Office which, after being duly informed of the application for indemnity, has let nine months pass without settling the matter.

Country responsible.
6. The obligation of paying the indemnity shall rest with the Postal Administration to which the mailing office is subordinate, provided that in cases where the indemnity is paid to the addressee in accordance with the second paragraph of the first section, it shall rest with the Postal Administration of destination.

Claim for repayment.
The paying Administration retains the right to make a claim against the Administration responsible.

Responsibility of receiving country unable to show disposition.
7. Until the contrary is proved, responsibility for an insured parcel rests with the Postal Administration which having received the parcel without making any observation and being furnished all necessary particulars for inquiry is unable to show its proper disposition.

Dispatching office responsible if loss discovered by receiving office.

8. Responsibility for loss, abstraction or damage of an insured parcel discovered by the receiving office of exchange at the time of opening the receptacles and duly notified to the dispatching office of exchange by Bulletin of Verification shall fall upon the Postal Administration to which the dispatching office of exchange is subordinate unless it be proved that the damage occurred in the service of the receiving Administration.

Loss, etc., in transit.

9. If the loss, abstraction or damage has occurred in course of conveyance, without its being possible to ascertain in which service the irregularity took place, the Postal Administrations concerned bear the loss in equal shares.

Repayment to country paying.

10. The Postal Administration responsible or on whose account payment is made in accordance with Section 5 is bound to repay to the country making payment on its behalf, without delay and within not more than six months after receiving notice of payment, the amount of indemnity paid.

Means to be used.

11. Repayments are to be made free of cost to the creditor Administration by means of either a money order or a draft, in money valid in the creditor country, or by such other means as may be mutually agreed upon by correspondence.

Repayments on gold basis.

12. Repayments of indemnity by one country to the other will be made on the gold basis.

Sender responsible for proper packing, etc.

13. The responsibility of properly enclosing, packing and sealing insured parcels rests upon the sender, and the postal service of neither country will assume liability for loss, rifling or damage arising from defects which may not be observed at the time of posting.

No responsibility for ordinary parcels.

14. The Postal Administrations of the two contracting countries will not be responsible for the loss, abstraction or damage of an ordinary parcel; but either Administration is at liberty to indemnify for the loss, abstraction or damage which may occur in its service, without recourse to the other Administration.

Article VIII.

Certificate of Mailing. Receipts.

Certificate of mailing.

Furnished sender, on request.

The sender will, on request at the time of mailing an ordinary (uninsured) parcel, receive a certificate of mailing from the post office where the parcel is mailed, on a form provided for the purpose; and each country may fix a reasonable fee therefor.

Receipt.

The sender of an insured parcel receives without charge, at the time of posting, a receipt for his parcel.

Article IX.

Return Receipts and Inquiries.

Return receipts and inquiries.

Advice of delivery.

1. The sender of an insured parcel may obtain an advice of delivery upon payment of such additional charge, if any, as the country of origin of the parcel shall stipulate and under the conditions laid down in the Regulations.

Request for information.

2. A fee may be charged, at the option of the country of origin, on a request for information as to the disposal of an ordinary parcel and also of an insured parcel made after it has been posted if the sender has not already paid the special fee to obtain an advice of delivery.

Irregularity complaints.

3. A fee may also be charged, at the option of the country of origin, in connection with any complaint of any irregularity which prima facie was not due to the fault of the Postal Service.

ARTICLE X.

Recall and change of address.

Recall and Change of Address.

Allowed, on request.

So long as a parcel has not been delivered to the addressee, the sender may recall it or cause its address to be changed. The Postal Administration of the country of origin may collect and retain, for this service, the charge fixed by its regulations. The requests for recall or change or address of parcels to be delivered in the United States of America shall be addressed to the Central Administration at Washington; those relating to parcels for delivery in New Zealand shall be addressed to the Central Administration at Wellington.

ARTICLE XI.

Customs charges.

Customs Charges.

Imposed by country of destination.

The parcels are subject to all customs laws and regulations in force in the country of destination. The duties collectible on that account are collected from the addressee on delivery of the parcel in accordance with the customs regulations.

ARTICLE XII.

Customs Charges to be Cancelled.

Cancellation, if returned or redirected.

The customs charges on parcels sent back to the country of origin or redirected to another country shall be cancelled both in New Zealand and the United States of America.

ARTICLE XIII.

Customs clearance.

Fee for Customs Clearance.

Fee.

The office of delivery may collect from the addressee either in respect of delivery to the customs and clearance through the customs or in respect of delivery to the customs only, a fee not exceeding 12 cents (60 centimes) per parcel.

ARTICLE XIV.

Delivery.

Delivery to the Addressee. Fee for Delivery at the Place of Address.

To addressees.

1. Parcels are delivered to the addressees as quickly as possible in accordance with the conditions in force in the country of destination.

Charges.

This country may collect in respect of delivery of parcels to the addressee a fee not exceeding 10 cents (5 pence) per parcel. The same fee may be charged, if the case arises, for each presentation after the first at the addressee's residence or place of business.

ARTICLE XV.

Warehousing Charges.

Warehousing charges.

The country of destination is authorized to collect the warehousing charge fixed by its legislation for parcels addressed "Poste Restante" or which are not claimed within the prescribed period. This charge may in no case exceed one dollar (5 francs).

Article XVI.

Missent Parcels.

Missent parcels.

Provisions for ordinary parcels.

Ordinary parcels, when missent, are reforwarded to their correct destination by the most direct route at the disposal of the reforwarding Administration. They must not be charged with customs or other charges by that Administration. Insured parcels, when missent, may not be reforwarded to their destination except as insured mail. If this is impossible, they must be returned to origin.

Insured mail.

Refund, if parcel returned.

When the reforwarding involves the return of the parcel to the office of origin, the retransmitting Administration refunds to that office the credits received and reports the error by a Bulletin of Verification.

Reforwarding to a third country.

When the reforwarding involves the dispatch of a parcel to a third country and if the amount credited to the retransmitting Administration is insufficient to cover the expenses of retransmission which it has to defray, the retransmitting Administration allows to the Administration to which it forwards the parcel the credits due it; it then recovers the amount of the deficiency by claiming it from the office of exchange from which the missent parcel was directly received. The reason for this claim is notified to the latter by means of a Bulletin of Verification.

Article XVII.

Redirection.

Redirection.

Allowed on payment of additional charges.

1. A parcel may be redirected in consequence of the addressee's change of address in the country of destination, at the request of either the sender or the addressee.

For the parcels redirected in its territory, the Postal Administration of the country of destination may collect additional charges fixed by its internal regulations. These charges shall not be cancelled even in case the parcel is returned to origin or reforwarded to another country.

Forwarding to any other country.

2. A parcel may be redirected out of the country of original address only at the sender's or the addressee's request and provided that the parcel complies with the conditions required for its further conveyance. Insured parcels shall not be redirected to another country except as insured mail.

Charges may be collected on delivery.

New postage, as well as new insurance fees, in the case of insured parcels, may, if not prepaid, be collected upon delivery.

Forbidden, if so instructed.

The sender is entitled to forbid, by means of a suitable entry on the dispatch note and on the parcel, any redirection.

Article XVIII.

Sale or Destruction.

Sale or destruction.

Articles liable to deterioration.

1. Articles liable to deterioration or corruption, and these only, may be sold immediately even on the outward or return journey, without previous notice or judicial formality, for the benefit of the right party.

If for any reason a sale is impossible, the spoilt or worthless articles shall be destroyed. The sale or destruction shall be recorded and report made to the Postal Administration of the country of origin.

Parcels marked "Abandon."

2. After the expiration of thirty days from the date of receipt at the office of destination, undeliverable parcels which the sender has marked "Abandon" may be sold at auction or otherwise disposed of as provided by the legislation of the country of destination. When insured parcels are involved, proper record will be made and the Administration of the country of origin notified as to the disposition made of the parcels. The Administration of the country of origin shall also be notified when for any other reason an insured parcel which is not delivered is not returned to the country of origin.

ARTICLE XIX.

Nondelivery.

Nondelivery.

Requests, at time of mailing.

1. The sender of a parcel may make a request at the time of mailing, as to the disposal of the parcel in the event of it not being deliverable as addressed, the particulars of which are set forth in the Regulations.

Return to sender, if not otherwise indicated.

2. If the sender does not make any request in accordance with the foregoing Section, or the sender's request has not resulted in delivery, undeliverable parcels will be returned to the sender without previous notification at the expiration of thirty days, while parcels refused by the addressee will be returned at once.

Provisions governing nondeliverable parcel.

3. The provisions of Article XX, Section 4 shall be applied to a parcel to be returned to the country of origin in consequence of nondelivery.

New postage, as well as new insurance fees, in the case of insured parcels, may, if not prepaid, be collected from the sender upon the return of his parcel.

ARTICLE XX.

Charges.

Charges.

Credits.
Ante, p. 1491; *post*, p. 1500.

1. For each parcel exchanged between the contracting countries (Article I) the dispatching office credits to the office of destination, in the parcel bills, the quotas due to the latter, and indicated in the Regulations of Execution.

Parcel in transit.

2. The sums to be paid for a parcel in transit, that is, parcels destined either for a possession or for a third country, are likewise indicated in the Regulations of Execution.

3. In the case of a parcel returned or reforwarded in transit through one of the two Administrations to or from the other, the intermediary Administration may claim also the sum due to it for any additional territorial or sea service provided, together with any amounts due to any other Administration or Administrations concerned.

In case of reforwarding, etc.

4. In case of reforwarding or return to origin of a parcel the redispatching office recovers from the other office the quota due to it, namely, as the case may be,

(a) the charges prescribed by Section 1 above.

(b) the charges for reforwarding or return.

Ante, p. 1496.

(c) the customs clearance, delivery and storage charges provided for by Articles XIII, XIV, and XV.

Parcels to or from a third country.

In case of reforwarding or return to a third country, the accrued charges, that is, such of the charges mentioned in (a), (b) and (c) above as are applicable, shall follow the parcel, but in the case that the third country concerned refuses to assume the charges, because they can not be collected from the addressee or sender, as the case may be, or for any other reason, they shall be charged back to the country of origin.

ARTICLE XXI.

Postal charges other than those prescribed not to be collected.

Charges other than prescribed.

The parcels to which this Agreement applies shall not be subject to any postal charges other than those contemplated by the different articles hereof.

Prohibition of.

ARTICLE XXII.

Air Parcels.

Air parcels.

The Chiefs of the Postal Administrations of the two contracting countries have the right to fix by mutual consent the air surtax and other conditions in the case where parcels are conveyed by the air routes.

Surtax.

ARTICLE XXIII.

Temporary Suspension of Service.

In extraordinary circumstances such as will justify the measure, either Administration may temporarily suspend the parcel post service, either entirely or partially, on condition of giving immediate notice, if necessary by telegraph, to the other Administration.

Temporary suspension of service.

ARTICLE XXIV.

Matters not provided for in the Present Agreement.

1. Unless they are provided for in the present Agreement, all questions concerning requests for recall or return of insured parcels, the obtaining and disposition of return receipts therefor, and adjustment of indemnity claims in connection therewith, shall be governed by the provisions of the Universal Postal Convention and its Regulations of Execution, insofar as they are applicable and are not contrary to the foregoing provisions. If the case is not provided for at all, the domestic legislation of the United States or of New Zealand, or the decisions made by one country or the other, are applicable in the respective country.

Matters not herein provided for.

Universal Postal Convention, etc., provisions to govern. Vol. 46, p. 2523.

2. The details relative to the application of the present Agreement will be fixed by the two Administrations in Regulations of Execution, the provisions of which may be modified or completed by common consent by way of correspondence. A similar Agreement through correspondence may be made with a view to the exchange of C.O.D. parcels.

Details to be fixed by common consent.

3. The two Administrations notify each other mutually of their laws, ordinances and tariffs concerning the exchange of parcel post, as well as of all modifications in rates which may be subsequently made.

Mutual notice of postal laws, etc.

ARTICLE XXV.

Entry into Force and Duration of Agreement.

Entry into force, etc.

1. This Agreement substitutes and abrogates that signed at Washington, the eighteenth day of April, one thousand nine hundred, and at Wellington the twelfth day of February, one thousand nine hundred.

Former Agreement abrogated. Vol. 32, p. 1843.

2. It shall become effective on ratification, but pending ratification it may be put into force administratively on a date to be mutually settled between the Administrations of the two countries.

Effective date.

Duration. It shall remain in force until one of the Administrations of the two contracting countries has given notice to the other, six months in advance, of its intention to terminate it.

Signatures. 3. Done in duplicate and signed at Washington the 24th day of April 1933, and at Wellington the third day of March 1933

ADAM HAMILTON
Postmaster General of New Zealand.

[SEAL] JOSEPH C. O'MAHONEY
Acting Postmaster General of the United States of America.

Approval by the President. The foregoing Parcel Post Agreement between the United States of America and New Zealand has been negotiated and concluded with my advice and consent and is hereby approved and ratified.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

[SEAL] FRANKLIN D ROOSEVELT

By the President.
CORDELL HULL
Secretary of State.

WASHINGTON, *May 3, 1933.*

DETAILED REGULATIONS FOR THE EXECUTION OF THE PARCEL POST CONVENTION.

Regulations for execution. The following Detailed Regulations for the Execution of the Parcel Post Convention have been agreed upon by the Chiefs of the Postal Administrations of the United States of America and New Zealand. They may be changed from time to time as may be deemed necessary.

ARTICLE 1.

Limits of Weight and Size.

Limits of weight and size. 1. The parcels to be exchanged under the provisions of this Agreement may not exceed 11 pounds in weight.

In the direction from the United States of America to New Zealand, these parcels may not exceed the following dimensions:

Greatest length 4 feet, on condition that parcels over 42 inches but not over 44 inches long do not exceed 24 inches in girth; that parcels over 44 inches but not over 46 inches long do not exceed 20 inches in girth; that parcels over 46 inches but not over 48 inches long do not exceed 16 inches in girth; and that parcels up to 3½ feet in length do not exceed 6 feet in length and girth combined.

In the direction from New Zealand to the United States of America, these parcels may not exceed the following dimensions:

Length, 3½ feet; length and girth (taken in a direction other than that of the length) combined 6 feet.

The limit of weight and maximum dimensions stated above may be changed from time to time by agreement made through correspondence.

ARTICLE 2.

Preparation of Parcels.

Preparation of parcels.

1. The name and address of the sender and of the addressee must be legibly and correctly written in every case when possible on the parcel itself or on a label or tag firmly attached thereto. It is not allowed to write with initials the name and address of the sender or addressee, unless the initials are the adopted trade name of the senders or addressees which is generally understood. Addresses in pencil are also not allowed, except those written with copying ink on a surface previously dampened.

A slip bearing the name and address of the sender and addressee must be enclosed in the parcel when the address is written on a label or tag which is not gummed to the parcel. It is advisable that such slips be enclosed in all parcels.

2. Every parcel must be packed in a manner adequate for the length of the journey and the character of the contents, and in such a way as to prevent the contents from damaging other parcels or objects or injuring the postal agents. The packing must protect the contents sufficiently that, in case of rifling, the traces thereof may be easily discovered.

No packing is required for ordinary parcels consisting of a single article, such as pieces of wood, metal, etc., which are not usually packed by the trade.

Any liquid or any substance which easily liquefies must be packed in a double receptacle. Between the first receptacle (bottle, flask, pot, box, etc.) and the second (box of metal, of strong wood, of strong corrugated cardboard or of strong fibreboard or receptacle of equal strength) shall be left a space which shall be filled with sawdust, bran or some other absorbent material, in sufficient quantity to absorb all the liquid contents in the case of breakage.

Powders and dyes in powder form must be packed in lead-sealed metal containers which must be enclosed in substantial outer covers, so as to obviate all damage to the accompanying mail matter.

3. Insured parcels must be sealed by means of wax, by lead or other seals. Ordinary parcels may be sealed at the option of the sender, or careful tying is sufficient as a mode of closing. Either Administration may require a special design or mark of the sender in the sealing of insured parcels mailed in its service, as a means of protection.

The customs of the country of destination, for the purpose of customs examination, shall have the right to break the seals. After customs examination is concluded, the parcels shall be officially resealed.

4. On the address side, each insured parcel must bear a label with the words " Insured " or " Valeur déclarée ", or be stamped or marked with the same words in close proximity to the number given the parcel, and it must also bear an indication of the amount of the insured value, mentioned fully and legibly in the currency of the country of origin and in Roman letters. This amount must be converted into gold francs by the sender or by the office of origin and the result of conversion is added below the original description. The amount of the insured value must also be indicated on the customs declaration.

5. The seals, as well as any kind of labels or stamps, affixed to insured parcels, must be so placed as not to hide injuries to the package. Moreover, the labels or stamps must not be folded over two sides of the package so as to cover the edge.

ARTICLE 3.

Customs Declarations.

Customs declarations.

1. The sender shall prepare one customs declaration for each parcel sent from either country, upon a special form provided for the purpose by the country of origin.

The customs declaration shall give a general description of the parcel, an accurate statement in detail of its contents and value, date of mailing, actual weight, the sender's name and address, and the name and address of the addressee, and shall be securely attached to the parcel. However, as an exception to the foregoing, when more than one parcel is mailed simultaneously by the same sender in the United States of America to the same addressee at the same address in New Zealand, the sender need prepare only one customs declaration for the entire shipment, which customs declaration shall show, in addition to the particulars set forth in the preceding sentence, the total number of parcels comprising the shipment, and shall be securely attached to one of the parcels. The parcels comprising the entire shipment shall be clearly marked in such case with a fractional number, the numerator of which will indicate, in arabic figures, the number of the parcel, and the denominator the number of parcels comprising the shipment; for example, if a single shipment were composed of 15 parcels, each parcel would be numbered, respectively, 1/15, 2/15, 3/15, etc.

2. The Administrations accept no responsibility for the correctness of the customs declarations.

ARTICLE 4.

Return Receipts.

Return receipts.

1. As to a parcel for which a return receipt is asked, the office of origin impresses on the parcel the letters or words "A.R." or "Avis de réception". The office of origin or any other office appointed by the dispatching Administration shall fill out a return receipt form and attach it to the parcel. If the form does not reach the office of destination, that office makes out a duplicate.

2. The office of destination, after having duly filled out the return receipt form, returns it free of postage to the address of the sender of the parcel.

3. When the sender applies for a return receipt after a parcel has been posted, the office of origin duly fills out a return receipt form and attaches it to a form of inquiry which is entered with the details concerning the transmission of the parcel and then forwards it to the office of destination of the parcel. In the case of the due delivery of the parcel, the office of destination withdraws the inquiry form, and the return receipt is treated in the manner prescribed in the foregoing paragraph.

ARTICLE 5.

Receptacles.

Receptacles.

1. The Postal Administrations of the two contracting countries shall provide the respective bags necessary for the dispatch of their parcels and each bag shall be marked to show the name of the office or country to which it belongs.

2. Bags must be returned empty to the dispatching office by the next mail. Empty bags to be returned are made up in bundles of ten, enclosing nine bags in one. The total number of bags returned shall be entered on the relative parcel bills.

3. In case ten per cent of the total number of bags used during the year have not been returned, the value of the missing bags must be repaid to the Administration of origin.

ARTICLE 6.

Method of Exchange of Parcels.

Method of exchange of parcels.

1. The parcels shall be exchanged, in sacks duly fastened and sealed, by the Offices appointed by agreement between the two Administrations, and shall be dispatched to the country of destination by the country of origin at its cost and by such means as it provides.

2. Insured parcels shall be enclosed in separate sacks from those in which ordinary parcels are contained, and the labels of sacks containing insured parcels shall be marked with such distinctive symbols as may from time to time be agreed upon.

ARTICLE 7.

Billing of Parcels.

Billing.

1. Ordinary parcels exchanged direct between the two countries shall be entered on the parcel bills to show the total number of parcels, the total net weight thereof, and the total amount to be credited, while redirected or returned parcels shall be entered individually. The total number of sacks comprising each dispatch shall also be indicated on the parcel bills.

2. Insured parcels shall be entered individually on separate parcel bills to show the insurance number and the name of the office of origin, as well as the total net weight thereof.

3. Parcels sent à découvert must be entered separately on the parcel bills.

4. The entry on the bill of any returned or reforwarded parcel must be followed by the word "Returned" or "Reforwarded", together with the detailed statement of charges which may be additionally collected, in the "Observations" column.

5. Each dispatching office of exchange shall number the parcel bills in the upper left-hand corner, commencing each year a fresh series for each office of exchange of destination. The last number of the year shall be shown on the parcel bill of the first dispatch of the following year.

6. The parcel bills are prepared in duplicate. The original is sent in the regular mails, while the duplicate is inserted in one of the sacks. The sack containing the parcel bill is designated by the letter "F", traced in a conspicuous manner on the label.

ARTICLE 8.

Checking of Parcels.

Checking of parcels.

1. The office of exchange which has received a parcel mail shall check the parcels and the accompanying bills. If a parcel is missing or any other irregularity is noted, it shall be immediately reported to the dispatching office of exchange by means of a Bulletin of Verification. The report of such a serious irregularity as to

involve the responsibility of the respective Administrations shall be accompanied by such vouchers as the strings, wax, or lead seals used for closing the bag which contained the parcels, if they are available.

If no report is made by the next mail, it will be assumed that the mail has been received in proper order until the contrary is proved.

2. If a parcel bill is missing a duplicate shall be made out and a copy sent to the dispatching office of exchange from which the dispatch was received.

3. If any parcel which is in the course of transmission is observed to bear evidence of violation or damage, it must have the facts noted on it and be marked with the stamp of the office making the note, or a document drawing attention to the violation or damage must be forwarded with the parcel.

ARTICLE 9.

Undelivered Parcels.

Undelivered parcels.

1. The sender of a parcel may request, at the time of mailing, that if the parcel cannot be delivered as addressed it shall be either (a) treated as abandoned, or (b) tendered for delivery at a second address in the country of destination, or (c) returned immediately.

If the sender avails himself of this facility, his request must appear on the address side of the parcel and on the relative customs declaration and must be in conformity with or analagous to one of the following forms:

"If not deliverable as addressed_____ 'Abandon'".
"If not deliverable as addressed_____ 'Deliver to . . .'".
"If not deliverable as addressed_____ 'Return immediately'".

2. The parcels to be returned as undeliverable to the country of origin shall be marked to show the reason for nondelivery.

ARTICLE 10.

Payments.

Payments.

1. For the parcels dispatched by one country to the other, the dispatching Administration shall pay a terminal credit as follows:

(a) For parcels originating in New Zealand addressed to the United States of America, 6 cents per pound computed on the bulk net weight of each dispatch.

(b) For parcels originating in the United States of America addressed to New Zealand, 30 cents per parcel.

2. In the case of parcels originating in New Zealand which are sent to the United States of America for onward dispatch to a possession of the latter country or, in closed mails, to a third country, the Administration of New Zealand shall pay to the Administration of the United States of America as a transit credit 6 cents per pound when only sea service is provided, 10 cents per pound when only land service is provided, and 13 cents per pound when both land and sea service are provided, based on the bulk net weight of each dispatch.

Also, in the case of parcels for the possessions of the United States of America, the Administration of New Zealand shall pay to the Administration of the United States of America the following terminal credits:

For parcels for Alaska, 6 cents per pound computed on the bulk net weight of each dispatch.

For parcels for Puerto Rico, the Virgin Islands, Guam, Samoa and Hawaii, 3 cents per pound computed on the bulk net weight of each dispatch.

3. In the case of parcels originating in the United States of America which are sent to New Zealand for onward dispatch to Tonga, the Administration of the United States of America shall pay to the Administration of New Zealand one shilling four pence for each parcel not exceeding 3 pounds in weight, one shilling eight pence for each parcel over 3 pounds but not exceeding 7 pounds in weight and two shillings for each parcel over 7 pounds and not exceeding 11 pounds in weight.

4. The terminal charges and transit rates above specified may be reduced or increased on three months' previous notice given by one country to the other. The reduction or increase shall hold good for at least one year.

ARTICLE 11.

Accounting.

Accounting.

1. Each Administration shall prepare quarterly an account showing the sums due for parcels sent by the other Administration.

2. These accounts accompanied by the parcel bills and, if any, copies of verification notes relating thereto shall be submitted to the examination of the corresponding Administration in the course of the month following the quarter to which they relate.

3. The compilation, transmission, verification and acceptance of the accounts must be effected as early as possible and the payment resulting from the balance must be made at the latest before the expiration of three months following the date of the sending of the accounts by the creditor Administration.

4. Payment of the balances due on these accounts between the two Administrations shall be effected by means of drafts on New York or on Wellington, or in any other manner which may from time to time be agreed upon between the Chiefs of the Postal Administrations of the two contracting countries, the expenses attendant on the payment being at the charge of the indebted administration.

ARTICLE 12.

Miscellaneous Notifications.

Miscellaneous.

The Administrations shall communicate to each other a summary of the provisions of their laws or regulations applicable to the parcels exchanged between the two contracting countries, and other items necessary for carrying out the exchange of parcels.

Effective date and duration.

These Regulations shall come into operation on the day on which the Parcel Post Agreement comes into force and shall have the same duration as the Agreement.

Signatures.

Done in duplicate and signed at Washington the 24th day of April 1933, and at Wellington the third day of March 1933

ADAM HAMILTON
Postmaster General of New Zealand.

[SEAL]

JOSEPH O'MAHONEY
Acting Postmaster General of the United States of America.

Approval.

The foregoing Regulations for the Execution of the Parcel Post Agreement between the United States of America and New Zealand have been negotiated and concluded with my advice and consent and are hereby approved and ratified.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

[SEAL] FRANKLIN D ROOSEVELT

By the President.

CORDELL HULL

Secretary of State.

WASHINGTON, *May 3, 1933.*

Treaty between the United States of America and Poland of friendship, commerce, and consular rights and agreement concerning proof of the origin of imported merchandise effected by exchange of notes. Signed at Washington, June 15, 1931; ratification advised by the Senate, April 5, 1932; ratified by the President of the United States, April 21, 1932; ratified by Poland, April 20, 1933; ratifications exchanged at Warsaw, June 9, 1933; proclaimed, July 10, 1933.

June 15, 1931.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Treaty of friendship, commerce, and consular rights with Poland. Preamble.

WHEREAS a Treaty of Friendship, Commerce and Consular Rights between the United States of America and the Republic of Poland was concluded and signed by their respective Plenipotentiaries at Washington on the fifteenth day of June, one thousand nine hundred and thirty-one, the original of which treaty, being in the English and Polish languages, is word for word as follows:

Contracting Powers. *Post*, p. 1703.

The United States of America and the Republic of Poland, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the peoples thereof, have resolved to conclude a Treaty of Friendship, Commerce and Consular Rights and for that purpose have appointed as their plenipotentiaries:

The President of the United States of America, Henry L. Stimson, Secretary of State of the United States of America, and

The President of the Republic of Poland, Tytus Filipowicz, Ambassador Extraordinary and Plenipotentiary of Poland in Washington,

who, having communicated to each other their full powers found

Stany Zjednoczone Ameryki i Rzeczpospolita Polska, pragnąc wzmocnić istniejący szczęśliwie między obu krajami węzeł pokoju zapomocą układów, mających na celu rozwinięcie przyjaznych stosunków między obu swemi terytorjami przez zarządzenia odpowiadające duchowym, kulturalnym, gospodarczym i handlowym dążeniom swej ludności, postanowiły zawrzeć Traktat Przyjaźni, Handlowy i Praw Konsularnych i w tym celu mianowały swymi pełnomocnikami:

Plenipotentiaries.

Prezydent Stanów Zjednoczonych Ameryki, p. Henry L. Stimson, Sekretarza Stanu Stanów Zjednoczonych Ameryki, i

Prezydent Rzeczypospolitej Polskiej, p. Tytusa Filipowicza, Ambasadora Nadzwyczajnego i Pełnomocnego R. P. w Waszyngtonie;

którzy, po zakomunikowaniu sobie wzajemnie pełnomocnictw,

to be in due form, have agreed upon the following articles:

ARTICLE I

Mutual freedom of residence, religion, business, etc., permitted.

The nationals of each of the High Contracting Parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in professional, scientific, religious, philanthropic, manufacturing and commercial work of every kind; to carry on every form of commercial activity which

Real property.

is not forbidden by the local law; to own, erect or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial and mortuary purposes; to employ agents of their choice; and generally the said nationals shall be permitted, upon submitting themselves to all local laws and regulations duly established, to enjoy all of the foregoing privileges and to do anything incidental to or necessary for the enjoyment of those privileges, upon the same terms as nationals of the State of residence, except as otherwise provided by laws of either High Contracting Party in force at the time of the signature of this Treaty. In so far as the laws of either High Contracting Party in force at the time of the signature of this Treaty do not permit nationals of the other Party to enjoy any of the foregoing privi-

Most favored nation treatment.

leges upon the same terms as the nationals of the State of residence, they shall enjoy, on condition of reciprocity, as favorable treatment as nationals of the most favored nation.

uznanych za należyte co do formy, zgodzili się na następujące artykuły:

ARTYKUŁ I

Obywatele każdej z Wysokich Umawiających się Stron będą mogli wjeżdżać, podróżować i przebywać na terytorjum drugiej Strony; korzystać z wolności sumienia oraz praktykowania kultu religijnego; wykonywać pracę zawodową, naukową, religijną, filantropijną, przemysłową i handlową wszelkiego rodzaju; prowadzić we wszelkiej formie działalność handlową nie wzbronioną przez prawo miejscowe; posiadać na własność wznosić lub wynajmować i zajmować odpowiednie budowle, oraz dzierżawić grunty do celów: mieszkalnych, naukowych, religijnych, filantropijnych, przemysłowych, handlowych i pośmiertnego spoczynku; zatrudniać pracowników według swego wyboru —i wogóle, wyżej wymienieni obywatele będą mogli, przy zastosowaniu się do wszystkich miejscowych praw i przepisów należycie ustanowionych, korzystać z wszelkich wyliczonych wyżej przywilei i wykonywać wszystko, co jest z uprawnieniami temi związane, lub konieczne do korzystania z nich, na tych samych warunkach, co obywatele państwa, w którem zamieszkują, chyba że prawa którejś z Wysokich Umawiających się Stron, będące w mocy w chwili podpisania niniejszego Traktatu, zawierają postanowienia odmienne. Tam gdzie prawa jednej z Wysokich Umawiających się Stron, obowiązujące w chwili podpisania niniejszego Traktatu nie pozwalają obywatelom drugiej Strony na korzystanie z któregoś z wyżej wyliczonych uprawnień na tych samych warunkach co obywatelom Państwa, w którem zamieszkują, będą oni korzystali, pod warunkiem wzajemności z takiego samego traktowania, co obywatele państwa najbardziej uprzywilejowanego.

The nationals of either High Contracting Party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals.

The nationals of each High Contracting Party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, in all degrees of jurisdiction established by law.

The nationals of each High Contracting Party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

Nothing contained in this Treaty shall be construed to affect existing statutes of either of the High Contracting Parties in relation to emigration or to immigration or the right of either of the High Contracting Parties to enact such statutes, provided, however, that nothing in this paragraph shall prevent the nationals of either High Contracting Party from entering, traveling and residing in the territories of the other Party in order to carry on international trade or to engage in any commercial activity related to or connected with the conduct of international trade on the same terms as nationals of the most favored nation.

Nothing contained in this Treaty is to be considered as interfering with the right of either party

Obywatele jednej z Wysokich Umawiających się Stron nie będą podlegali na terytorjum drugiej Strony żadnym innym lub wyższym wewnętrznym opłatom i podatkom, niż ściągane są od własnych obywateli i przez nich opłacane.

Equality of taxes, etc.

Obywatele każdej z Wysokich Umawiających się Stron będą mieli swobodny dostęp do sądów drugiej Strony, poddając się miejscowym prawom, a to zarówno w dochodzeniu, jak i obronie swoich praw przed wszystkiemi instancjami sądowemi, ustanowionemi przez prawo.

Access to courts of justice.

Obywatele każdej z Wysokich Umawiających się Stron będą mieli na terytorjum drugiej Strony, poddając się warunkom nałożonym na obywateli tejże Strony, jaknajbardziej stałą opiekę i bezpieczeństwo osobiste i ich mienia i będą korzystali pod tym względem z takiego stopnia opieki, jak tego wymaga prawo międzynarodowe. Mienie ich nie może być im odebrane bez właściwego postępowania prawnego i bez zapłaty odpowiedniego odszkodowania.

Protection of persons and property.

Żadne z postanowień niniejszego Traktatu nie może być interpretowane w sposób naruszający istniejące ustawy jednej z Wysokich Umawiających się Stron w odniesieniu do emigracji lub imigracji lub też prawa każdej z Wysokich Umawiających się Stron do stanowienia takich ustaw, pod warunkiem jednakże, że nic w ustępie niniejszym nie przeszkodzi obywatelom jednej z Wysokich Umawiających się Stron w wjeżdżaniu, podróżowaniu i zamieszkiwaniu na terytorjum drugiej Strony celem prowadzenia handlu międzynarodowego lub też zajmowania się działalnością handlową odnoszącą się do lub związaną z prowadzeniem handlu międzynarodowego na tych samych warunkach co obywatele państwa najbardziej uprzywilejowanego.

Immigration laws not affected.

Żadne z postanowień niniejszego Traktatu nie może być interpretowane w sensie, który

Protection of national labor.

to enact or enforce statutes concerning the protection of national labor.

nasuwałby prawo jednej ze Stron do stanowienia i stosowania ustaw odnoszących się do ochrony narodowego rynku pracy.

ARTICLE II

ARTYKUŁ II

Civil liability for injuries, etc.

With respect to that form of protection granted by National, State, or Provincial laws establishing civil liability for injuries or for death, and giving to relatives or heirs or dependents of an injured party a right of action or a pecuniary benefit, such relatives or heirs or dependents of the injured party, himself a national of either of the High Contracting Parties and injured within any of the territories of the other, shall, regardless of their alienage or residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

Odnośnie do formy ochrony, zabezpieczonej przez prawo państwowe, stanowe lub prowincjonalne, ustanawiające odpowiedzialność cywilną za obrażenia cielesne lub śmierć i dające krewnym, spadkobiercom lub pozostającym na utrzymaniu strony poszkodowanej prawo do skargi lub odszkodowania pieniężnego, tacy krewni, spadkobiercy lub będący na utrzymaniu strony poszkodowanej, która, mając obywatelstwo jednej z Wysokich Umawiających się Stron, została poszkodowana na terytorjum drugiej Strony, będą, bez względu na ich obywatelstwo obce lub przebywanie poza terytorjum, na którem obrażenia cielesne miały miejsce, korzystali z tych samych praw i przywilejów, jakie są lub mogą być udzielane obywatelom własnym i na takich samych warunkach.

ARTICLE III

ARTYKUŁ III

Dwellings, places of business, etc., to be respected.

The dwellings, warehouses, manufactories, shops, and other places of business, and all premises thereto appertaining of the nationals of each of the High Contracting Parties in the territories of the other, used for any purposes set forth in Article I, shall be respected. It shall not be allowable to make a domiciliary visit to, or search of, any such buildings and premises, or there to examine and inspect books, papers or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals.

Mieszkania, składy towarowe, fabryki, sklepy i inne miejsca wykonywania zawodu wraz ze wszystkiemi przynależnemi pomieszczeniami, należące do obywateli jednej z Wysokich Umawiających się Stron na terytorjum drugiej, używane do jakiegokolwiek z celów wymienionych w Artykule I, winny być szanowane. Będzie niedozwolone dokonywanie rewizji domowej, przeszukiwanie budynków i pomieszczeń, ani badanie i sprawdzanie w nich ksiąg, papierów lub rachunków, chyba że odbędzie się to pod warunkami i zgodnie z formami ustanowionemi dla krajowców przez obowiązujące ustawy, rozporządzenia i przepisy.

ARTICLE IV

ARTYKUŁ IV

Period allowed for sale of inherited realty, etc.

Where, on the death of any persons holding real or other immovable property or interests

W wypadkach, w których z powodu śmierci osoby, posiadającej realność lub inny majątek

therein within the territories of one High Contracting Party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other High Contracting Party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

nieruchomy, albo udział w nim, na terytorjum jednej z Wysokich Umawiających się Stron, majątek ten, lub udział w nim miałby, zgodnie z prawem krajowem lub na podstawie postanowień testamentowych, przypaść lub przejść na tam zamieszkałego lub niezamieszkałego obywatela drugiej z Wysokich Umawiających się Stron, jeżeli go tych praw nie pozbawiają ustawy kraju, w którym ten majątek lub udział w nim się znajduje, temu obywatelowi będzie wolno w okresie trzech lat, mogącym być przedłużonym, o ile tego wymagają słuszne powody, zlikwidować go i wycofać uzyskaną równowartość bez ograniczeń i przeszkód i wolną od wszelkich spadkowych, sądowych i administracyjnych podatków i opłat prócz tych, które w podobnych wypadkach mogą być nałożone na obywatela państwa, z którego ta równowartość ma być wycofana.

Disposal of personal property.

Nationals of either High Contracting Party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether resident or non-resident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the High Contracting Party within whose territories such property may be or belong shall be liable to pay in like cases.

Obywatele każdej z Wysokich Umawiających się Stron będą mieli pełną swobodę rozporządzania swą własnością ruchomą wszelkiego rodzaju na terytorjum drugiej Strony, drogą testamentu darowizny, lub w innej formie, a ich spadkobiercy, legatarjusze lub obdarowani, bez względu na obywatelstwo, zamieszkali lub niezamieszkali w kraju, będą dziedziczyli taką własność ruchomą i mogą objąć ją w posiadanie, sami lub przez osoby, działające w ich imieniu, zatrzymać ją lub rozporządzać nią dowoli, przyczem podlegają uiszczaniu podatków i opłat tylko takich, jakim podlegają w podobnych wypadkach obywatele tej z Wysokich Umawiających się Stron, na której terytorjum własność ta się znajduje, lub z którem jest związana.

Article V

The nationals of each of the High Contracting Parties in the exercise of the right of freedom of worship, within the territories of the other, as hereinabove provided, may, without annoyance or molestation of any kind by

Artykuł V

Freedom of worship, etc.

Obywatele każdej z Wysokich Umawiających się Stron będą mogli, w wykonaniu swego wyżej zastrzeżonego prawa swobody religijnej, na terytorjum drugiej Strony bez utrudnień i przykrości jakiegokolwiek rodzaju z

reason of their religious belief or otherwise, conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings or practices are not contrary to public morals; and they may also be permitted to bury their dead according to their religious customs in suitable and convenient places established and maintained for the purpose subject to the mortuary and sanitary laws and regulations of the place of burial.

Condition.

racji ich wierzeń religijnych lub z innego powodu—odprawiać nabożeństwa w obrębie albo swych własnych domów albo też wszelkich odpowiednich budynków, które mogą dowolnie wznosić i zachowywać w dogodnych miejscach, o ile ich nauki i obrządki nie są sprzeczne z obyczajnością publiczną; będą oni również mogli grzebać swych umarłych zgodnie z ich zwyczajami religijnemi na dogodnych i dostosowanych miejscach, założonych i zachowywanych w tym celu, przestrzegając ustaw i rozporządzeń cmentarnych i sanitarnych, obowiązujących w miejscu grzebania.

Article VI

Artykuł VI

Reciprocal freedom of commerce and navigation.

Between the territories of the High Contracting Parties there shall be freedom of commerce and navigation. The nationals of each of the High Contracting Parties equally with those of the most favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation.

Pomiędzy terytorjami Wysokich Umawiających się Stron będzie istniała wolność handlu i żeglugi. Obywatele obu Wysokich Umawiających się Stron, narówni z obywatelami państwa najbardziej uprzywilejowanego, będą mieli swobodę wolnego zawijania ze swemi statkami i ładunkami do wszystkich miejsc, portów i wód wszelkiego rodzaju w obrębie granic terytorjalnych drugiej Strony, które są lub mogą być otwarte dla handlu zagranicznego i żeglugi.

Sanitary, etc., measures.

Nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to impose on such terms as it may see fit, prohibitions or restrictions designed to protect human, animal, or plant life and health, or regulations for the enforcement of police or revenue laws, including laws prohibiting or restricting the importation or sale of alcoholic beverages or narcotics.

Liquor or narcotic traffic.

Żadne postanowienie niniejszego Traktatu nie może być tłumaczone jako ograniczające prawo którejkolwiek z Wysokich Umawiających się Stron do wprowadzenia na warunkach, jakie Strona ta uzna za stosowne, zakazów i ograniczeń, mających na celu ochronę życia i zdrowia ludzkiego, zwierzęcego lub roślin, lub rozporządzeń dla wykonania ustaw w dziedzinie porządku publicznego lub dochodów Skarbu, z włączeniem ustaw zabraniających lub ograniczających wwóz lub sprzedaż napojów alkoholowych lub narkotyków.

Most favored nation treatment on imports.

Each of the High Contracting Parties binds itself unconditionally to impose no higher or other duties or charges, and no condition or prohibition on the importation of any article, the growth, produce, or manufacture of the territories of the other Party than

Każda z Wysokich Umawiających się Stron przyjmie bezwzględnie zobowiązanie nienakładania wyższych lub innych ceł względnie opłat, warunków, zakazów lub ograniczeń przywozu jakichkolwiek artykułów, będących produktami gleby, wytworami lub

are or shall be imposed on the importation of any like article, the growth, produce or manufacture of any other country. Administrative orders effecting advances in duties or changes in regulations applicable to imports shall not be made operative until the elapse of sufficient time, after promulgation in the usual official manner, to afford reasonable notice of such advances or changes. The foregoing provision does not relate to orders made operative as required by provisions of law or judicial decisions, or to measures for the protection of human, animal or plant life or for the enforcement of police laws.

wyrobami terytorjum drugiej Strony niż te, jakie są lub będą nakładane na wwóz takich samych artykułów, będących produktami gleby, wytworami lub wyrobami jakiegokolwiek innego kraju. Zarządzenia administracyjne wprowadzające podwyższenie ceł lub zmianę obowiązujących przepisów, odnoszących się do importu, nie będą stosowane przed upływem dostatecznego czasu, potrzebnego na słuszne uwiadomienie o takich podwyżkach lub zmianiach, po ich ogłoszeniu w zwykłej drodze urzędowej. Powyższe postanowienie nie dotyczy zarządzeń wprowadzonych na skutek przepisów ustawy lub orzeczeń sądowych, jak również zarządzeń wydanych celem ochrony życia ludzkiego, zwierzęcego lub roślin, a także w dziedzinie porządku publicznego.

No discrimination of export charges.

Each of the High Contracting Parties also binds itself unconditionally to impose no higher or other charges or other restrictions or prohibitions on goods exported to the territories of the other High Contracting Party than are imposed on goods exported to any other foreign country.

Każda z Wysokich Umawiających się Stron również zobowiązuje się bezwzględnie nie nakładać opłat ani innych ograniczeń czy zakazów na towary eksportowane do terytorjów drugiej Strony wyższych lub innych, niż te, jakie nakładane są na towary eksportowane do jakiegokolwiek innego kraju obcego.

Neither High Contracting Party shall establish or maintain restrictions on imports from or exports to the territories of the other Party which are not applied to the import and export of any like article originating in or destined for any other country. Any withdrawal of an import or export restriction which is granted even temporarily by one of the Parties in favor of the articles of a third country shall be applied immediately and unconditionally to like articles originating in or destined for the other Contracting Party. In the event of rations or quotas being established for the importation or exportation of articles restricted or prohibited, each of the High Contracting Parties agrees to grant for the importation from or exportation to the territories of the other Party an equitable

Żadna z Wysokich Umawiających się Stron nie wprowadzi ani nie będzie utrzymywała w mocy ograniczeń importu z terytorjum lub eksportu do tery torjum drugiej Strony, które nie są stosowane do importu i eksportu takiego samego artykułu pochodzącego z lub wysyłanego do jakiegokolwiek innego kraju. Wszelkie cofnięcie ograniczeń importowych lub eksportowych przyznane chociażby tymczasowo przez jedną ze Stron na korzyść artykułów trzeciego państwa, będzie niezwłocznie i bezwarunkowo stosowane do takich samych artykułów pochodzących od drugiej Umawiającej się Strony lub do niej wysyłanych. W razie ustanowienia kontyngentów dla importu lub eksportu artykułów ograniczonych lub zakazanych, każda z Wysokich Umawiających się Stron zgadza się

share in the allocation of the quantity of restricted goods which may be authorized for importation or exportation.

przyznać importowi z terytorjum lub eksportowi do terytorjum drugiej Strony słuszny udział w przydziale ilości ograniczonych towarów, które mogą być dozwolone dla importu lub eksportu.

Extension of advantages given any other foreign country.

Any advantage concerning charges, duties, formalities and conditions of their application which either High Contracting Party may extend to any article, the growth, produce or manufacture of any other foreign country, shall simultaneously and unconditionally, without request and without compensation be extended to the like article the growth, produce or manufacture of the other High Contracting Party.

Wszelka korzyść, dotycząca opłat, ceł, formalności i warunków ich stosowania, którą jedna z Wysokich Umawiających się Stron mogłaby rozciągnąć na jakikolwiek artykuł, będący produktem gleby, wytworem lub wyrobem każdego innego obcego kraju, będzie równocześnie i bezwarunkowo, bez żądania i bez kompensaty rozciągnięta na takie same artykuły, które są produktami gleby, wytworami lub wyrobami drugiej Wysokiej Umawiającej się Strony.

Equality of trade by vessels of either country.

All articles which are or may be legally imported from foreign countries into ports of the United States of America or are or may be legally exported therefrom in vessels of the United States of America, may likewise be imported into these ports or exported therefrom in Polish vessels without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in vessels of the United States of America; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Poland or are or may be legally exported therefrom in Polish vessels, may likewise be imported into these ports or exported therefrom in vessels of the United States of America without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in Polish vessels.

Wszelkie artykuły które są lub mogą być legalnie importowane z zagranicy do portów Stanów Zjednoczonych Ameryki, albo też są lub mogą być legalnie eksportowane z nich na statkach Stanów Zjednoczonych Ameryki, będą mogły również być przywożone do tych portów lub wywożone z nich na statkach polskich, nie podlegając jakimkolwiek cłom lub opłatom innym lub wyższym niż gdyby te artykuły były importowane lub eksportowane na statkach Stanów Zjednoczonych Ameryki; i nawzajem, wszelkie artykuły, które są lub mogą być legalnie importowane z zagranicy do portów polskich albo też sa lub mogą być legalnie eksportowane z nich na statkach polskich, będą mogły również być przywożone do tych portów lub wywożone z nich na statkach Stanów Zjednoczonych Ameryki, nie podlegając żadnym cłom i opłatom innym lub wyższym niż gdyby artykuły te były importowane lub eksportowane na statkach polskich.

Bounties, drawbacks, etc.

In the same manner there shall be perfect reciprocal equality in relation to the flags of the two countries with regard to bounties, drawbacks and other privileges of this nature, of whatever denomination, which may be allowed in the territories of each of the

W ten sam sposób ma być stosowana zupełna wzajemna równość w stosunku do bandery obu krajów co do premij, zwrotów ceł i innych przywilejów tego rodzaju jakiejkolwiek nazwy, które mogą być przyznane na terytorjum obu Wysokich Uma-

Contracting Parties, on goods imported or exported in national vessels so that such bounties, drawbacks and other privileges shall also and in like manner be allowed on goods imported or exported in vessels of the other country.

With respect to the amount and collection of duties on imports and exports of every kind, each of the two High Contracting Parties binds itself to give to the nationals, vessels and goods of the other the advantage of every favor, privilege or immunity which it shall have accorded to the nationals, vessels and goods of a third state, whether such favored state shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment. Every such favor, privilege or immunity which shall hereafter be granted the nationals, vessels or goods of a third State shall simultaneously and unconditionally, without request and without compensation be extended to the other High Contracting Party for the benefit of itself, its nationals, vessels and goods.

No distinction shall be made by either High Contracting Party between direct and indirect importations of articles originating in the territories of the other Party from whatever place arriving. In so far as importations into Poland are concerned, the foregoing stipulation applies only in the case of goods which for a part of the way from the place of their origin to the place of their ultimate destination had to be carried across the ocean.

Either Contracting Party has the right to require that articles which are imported from the territories of the other Party and are entitled under the provisions of this Treaty to the benefit of the duties or charges accorded to the most favored nation, must be accompanied by such documentary proof of their origin as may be required in pursuance of the laws

wiających się Stron, dla towarów, importowanych lub eksportowanych na statkach narodowych, tak, że te premje, zwroty ceł i inne przywileje będą również w podobny sposób przyznawane towarom, importowanym lub eksportowanym na statkach drugiego państwa.

Most favored nation treatment as to customs duties.

Co się tyczy wysokości i pobierania ceł przywozowych i wywozowych wszelkiego rodzaju, każda z obu Wysokich Umawiających się Stron zobowiązuje się przyznać obywatelom, statkom i towarom drugiej Strony wszelkie udogodnienia, przywileje lub wolności, jakie przyzna obywatelom, statkom i towarom jakiegoś trzeciego państwa, bez względu na to, czy takiemu uprzywilejowanemu państwu takie traktowanie zostanie przyznane darmo, czy wzamian za kompensatę. Każde takie udogodnienie, przywilej lub wolność, które będzie odtąd w przyszłości nadane obywatelom, statkom czy towarom trzeciego państwa, będzie równocześnie i bezwarunkowo, bez żądania i bez kompensaty rozciągnięte na drugą Wysoką Umawiającą się Stronę dla niej samej, jej obywateli, statków i towarów.

No distinction between direct and indirect importations.

Żadna z Wysokich Umawiających się Stron nie będzie robiła jakiejkolwiek różnicy między bezpośrednim a pośrednim przywozem artykułów pochodzących z terytorjów drugiej Strony, a skądkolwiek przychodzących. Powyższe postanowienie, w zastosowaniu do przywozu do Polski, odnosi się jedynie do towarów, które na części drogi z miejsca ich pochodzenia do miejsca ostatecznego przeznaczenia musiały być przewożone poprzez ocean.

Documentary proof of origin required.

Każda z Wysokich Umawiających się Stron ma prawo wymagać, żeby artykuły, które są przywożone z terytorjum drugiej Strony i które mogą korzystać zgodnie z postanowieniami niniejszego Traktatu z korzyści odnośnie do ceł lub opłat przyznanych państwu najbardziej uprzywilejowanemu, były zaopatrzone w takie same dokumenty stwierdza-

and regulations of the country into which they are imported, provided, however, that the requirements imposed for this purpose shall not be such as to constitute in fact a hindrance to indirect trade. The requirements for furnishing such proof of origin shall be agreed upon and made effective by exchanges of notes between the High Contracting Parties.

jące ich pochodzenie, jakie mogą być wymagane w wykonaniu ustaw i przepisów kraju, do którego są one przywożone, z tem jednak zastrzeżeniem, że żądania postawione w tym celu nie będą tego rodzaju, aby mogły stanowić w rzeczywistości przeszkody dla handlu pośredniego. Wymagania związane z dostarczaniem takich świadectw pochodzenia zostaną ustalone i wprowadzone w życie przez wymianę not między Wysokiemi Umawiającemi się Stronami.

Exceptions.

The stipulations of this article shall not extend:

Postanowienia niniejszego artykułu nie rozciągają się na:

Border traffic

(a) To the treatment which either High Contracting Party shall accord to purely border traffic within a zone not exceeding ten miles (15 kilometers) wide on either side of its customs frontier.

a) traktowanie, które każda z Wysokich Umawiających się Stron przyzna ruchowi pogranicznemu w strefie nieprzekraczającej szerokości 10 mil (15 kilometrów) z każdej strony granicy celnej;

Where special privileges accorded.

(b) To the special privileges resulting to States in customs union with either High Contracting Party so long as such special privileges are not accorded to any other State.

b) specjalne przywileje państw, wynikające z ich unji celnej z jedną z Wysokich Umawiających się Stron dopóty dopóki takie specjalne przywileje nie będą przyznane żadnemu innemu państwu;

United States trade with Cuba.

(c) To the treatment which is accorded by the United States of America to the commerce of Cuba under the provisions of the commercial convention concluded by the United States of America and Cuba on December 11, 1902, or any other commercial convention which hereafter may be concluded by the United States of America with Cuba. Such stipulations, moreover do not extend to the treatment which is accorded to commerce between the United States of America and the Panama Canal Zone or any of the dependencies of the United States of America, or to the commerce of the dependencies of the United States of America with one another under existing and future laws.

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With Canal Zone or dependencies.

c) traktowanie, jakie Stany Zjednoczone Ameryki przyznają handlowi Kuby na zasadzie postanowień Konwencji Handlowej, zawartej pomiędzy Stanami Zjednoczonemi Ameryki a Kubą, dnia 11 grudnia 1902 r., ani do jakiejkolwiek innej konwencji handlowej, która w przyszłości może być zawarta między Stanami Zjednoczonemi Ameryki i Kubą. Postanowienia takie pozatem nie odnoszą się do traktowania zapewnionego handlowi Stanów Zjednoczonych Ameryki ze strefą Kanału Panamskiego lub z którąkolwiek posiadłością Stanów Zjednoczonych Ameryki lub handlowi posiadłości Stanów Zjednoczonych Ameryki między sobą, zgodnie z obecnemi i przyszłemi prawami;

Exception to Polish traffic.

(d) To the provisional customs regime in force between Polish and German parts of Upper Silesia laid down in the German-Polish Convention signed at Geneva on May 15, 1922.

d) tymczasowy system celny obowiązujący między polskim i niemieckim Górnym Śląskiem i ustanowiony polsko-niemiecką Konwencją, podpisaną w Genewie 15 maja 1922 r.

ARTICLE VII

The nationals and merchandise of each High Contracting Party within the territories of the other shall receive the same treatment as nationals and merchandise of the country with regard to internal taxes, charges in respect to warehousing and other facilities.

ARTYKUŁ VII

Equality of internal taxes, etc.

Obywatele i towary każdej z Wysokich Umawiających się Stron będą korzystali na terytorjum drugiej Strony z tego samego traktowania co krajowcy i towary krajowe, o ile chodzi o podatki wewnętrzne, opłaty za składowe i za inne udogodnienia.

ARTICLE VIII

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges of whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country upon the vessels of the other, which shall not equally, under the same conditions be imposed on national vessels. Such equality of treatment shall apply reciprocally to the vessels of the two countries respectively from whatever place they may arrive and whatever may be their place of destination.

ARTYKUŁ VIII

Tonnage duties, etc.

Żadne opłaty tonażowe, portowe, za pilotaż, za latarnie morskie i opłaty kwarantannowe lub też żadne podobne lub analogiczne opłaty jakiegokolwiek bądź rodzaju, ściągane w imieniu lub na rzecz Rządu, funkcjonarjuszy publicznych, osób prywatnych, towarzystw lub zakładów jakiegobądź rodzaju, nie będą nakładane w portach terytorjów żadnego z obu krajów na statki drugiego kraju, któreby nie były w równej mierze i w tych samych warunkach nakładane na statki narodowe. To równe traktowanie będzie stosowane z zastrzeżeniem wzajemności do statków obu krajów bez względu na miejsce, z którego one przybywają i bez względu na miejsce ich przeznaczenia.

ARTICLE IX

For the purposes of this Treaty, merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties, and carrying the papers required by its national laws in proof of nationality, shall, both within the territorial waters of the other High Contracting Party and on the high seas, be deemed to be the vessels of the Party whose flag is flown.

ARTYKUŁ IX

Nationality of private vessels recognized.

Dla celów niniejszego Traktatu statki handlowe i inne statki będące własnością prywatną pod banderą jednej z Wysokich Umawiających się Stron, posiadające dokumenty, wymagane przez ich ustawy krajowe na dowód swej przynależności państwowej, będą, zarówno w obrębie wód terytorjalnych drugiej Strony, jak i na pełnem morzu, uważane za statki tej Strony, pod której banderą płyną.

ARTICLE X

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territories of the other High Contracting Party, and to proceed with the

ARTYKUŁ X

Discharging cargoes at open ports.

Statki handlowe i inne statki będące własnością prywatną pod banderą jednej z Wysokich Umawiających się Stron, będą mogły wyładowywać część swych ładunków w każdym porcie, otwartym dla handlu zagranicznego na terytorjach drugiej Wysokiej Umawiającej się Strony i płynąć dalej z

remaining portions of such cargoes to any other ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner at different ports in the same voyage outward, provided, however, that the coasting trade of the High Contracting Parties is exempt from the provisions of this Article and from the other provisions of this Treaty, and is to be regulated according to the laws of each High Contracting Party in relation thereto. It is agreed, however, that the nationals of either High Contracting Party shall within the territories of the other enjoy with respect to the coasting trade the most favored nation treatment.

Coasting trade exemption.

Fishing and shipbuilding.

The provisions of this Treaty relating to the mutual concession of national treatment in matters of navigation do not apply to special privileges reserved by either High Contracting Party for the fishing and shipbuilding industries.

resztą tych ładunków do jakichkolwiek innych portów na tych samych terytorjach, otwartych dla handlu zagranicznego, bez uiszczenia innych lub wyższych opłat tonażowych, lub portowych, niż te, które w takich wypadkach były płacone przez statki krajowe w podobnych warunkach i będą tak samo mogły brać ładunek w różnych portach, w czasie tej samej podróży w kierunku oddalającym się, z tem zastrzeżeniem jednak, że handel przybrzeżny Wysokich Umawiających się Stron jest wyłączony z postanowień niniejszego artykułu i z innych postanowień niniejszego Traktatu, będzie zaś uregulowany stosownie do odnośnych ustaw każdej z Wysokich Umawiających się Stron. Istnieje jednak zgoda co do tego, iż obywatele jednej z Wysokich Umawiających się Stron, będą korzystali odnośnie do handlu przybrzeżnego na terytorjum drugiej Strony, z traktowania państwa najbardziej uprzywilejowanego.

Postanowienia niniejszego Traktatu, odnoszące się do wzajemnego przywileju narodowego traktowania w sprawach związanych z żeglugą, nie stosują się do specjalnych przywilejów, które obie Wysokie Umawiające się Strony zastrzegają dla przemysłu rybackiego i budowy okrętów.

Article XI

Corporations, etc., organized in either country may conduct business in the other.

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, National, State or Provincial, of either High Contracting Party and maintain a central office within the territories thereof, shall have their juridical status recognized by the other High Contracting Party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy freedom of access to the courts of law and equity, on conforming to the laws regulating the matter, as well for

Artykuł XI

Spółki o odpowiedzialności ograniczonej, oraz inne spółki i towarzystwa, obliczone lub nieobliczone na zysk, które zostały lub mogą być w przyszłości założone zgodnie z ustawami państwowemi, stanowemi lub prowincjonalnemi jednej z Wysokich Umawiających się Stron i utrzymujące siedzibę główną na jej terytorjum, uznane będą przez drugą Wysoką Umawiającą się Stronę za prawnie istniejące, z zastrzeżeniem jednak, że nie dążą one na jej terytorjum do celów sprzecznych z jej ustawami. Będą one korzystały z wolności dostępu do wszelkich sądów sądzących według prawa lub słu-

the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of such corporations and associations of either High Contracting Party so recognized by the other to establish themselves within its territories, establish branch offices and fulfill their functions therein shall depend upon, and be governed solely by the consent of such Party as expressed in its National, State, or Provincial laws and regulations.

szności, stosując się do praw regulujących tę sprawę, zarówno dla dochodzenia, jak i dla obrony praw we wszystkich instancjach sądowych prawnie ustanowionych.

Prawo takich spółek i towarzystw jednej z Wysokich Umawiających się Stron, w ten sposób uznanych przez drugą Stronę, do osiedlania się na jej terytorjach, zakładania filij i wykonywania swych czynności tamże—będzie uzależnione i uregulowane wyłącznie na podstawie zezwolenia tej Strony, w sposób określony w jej ustawach i przepisach państwowych, stanowych lub prowincjonalnych.

Right to establish branches.

ARTICLE XII

The nationals of either High Contracting Party shall enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the organization of and participation in limited liability and other corporations and associations, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no conditions less favorable than those which have been or may hereafter be imposed upon the nationals of the most favored nation. The rights of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either High Contracting Party within the territories of the other to exercise any of their functions therein, shall be governed by the laws and regulations, National, State or Provincial, which are in force or

ARTYKUŁ XII

Obywatele jednej z Wysokich Umawiających się Stron będą korzystali na terytorjach drugiej Strony wzajemnie i zgodnie z warunkami tam obowiązującemi, z takich praw i przywilejów, jakie są, lub w przyszłości będą, przyznane obywatelom jakiegokolwiek innego państwa odnośnie do zakładania i uczestniczenia w spółkach o odpowiedzialności ograniczonej i innych spółkach i towarzystwach w celach zarobkowych lub innych, włącznie z prawem inicjowania, rejestrowania, zakupu, posiadania i sprzedaży akcyj oraz piastowania stanowisk kierowniczych lub wykonawczych w tych firmach. Przy wykonywaniu tych praw odnośnie do uregulowania postępowania dotyczącego organizacji lub prowadzenia takich spółek i towarzystw, wspomniani obywatele nie będą podlegali żadnym warunkom, mniej korzystnym, niż te, jakie są lub będą w przyszłości nakładane na obywateli państwa najbardziej uprzywilejowanego. Prawo wszystkich takich spółek i towarzystw, któreby były zorganizowane lub kontrolowane przez obywateli jednej z Wysokich Umawiających się Stron lub w których mieliby udział ci obywatele, na terytorjum drugiej Strony do wykonywania tamże jakichkolwiek swych

Nationals of either country may organize corporations, etc., in the other.

may hereafter be established within the territories of the Party wherein they propose to engage in business.

Mining privileges.

The nationals of either High Contracting Party, shall, moreover, enjoy within the territories of the other, on condition of reciprocity, and upon compliance with the conditions there imposed, such rights and privileges as may hereafter be accorded the nationals of any other State with respect to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain of the other. It is understood, however, that neither High Contracting Party shall be required by anything in this paragraph to grant any application for any such right or privilege if at the time such application is presented the granting of all similar applications shall have been suspended or discontinued.

czynności,—będą regulowane przez ustawy i przepisy państwowe, stanowe lub prowincjonalne, które są w mocy, lub mogłyby być w przyszłości wprowadzone na terytorjach tej Strony, gdzie czynności te mają być wykonywane.

Ponad to obywatele jednej z Wysokich Umawiających się Stron będą korzystali na terytorjum drugiej Strony, z zastrzeżeniem wzajemności i poddając się warunkom tam obowiązującym, z takich praw i przywilejów, jakie mogłyby być w przyszłości przyznane obywatelom jakiegokolwiek innego państwa odnośnie do wydobywania węgla, fosfatu, ropy, oleju skalnego, gazu i sody na terenach państwowych drugiej Strony. Rozumie się jednakże, że żadne z postanowień niniejszego ustępu nie wymaga od Wysokich Umawiających się Stron udzielania pozwoleń na korzystanie z takich praw lub przywilejów, jeżeli w chwili przedłożenia odnośnego podania udzielanie podobnych praw lub przywilejów zostało zawieszone lub zniesione.

Article XIII

Commercial travelers recognized.

Commercial travelers representing manufacturers, merchants and traders domiciled in the territories of either High Contracting Party shall on their entry into and sojourn in the territories of the other Party and on their departure therefrom be accorded the most favored nation treatment in respect of customs and other privileges and of all charges and taxes of whatever denomination applicable to them or to their samples.

Identification, etc.

If either High Contracting Party shall deem necessary the presentation of an authentic document establishing the identity and authority of commercial travelers representing manufacturers, merchants or traders domiciled in the territories of the other Party in order that such commercial traveler may enjoy in its territories the privileges accorded under this Article, the High Con-

Artykuł XIII

Komiwojażerowie, reprezentujący wytwórców, kupców i handlarzy, osiadłych na terytorjum jednej z Wysokich Umawiających się Stron, będą mieli przy wjeździe na terytorjum drugiej Strony lub w czasie przebywania tam i przy wyjeździe stamtąd, zapewnione traktowanie państwa najbardziej uprzywilejowanego pod względem ceł i innych przywilejów i wszelkich opłat i podatków jakiegokolwiekbądź rodzaju, nałożonych na nich, lub ich próbki.

Jeżeliby Wysokie Układające się Strony lub jedna z nich uznała za potrzebne przedstawienie wierzytelnego dokumentu ustalającego tożsamość i uprawnienia komiwojażerów reprezentujących wytwórców, kupców lub handlarzy osiadłych na terytorjach drugiej strony, celem dania im możności korzystania na jej terytorjach z przywilejów przyznanych w niniejszym artykule—Wy-

tracting Parties will agree by exchange of notes on the form of such document and the authorities or persons by whom it shall be issued.

ARTICLE XIV

There shall be complete freedom of transit through the territories including territorial waters of each High Contracting Party on the most convenient routes open for international transit, by rail, navigable waterway, and canal, other than the Panama Canal and waterways and canals which constitute international boundaries, to persons, their luggage and goods coming from, going to or passing through the territories of the other High Contracting Party, except such persons as may be forbidden admission into its territories, or goods or luggage of which the importation may be prohibited by law. Persons, their luggage and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, or to any discrimination as regards charges, facilities or any other matter.

Goods in transit must be entered and cleared at the proper customhouse, but they shall be exempt from all customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic.

Nothing in this Article shall affect the right of either of the High Contracting Parties to prohibit or restrict the transit of arms, munitions and military equipment in accordance with treaties or conventions that may have been or may hereafter be entered into by either Party with other countries.

sokie Umawiające się Strony ustalą w drodze wymiany not formę takiego dokumentu oraz urzędy i osoby przez jakie ma być wystawiony.

ARTYKUŁ XIV

Freedom of international transit.

Będzie miała miejsce zupełna wolność tranzytu przez terytorja z włączeniem wód terytorjalnych każdej z Wysokich Umawiających się Stron na najdogodniejszych drogach otwartych dla tranzytu międzynarodowego kolejami, żeglownemi drogami wodnemi i kanałami, z wyłączeniem Kanału Panamskiego, oraz dróg wodnych i kanałów, stanowiących granice międzypaństwowe, dla osób, ich bagażu i towarów, przybywających z terytorjów drugiej Wysokiej Umawiającej się Strony, udających się tam, lub przejeżdżających przez nie, z wyłączeniem takich osób, których dopuszczenie na jej terytorja byłoby zabronione, albo towarów czy bagażu, których przywóz byłby zakazany ustawowo. Osoby przejeżdżające, ich bagaż i towary przewożone tranzytem nie będą podlegały żadnym cłom tranzytowym, ani żadnemu zbędnemu opóźnieniu, lub ograniczeniom i zróżniczkowaniom pod względem opłat, ułatwień lub wszelkich innych okoliczności.

Panama Canal, etc., excepted.

Transit provisions.

Towary w tranzycie winny wchodzić i wychodzić przez właściwą komorę cleną, ale wolne będą od wszelkich ceł lub innych podobnych opłat.

Customs entries, etc.

Wszelkie opłaty, nakładane na transporty znajdujące się w tranzycie, będą umiarkowane i odpowiadające warunkom ruchu.

Żadne z postanowień niniejszego artykułu nie będzie ograniczało prawa obu Wysokich Umawiających się Stron do zakazywania lub ograniczania tranzytu broni, amunicji i sprzętu wojskowego, zgodnie z traktatami i konwencjami, które są albo mogłyby być w przyszłości zawarte przez którąkolwiek z Wysokich Umawiających się Stron z innemi państwami.

Transit of arms, etc.

ARTICLE XV

Consular officers. Reception of.

Each of the High Contracting Parties agrees to receive from the other, consular officers in those of its ports, places and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Enjoyment of rights, etc., accorded most favored nation.

Consular officers of each of the High Contracting Parties shall after entering upon their duties, enjoy reciprocally in the territories of the other all the rights, privileges, exemptions and immunities which are enjoyed by officers of the same grade of the most favored nation. As official agents, such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the State which receives them.

Exequator to issue.

The Government of each of the High Contracting Parties shall furnish free of charge the necessary exequatur of such consular officers of the other as present a regular commission signed by the chief executive of the appointing state and under its great seal; and it shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his Government, or by any other competent officer of that Government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an exequatur, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges and immunities granted by this Treaty.

ARTYKUŁ XV

Każda z Wysokich Umawiających się Stron zgadza się przyjmować urzędników konsularnych drugiej Strony w tych swoich portach, miejscowościach i miastach, które nadają się i są otwarte dla przedstawicieli konsularnych jakiegokolwiek obcego państwa.

Urzędnicy konsularni każdej z Wysokich Umawiających się Stron będą, po objęciu urzędowania, korzystali na terytorjum drugiej Strony na zasadzie wzajemności ze Wszystkich praw i przywilejów, zwolnień i immunitetów, z jakich korzystają urzędnicy tego samego stopnia państwa najbardziej uprzywilejowanego. Tacy urzędnicy, jako przedstawiciele urzędowi, będą uprawnieni do wysokiego szacunku wszystkich urzędników państwowych lub komunalnych państwa przyjmującego, z którymi będą utrzymywali stosunki służbowe.

Rząd każdej z Wysokich Umawiających się Stron będzie udzielał bez opłat potrzebnego exequatur urzędnikom konsularnym drugiej Strony, którzy przedstawiają należyte listy komisyjne, podpisane przez Głowę Państwa kraju wysyłającego i zaopatrzone w wielką pieczęć państwową; nadto wyda on każdemu podwładnemu lub zastępczemu urzędnikowi konsularnemu, należycie mianowanemu przez przyjętego wyższego urzędnika konsularnego, za aprobatą jego Rządu, lub przez innego właściwego urzędnika tego Rządu, takie dokumenty, jakie, zgodnie z prawami odnośnych Państw, wymagane są do wykonywania służby konsularnej przez mianowanego urzędnika. Za okazaniem exequatur'u lub innego dokumentu, wydanego zamiast tegoż, takiemu urzędnikowi niższego stopnia, ten urzędnik konsularny uprawniony będzie do objęcia swego urzędu, oraz korzystania z praw, przywilejów i immunitetów, przyznanych przez Traktat niniejszy.

ARTICLE XVI

Consular officers, nationals of the state by which they are appointed, shall be exempt from arrest except when charged with the commission of offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever.

In criminal cases the attendance at court by a consular officer as a witness may be demanded by the prosecution or defence. The demand shall be made with all possible regard for the consular dignity and the duties of the office; and there shall be compliance on the part of the consular officer.

Consular officers shall be subject to the jurisdiction of the courts in the State which receives them in civil cases, subject to the proviso, however, that when the officer is a national of the state which appoints him and is engaged in no private occupation for gain, his testimony in cases to which he is not a party shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at court whenever it is possible to do so without serious interference with his official duties.

ARTYKUŁ XVI

Exemption from arrest, etc.

Urzędnicy konsularni, będący obywatelami Państwa wysyłającego, nie mogą być aresztowani z wyjątkiem wypadku, gdy zostaną oskarżeni o popełnienie czynów karygodnych, kwalifikowanych przez prawo miejscowe jako przestępstwa, inne aniżeli występki i przekroczenia i pociągające za sobą ukaranie winnego osobnika. Urzędnicy tacy wolni będą od obowiązku dostarczania kwater wojskowych i od służby wojskowej lub morskiej, administracyjnej lub policyjnej wszelkiego rodzaju.

Testimony in criminal cases.

W sprawach karnych, stawienie się urzędnika konsularnego w charakterze świadka w sądzie może być zażądane zarówno przez stronę oskarżającą, jak i przez obronę. Odnośne wezwanie dokonane być winno z zachowaniem wszelkich możliwych względów dla godności konsularnej i obowiązków urzędu; a urzędnik konsularny winien uczynić zadość takiemu wezwaniu.

Civil cases, etc.

Urzędnicy konsularni będą w sprawach cywilnych podlegali jurysdykcji sądów Państwa przyjmującego, z tem jednakże zastrzeżeniem, że w wypadku, jeżeli urzędnik jest obywatelem Państwa wysyłającego i nie jest zaangażowany w żadnem prywatnem zajęciu, obliczonem na zysk, to przesłuchanie jego ustne lub pisemne w charakterze świadka w sprawach, w których on nie jest stroną, odbyć się winno w miejscu jego zamieszkania lub w jego biurze i z należytymi względami dla jego wygody. Urzędnik winien wszakże dobrowolnie zeznawać w sądzie, o ile to tylko jest możliwe bez naruszenia w poważny sposób jego obowiązków służbowych.

ARTICLE XVII

Each of the High Contracting Parties agrees to permit the entry free of all duty of all furniture, equipment and supplies intended for official use in the consular

ARTYKUŁ XVII

Free entry of office supplies, etc.

Każda z Wysokich Umawiających się Stron zgadza się na wwóz wolny od wszelkich opłat celnych wszelkiego rodzaju mebli, urządzeń i zapasów przeznaczonych na

offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other property intended for their personal use, accompanying the officer to his post; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the High Contracting Parties, may be brought into its territories.

Personal property.

Personal property imported by consular officers, their families or suites during the incumbency of the officers shall be accorded the customs privileges and exemptions accorded to consular officers of the most favored nation.

użytek służbowy w biurach konsularnych drugiej Strony; udzieli również urzędnikom konsularnym, ich rodzinom oraz towarzyszącym im osobom, o ile są one obywatelami kraju wysyłającego, przywileju wolnego od cła wwozu ich bagażu i innych przedmiotów służących do ich osobistego użytku, przywożonych ze sobą przez urzędnika, gdy udaje się na swe stanowisko, z warunkiem wszakże, że żaden przedmiot, którego wwóz przez prawo jednej z Wysokich Umawiających się Stron jest zakazany, nie może być przywieziony na jej terytorjum. Mienie osobiste wwożone przez urzędników konsularnych, ich rodziny lub towarzyszące im osoby w czasie pełnienia funkcyj przez danych urzędników, będzie korzystało z przywilejów i zwolnień przyznawanych urzędnikom konsularnym Państwa najbardziej uprzywilejowanego.

Restriction, if consul is in private business.

It is understood, however, that the privileges of this Article shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to governmental supplies.

Rozumie się jednak, że przywileje, udzielone w niniejszym artykule, nie będą się rozciągały na urzędników konsularnych, oddających się w państwie przyjmującem jakiemukolwiek prywatnemu zajęciu obliczonemu na zysk, chyba, że chodzi o przedmioty dostarczane im urzędowo.

Article XVIII

Tax exemption.

Consular officers, including employees in a consulate, nationals of the State by which they are appointed other than those engaged in private occupations for gain within the State where they exercise their functions, shall be exempt from all taxes, National, State, Provincial and Municipal, levied upon their persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from property of any kind situated or belonging within, the territories of the State within which they exercise their functions. All consular officers and employees, nationals of the State appointing them, shall be exempt from the payment of taxes on the salary,

Artykuł XVIII

Urzędnicy konsularni, włączając w to i pracowników zatrudnionych w konsulacie, będący obywatelami Państwa wysyłającego, a nie oddający się na terytorjum Państwa, gdzie wykonywują swe czynności, zajęciom prywatnym obliczonym na zysk, wolni będą od wszelkiego rodzaju podatków państwowych, stanowych, prowincjonalnych i komunalnych, nałożonych na ich osoby lub mienie, z wyjątkiem podatków, pobieranych z tytułu posiadania przez nich majątku nieruchomego, położonego w granicach tego terytorjum, oraz dochodu, który daje im mienie jakiegokolwiek rodzaju, położone na lub przynależne do terytorjum Państwa, w którem wykonywują swe czynności. Wszyscy urzędnicy i pracownicy

fees or wages received by them in compensation for their consular services.

The Government of each High Contracting Party shall have the right to acquire and own land and buildings required for diplomatic or consular premises in the territory of the other High Contracting Party and also to erect buildings in such territory for the purposes stated subject to local building regulations.

Lands and buildings situated in the territories of either High Contracting Party, of which the other High Contracting Party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, National, State, Provincial and Municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

ARTICLE XIX

Consular officers may place over the outer door of their respective offices the coat of arms of their State with an appropriate inscription designating the official office, and they may place the coat of arms of their State on automobiles employed by them in the exercise of their consular functions. Such officers may also hoist the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise hoist such flag over any boat or vessel employed in the exercise of the consular function.

The quarters where consular business is conducted and the archives of the consulates shall at all times be inviolable, and under no pretext shall any authorities of any character within the

konsularni, obywatele Państwa wysyłającego, wolni są od płacenia podatków od poborów, honorarjów i płac, które otrzymują jako wynagrodzenie za swą służbę konsularną.

Acquisition of realty, etc.

Rząd każdej z Wysokich Umawiających się Stron będzie miał prawo nabywać i posiadać na własność grunta i budynki potrzebne na lokale dyplomatyczne i konsularne na terytorjum drugiej z Wysokich Umawiających się Stron, jakoteż wznosić budynki na tem terytorjum dla wyżej wspomnianych celów z zachowaniem miejscowych przepisów budowlanych.

Exemption, if for governmental use only.

Grunta i budynki, położone na terytorjum jednej z Wysokich Umawiających się Stron, których prawnym lub sprawiedliwym właścicielem jest druga Strona, a które są używane przez tego właściciela wyłącznie do celów rządowych, wolne są od wszelkiego rodzaju podatków zarówno państwowych, jak stanowych, krajowych i komunalnych z wyjątkiem opłat pobieranych za usługi lub miejscowe publiczne urządzenia, z których dane objekty korzystają.

ARTYKUŁ XIX

Arms and flags at offices, etc.

Urzędnicy konsularni mają prawo umieszczać nad drzwiami wejściowemi swych biur godła swego Państwa z odpowiednim napisem, oznaczającym lokal urzędowy, i umieszczać godła swego państwa na samochodach używanych przez nich przy wykonywaniu czynności konsularnych. Urzędnicy ci mogą również wywieszać flagę swego Państwa na swych biurach, włączając w to i biura, znajdujące się w stolicach obu Państw. Mogą oni również wywieszać takąż flagę na wszelkiej łodzi lub statku, używanym przy wykony waniu funkcyj konsularnych.

Inviolability of offices and archives.

Lokal, w którym konsulat urzęduje i archiwa konsulatu będą zawsze i w każdym czasie nietykalne i pod żadnym pozorem żadna z władz krajowych jakiegokolwiek rodzaju nie może dokonywać

country make any examination or seizure of papers or other property deposited with the archives.

Separation, from private papers.

When consular officers are engaged in business within the territory of the State where they are exercising their duties, the files and documents of the consulate shall be kept in a place entirely separate from the one where private or business papers are kept. Consular offices shall not be used as places of asylum. No consular officers shall be required to produce official archives in court or testify as to their contents.

Recognition of ad interim officers.

Upon the death, incapacity, or absence of a consular officer, having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the Government of the State where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives and immunities granted to the incumbent.

żadnego badania lub zajęcia papierów lub innych rzeczy złożonych w archiwach. O ile urzędnicy konsularni trudnią się przedsiębiorstwami prywatnemi na terytorjum Państwa, gdzie wykonywują swe funkcje, papiery i dokumenty konsulatu winny być przechowywane w miejscu zupełnie oddzielonem od miejsca, gdzie są przechowywane ich papiery prywatne lub dotyczące ich przedsiębiorstwa. Biura Konsulatu nie będą służyły za miejsca azylu. Nie będzie wymagane od żadnego urzędnika konsularnego przedkładanie w sądzie aktów urzędowych lub składanie zeznań o ich treści.

W razie śmierci, niezdolności do wykonywania funkcyj, lub nieobecności urzędnika konsularnego, który nie ma na swej placówce podwładnego urzędnika konsularnego, sekretarze lub naczelnicy kancelarji, jeżeli ich charakter służbowy został przedtem podany do wiadomości Państwu przyjmującemu, mogą wykonywać czasowo funkcje konsularne zmarłego, niezdolnego do pełnienia swych funkcyj lub nieobecnego urzędnika konsularnego; podczas sprawowania tych czynności będą oni korzystali ze wszystkich praw, przywilejów i immunitetów, przyznanych kierownikowi urzędu.

Article XX

Communications with officials for protecting countrymen of consuls.

Consular officers, nationals of the State by which they are appointed, may, within their respective consular districts, address the authorities, National, State, Provincial or Municipal, for the purpose of protecting their countrymen in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general

Artykuł XX

Urzędnicy konsularni, będący obywatelami Państwa wysyłającego, mogą w obrębie swego okręgu konsularnego zwracać się do władz państwowych, stanowych, krajowych lub komunalnych w celu zapewnienia swoim obywatelom korzystania z praw traktatowych lub nabytych w jakikolwiek inny sposób. W razie naruszenia tych praw mogą oni wnosić zażalenia. O ile właściwe władze nie dały zadośćuczynienia lub nie udzieliły opieki, interwencja dyplomatyczna będzie usprawiedliwiona, a w razie nieobecności przedstawiciela dyplomatycznego, konsul generalny

or the consular officer stationed at the capital may apply directly to the government of the country

lub urzędnik konsularny, urzędujący w stolicy, zwrócić się może bezpośrednio do Rządu danego kraju.

ARTICLE XXI

Consular officers, in pursuance of the laws of their own country may (a) take, at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territories of, their own country; (b) draw up, attest, certify and authenticate unilateral acts, translations, deeds, and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party; (c) authenticate signatures; (d) draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the State by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions and contracts relating to property situated, or business to be transacted, within the territories of the State by which they are appointed.

ARTYKUŁ XXI

Notarial acts, etc., by consular officers.

Urzędnicy konsularni mogą w wykonaniu praw swego własnego Państwa: a/ przyjmować w każdem nadającem się do tego miejscu w granicach ich okręgu, zeznania wszelkich osób znajdujących się na statkach ich kraju lub jakichkolwiek obywateli ich Państwa albo też osób mających miejsce stałego zamieszkania na terytorjum tegoż Państwa; b/ sporządzać, zaświadczać /attest, certify/ i uwierzytelniać jednostronne akty prawne, podpisy, tłumaczenia, dokumenty i rozporządzenia testamentowe swych obywateli, jak również kontrakty, w których obywatel ich Państwa jest jedną z umawiających się stron; c/ uwierzytelniać podpisy; d/ sporządzać, zaświadczać /attest, certify/, i uwierzytelniać dokumenty wszelkiego rodzaju, wyrażające lub zawierające jakiekolwiek przeniesienie lub obciążenie własności wszelkiego rodzaju, znajdującej się na terytorjum Państwa wysyłającego, jakoteż jednostronne akty prawne, dokumenty, rozporządzenia testamentowe i kontrakty, odnoszące się do mienia położonego na terytorjum Państwa wysyłającego, lub do tranzakcji, która ma tam być dokonana.

Authentications, etc.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated by the consular officer, under his official seal, shall be received as evidence in the territories of the Contracting Parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular officer was appointed; provided, always, that such documents shall have been

Effect as evidence.

Dokumenty i akty w ten sposób sporządzone, jakoteż odpisy z nich i tłumaczenia, jeżeli zostały przez urzędnika konsularnego należycie uwierzytelnione i zaopatrzone jego pieczęcią urzędową, uznawane będą za dokumenty dowodowe na terytorjach Umawiających się Stron i uważane będą za dokumenty oryginalne lub wierzytelne odpisy, stosownie do wypadku, oraz posiadać będą taką samą moc i skutki prawne, jak gdyby były sporządzone i zaświadczone przez notarjusza lub innego urzędnika publicznego odpowiednio upo-

drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

Authority, in non-support matters.

A consular officer of either High Contracting Party shall within his district have the right to act personally or by delegate in all matters concerning claims of non-support of non-resident minor children against a father resident in the district of the consul's residence and a national of the country represented by the consul, without other authorization, providing that such procedure is not in conflict with local laws.

ważnionego w Państwie wysyłającem, zawsze jednakże z zastrzeżeniem, że akty te i dokumenty sporządzone i zaświadczone będą zgodnie z prawami i przepisami Państwa, w którem mają wywołać skutki prawne.

Urzędnik konsularny każdej z Wysokich Umawiających się Stron będzie miał we własnym okręgu prawo występowania osobiście lub przez zastępcę we wszystkich sprawach dotyczących roszczeń o środki do utrzymania, wniesionych przez małoletnie dzieci, niezamieszkałe w kraju przyjmującym przeciw ojcu zamieszkałemu w okręgu danego urzędnika konsularnego będącemu obywatelem państwa wysyłającego bez osobnego do tego pełnomocnictwa z tem jednak zastrzeżeniem, że tego rodzaju postępowanie nie jest sprzecznez prawem miejscowem.

Article XXII

Notice of death in one country of a national of the other.

In case of the death of a national of either High Contracting Party in the territory of the other without having in the locality of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of the death, in order that necessary information may be forwarded to the parties interested.

Provisional holding of intestate property.

In case of the death of a national of either of the High Contracting Parties without will or testament, in the territory of the other High Contracting Party, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left

Artykuł XXII

W razie śmierci obywatela jednej z Wysokich Umawiających się Stron na terytorjum drugiej Strony, o ile nie pozostawił on w miejscu zgonu żadnych znanych spadkobierców, ani wykonawców testamentu, przez siebie wyznaczonych, właściwe władze miejscowe zawiadomią niezwłocznie o fakcie jego śmierci najbliższego urzędnika konsularnego Państwa, którego zmarły był obywatelem, aby odpowiednie zawiadomienie przesłane być mogło stronom zainteresowanym.

Jeżeli obywatel jednej z Wysokich Umawiających się Stron umrze na terytorjum drugiej Wysokiej Umawiającej się Strony bez pozostawienia ostatniej woli lub testamentu, urzędnik konsularny Państwa, którego obywatelem był zmarły, urzędujący w granicach okręgu, w którym zmarły mieszkał w chwili śmierci, uważany będzie, o ile prawa miejscowe na to pozwalają, do chwili wyznaczenia administratora lub wszczęcia przewodu spadkowego, za powołanego do wzięcia pod swoją opiekę majątku, pozostałego po

by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

In case of the death of a national of either of the High Contracting Parties without will or testament and without any known heirs resident in the country of his decease, the consular officer of the country of which the deceased was a national shall be appointed administrator of the estate of the deceased, provided the regulations of his own Government permit such appointment and provided such appointment is not in conflict with local law and the tribunal having jurisdiction has no special reasons for appointing someone else.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

zmarłym w celu zachowania i ochrony tego majątku; tenże urzędnik konsularny będzie uprawniony do tego ażeby zostać wyznaczonym zarządcą spadku według uznania sądu lub innej władzy, sprawującej nadzór nad zarządem masy spadkowej, o ile na to zezwalają prawa miejscowości, gdzie spadek pozostaje pod zarządem.

Without any known heirs. Appointment as administrator.

W wypadku śmierci obywatela jednej z Wysokich Umawiających się Stron bez rozporządzenia na wypadek śmierci względnie testamentu i bez jakichkolwiek znanych spadkobierców zamieszkałych w kraju, gdzie umarł, urzędnik konsularny kraju, którego obywatelem był zmarły, będzie wyznaczony na administratora majątku zmarłego, o ile przepisy własnego jego Rządu zezwalają na to, i o ile taka nominacja nie jest sprzeczna z prawami miejscowemi, a sąd właściwy nie ma specjalnych powodów do wyznaczenia kogo innego.

Status of.

O ile urzędnik konsularny przyjmie obowiązki administratora spadku, pozostałego po zmarłym współobywatelu, poddaje się tem samem w tym charakterze do wszystkich celowych zamierzeń jurysdykcji sądu albo też innego czynnika mianującego, w takim samym zakresie co obywatel kraju przyjmującego.

Article XXIII

A consular officer of either High Contracting Party may, if this is not contrary to the local law, appear personally or by delegate on behalf of non-resident beneficiaries, nationals of the country represented by him before the proper authorities administering workmen's compensation laws and other like statutes, with the same effect as if he held the power of attorney of such beneficiaries to represent them unless such beneficiaries have themselves appeared either in person or by duly authorized representative.

Artykuł XXIII

Representative of non-resident beneficiary.

Urzędnik konsularny każdej z Wysokich Umawiających się Stron może, o ile to nie jest sprzeczne z prawem miejscowem, stawać osobiście lub przez zastępcę w imieniu beneficjarjuszy obywateli Państwa wysyłającego niezamieszkałych w kraju jego urzędowania przed właściwemi władzami, wykonywującemi ustawy o odszkodowaniu za wypadki przy pracy, lub podobne ustawy, z tym samym skutkiem jak gdyby posiadał pełnomocnictwo od takich beneficjarjuszy, chyba że beneficjarjusze ci stawili się osobiście lub przez prawnie wyznaczonych pełnomocników.

Notice to consul.

Written notice of the death of their countrymen entitled to benefit by such laws should, whenever practicable, be given by the authorities administering the law to the appropriate consular officer of the country of which the deceased was a national.

Zawiadomienie na piśmie o śmierci ich współobywateli, mających prawo do korzyści wynikających z takich ustaw, winno być, skoro tylko to będzie możliwe, wysłane przez odnośne władze do właściwego urzędnika konsularnego kraju, którego obywatelem był zmarły.

Handling funds for non-resident countrymen.

A consular officer of either High Contracting Party may on behalf of his non-resident countrymen collect and receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called workmen's compensation laws or other like statutes provided he remits any funds so received through the appropriate agencies of his Government to the proper distributees.

Urzędnik konsularny każdej z Wysokich Umawiających się Stron może w imieniu obywateli Państwa wysyłającego, niezamieszkujących w kraju przyjmującym, kwitować z odbioru ich udziałów, pochodzących z realizacji spadków w drodze postępowania sądowego lub uzyskanych na mocy postanowień Prawa o odszkodowaniu robotników, t. zw. Workmen's Compensation Laws, lub innych ustaw tego rodzaju, z warunkiem, że przekaże on wszelkie w ten sposób uzyskane fundusze za pośrednictwem właściwych organów swego rządu odnośnym osobom uprawnionym do ich otrzymania.

Article XXIV

Rights over estates under local jurisdiction.

A consular officer of either High Contracting Party shall, within his district, have the right to appear personally or by delegate in all matters concerning the administration and distribution of the estate of a deceased person under the jurisdiction of the local authorities for all such heirs or legatees in said estate, either minors or adults, as may be nonresidents and nationals of the country represented by the said consular officer with the same effect as if he held their power of attorney to represent them unless such heirs or legatees themselves have appeared either in person or by duly authorized representative.

Artykuł XXIV

Urzędnik konsularny każdej z Wysokich Umawiających się Stron będzie miał prawo w swoim okręgu konsularnym stawać, osobiście lub przez zastępcę we wszystkich sprawach, dotyczących zarządu i podziału spadku osoby zmarłej, należących do kompetencji władz miejscowych w imieniu wszystkich spadkobierców lub legatarjuszy, zainteresowanych w danym spadku, tak małoletnich, jak i pełnoletnich tam niezamieszkałych obywateli kraju wysyłającego z tym samym skutkiem prawnym, jak gdyby miał ich pełnomocnictwo do reprezentowania ich, chyba, że dani spadkobiercy lub legatarjusze stawili się osobiście lub przez należycie upoważnionego przedstawiciela.

Article XXV

Consular authority over shipping controversies.

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise

Artykuł XXV

Urzędnik konsularny będzie miał wyłączne prawo rozstrzygania sporów, wynikających z regulaminu wewnętrznego statków prywatnych jego kraju; do

jurisdiction in cases, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrongdoing shall have entered a port within his consular district. Such an officer shall also have jurisdiction over issues concerning the adjustment of wages and the execution of contracts relating thereto provided the local laws so permit.

When an act committed on board of a private vessel under the flag of the State by which the consular officer has been appointed and within the territorial waters of the State to which he has been appointed constitutes a crime according to the laws of that State, subjecting the person guilty thereof to punishment as a criminal, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the local law.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the State to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the State to which he is appointed to render assistance as an interpreter or agent.

ARTICLE XXVI

A consular officer of either High Contracting Party shall have the right to inspect within the ports of the other High Contracting Party within his consular district, the private vessels of any flag destined or about to clear for ports of the country appointing him in order to observe the sanitary conditions and

niego też jedynie należy rozstrzyganie sporów wynikłych pomiędzy oficerami a załogą takich statków, a dotyczących wykonywania na statku dyscypliny, o ile statek i osoby obwinione o popełnienie wykroczenia przybyły do portu, znajdującego się w obrębie jego okręgu konsularnego. Urzędnik taki ma również prawo do rozstrzygania spraw dotyczących uregulowania płac i wykonywania odnośnych kontraktów, o ile prawa miejscowe na to pozwalają.

Crimes on private vessels in territorial waters.

Jeżeli na statku prywatnym, płynącym pod banderą Państwa wysyłającego urzędnika konsularnego, popełniony zostanie w granicach wód terytorjalnych Państwa przyjmującego czyn, który w myśl ustaw tego Państwa uważany jest za przestępstwo, pociągające za sobą karę dla winnej osoby jako przestępcy, urzędnik konsularny nie będzie korzystał ze wspomnianych uprawnień, chyba, że na to zezwalają prawa miejscowe.

Local aid to maintain order on shipboard.

Urzędnik konsularny może nie krępując się wzywać pomocy miejscowych władz policyjnych we wszelkich wypadkach, dotyczących utrzymania wewnętrznego porządku na statku, płynącym pod banderą jego kraju, w granicach wód terytorjalnych Państwa przyjmującego, a na takie żądanie potrzebna pomoc winna mu być udzielona.

Appearance before judicial authorities.

Urzędnik konsularny może stawać wraz z oficerami i załogą statków, płynących pod banderą jego Państwa, przed władzami sądowemi Państwa przyjmującego w celu okazania pomocy jako tłumacz lub pośrednik.

ARTYKUŁ XXVI

Inspection, etc., of vessels clearing for ports of consul's country.

Urzędnik konsularny każdej z Wysokich Umawiających się Stron będzie miał prawo w portach drugiej Wysokiej Umawiającej się Strony, leżących w obrębie jego okręgu konsularnego, przeprowadzać inspekcje na statkach prywatnych, niezależnie od ich bander, mających się udać lub wyruszających do portów

measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.

kraju wysyłającego, celem zbadania warunków i zarządzeń sanitarnych, wydanych na tychże okrętach, aby tem samem mieć możność należytego sporządzenia świadectw zdrowotności i innych dokumentów wymaganych przez ustawodawstwo jego kraju oraz informować swój Rząd, w jakiej mierze jego przepisy sanitarne były przestrzegane w portach odjazdowych przez statki udające się do portów jego kraju, a to ze względu na ułatwienie statkom powyższym wjazdu do portu.

ARTICLE XXVII

Salvage of shipwrecked vessels.

All proceedings relative to the salvage of vessels of either High Contracting Party wrecked upon the coasts of the other shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred. Pending the arrival of such officer, who shall be immediately informed of the occurrence, the local authorities shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom house charges, unless it be intended for consumption in the country where the wreck may have taken place.

Local intervention limited.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

ARTYKUŁ XXVII

Wszelkiemi czynnościami, odnoszącemi się do ratownictwa statków każdej z Wysokich Umawiających się Stron, które rozbiły się u brzegów drugiej, będzie kierował urzędnik konsularny kraju, do którego dany statek należy i w granicach którego okręgu konsularnego rozbicie statku nastąpiło. Do chwili przybycia takiego urzędnika, który niezwłocznie winien być zawiadomiony o wypadku, władze miejscowe winny podjąć wszelkie potrzebne kroki dla ochrony osób i zabezpieczenia mienia dotkniętego katastrofa. Władze miejscowe będą interwenjowały jedynie w celu utrzymania porządku i zabezpieczenia interesów osób ratujących, o ile one nie należą do załogi statku, który uległ rozbiciu, oraz w celu wykonywania zarządzeń wydanych w sprawie przywozu i wywozu uratowanych towarów. Rozumie się, że towary takie nie podlegają żadnym opłatom celnym, chyba, że są przeznaczone do spożycia w kraju, gdzie nastąpiło rozbicie się statku.

Interwencja władz miejscowych w tych wypadkach nie będzie pociągała za sobą żadnych kosztów, oprócz tych, które wywołane zostały akcją ratowniczą i zabezpieczeniem uratowanych towarów, oraz tych, które w podobnych okolicznościach ponosiłyby okręty ich własnego kraju.

ARTICLE XXVIII

Subject to any limitation or exception hereinabove set forth, or hereafter to be agreed upon, the territories of the High Contracting Parties to which the provisions of this Treaty extend shall be understood to comprise all areas of land, water, and air over which the Parties respectively claim and exercise dominion as sovereign thereof, except the Panama Canal Zone.

ARTYKUŁ XXVIII

Uwzględniając wszelkie ograniczenia lub wyjątki, wyzej wymienione, lub mogące być później umówionemi, terytorja Wysokich Umawiających się Stron, na które rozciągają się postanowienia niniejszego Traktatu, będą rozumiane jako obejmujące wszelkie obszary lądu, wody i powietrza, co do których Strony roszczą sobie prawo i wykonywują władzę suwerenną, z wyjątkiem strefy Kanału Panamskiego.

Territories embraced.

Canal Zone excluded.

ARTICLE XXIX

The Polish Government which is entrusted with the conduct of the foreign affairs of the Free City of Danzig under Article 104 of the Treaty of Versailles and Articles 2 and 6 of the Treaty signed in Paris on November 9, 1920, between Poland and the Free City of Danzig, reserves hereby the right to declare that the Free City of Danzig is a Contracting Party to this Treaty and that it assumes the obligations and acquires the rights laid down therein.

This reservation does not relate to those stipulations of the Treaty which the Republic of Poland has accepted with regard to the Free City in accordance with the Treaty rights conferred on Poland.

ARTYKUŁ XXIX

Rząd Polski, któremu powierzone zostało prowadzenie spraw zagranicznych Wolnego Miasta Gdańska w myśl artykułu 104 Traktatu Wersalskiego i artykułów 2 i 6 Konwencji Paryskiej pomiędzy Polską a Wolnem Miastem Gdańskiem z dnia 9 listopada 1920 roku, zastrzega sobie prawo oświadczenia, że Wolne Miasto jest Umawiającą się Stroną w niniejszym Traktacie i że przyjmuje zobowiązania i nabywa prawa, w nim ustalone.

Zastrzeżenie powyższe nie odnosi się do tych postanowień niniejszego Traktatu, które Rzeczpospolita Polska w stosunku do Wolnego Miasta Gdańska już przyjęła w wykonaniu swych praw wynikających z odnośnych Traktatów.

Reservation by Poland as to the Free City of Danzig. *Post*, p. 1680.

ARTICLE XXX

The present Treaty shall be ratified and the ratifications thereof shall be exchanged at Warsaw. The Treaty shall take effect in all its provisions thirty days from the date of the exchange of ratifications and shall remain in full force for the term of one year thereafter.

If within six months before the expiration of the aforesaid period of one year neither High Contracting Party notifies to the other an intention of modifying by change or omission, any of the provisions of any of the Articles

ARTYKUŁ XXX

Traktat niniejszy będzie ratyfikowany, a dokumenty ratyfikacyjne zostaną wymienione w Warszawie. Niniejszy Traktat we wszystkich swych postanowieniach wejdzie w życie w przeciągu 30 dni od daty wymiany dokumentów ratyfikacyjnych i pozostanie w pełnej mocy na przeciąg jednego roku od daty wejścia w życie.

O ile na sześć miesięcy przed upływem wyżej podanego jednorocznego okresu żadna z Wysokich Umawiających się Stron nie zawiadomi drugiej o swym zamiarze zmiany lub wypuszczenia jakiegokolwiekbądź postanowienia które-

Ratification.

Duration.

in this Treaty or of terminating it upon the expiration of the aforesaid period, the Treaty shall remain in full force and effect after the aforesaid period and until six months from such a time as either of the High Contracting Parties shall have notified to the other an intention of modifying or terminating the Treaty.

Signatures.

In witness whereof the respective Plenipotentiaries have signed this Treaty and have affixed their seals thereto.

Done in duplicate, each in the English and Polish languages, both authentic, at Washington, this fifteenth day of June, one thousand nine hundred and thirty-one.

gokolwiek z artykułów niniejszego Traktatu lub o jego rozwiązaniu z chwilą upływu wyżej wymienionego okresu czasu, Traktat pozostanie nadal w mocy po upływie wyżej wymienionego okresu aż do upływu sześciu miesięcy od chwili, w której którakolwiek z Wysokich Umawiających się Stron zawiadomi drugą o swym zamiarze zmiany lub rozwiązania Traktatu.

Na dowód czego pełnomocnicy obu Stron podpisali niniejszy Traktat i wycisnęli na nim swe pieczęcie.

Sporządzono w Waszyngtonie, w dwóch egzemplarzach, oba w języku angielskim i polskim, jednakowo obowiązujących, dnia 15 czerwca tysiąc dziewięćset trzydziestego pierwszego roku.

HENRY L STIMSON [SEAL]
TYTUS FILIPOWICZ [SEAL]

Ratifications exchanged.

AND WHEREAS the said treaty has been duly ratified on both parts and the ratifications of the two Governments were exchanged in the city of Warsaw on the ninth day of June, one thousand nine hundred and thirty-three;

Ante, p. 1533.

AND WHEREAS by the terms of Article XXX thereof the said Treaty shall take effect in all its provisions thirty days from the date of the exchange of ratifications;

Proclamation.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Treaty to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this tenth day of July in the year of our Lord one thousand nine hundred and thirty-three
[SEAL] and of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
WILLIAM PHILLIPS
Acting Secretary of State.

AGREEMENT CONCERNING PROOF OF THE ORIGIN OF IMPORTED MERCHANDISE EFFECTED BY EXCHANGE OF NOTES PROVIDED FOR IN THE TENTH PARAGRAPH OF ARTICLE VI OF THE TREATY

Agreement concerning proof of origin of imported merchandise. *Ante*, p. 1515.

The Secretary of State (Stimson) to the Polish Ambassador (Filipowicz)

DEPARTMENT OF STATE,
Washington, June 15, 1931.

EXCELLENCY:

I have the honor to communicate to Your Excellency my understanding of the agreement reached regarding the requirements for furnishing proof of the origin of imported merchandise entitled to the benefits of the treaty of friendship, commerce and consular rights signed this day on behalf of the United States of America and Poland.

In the event that proof of the origin of imported goods is required by either Party pursuant to the provisions of the tenth paragraph of Article VI of the treaty, it is agreed that

(1) A declaration by the shipper in the country of origin legalized by a consular representative of the country of final destination resident in the country of origin shall be accepted as satisfactory proof of the origin of the goods. As far as certificates of origin for importation into the Polish customs territory are concerned, the above-mentioned shipper's declaration before legalization by a consular representative of Poland, has to be certified by a competent Chamber of Commerce or similar organization, subject to the exceptions provided for in subparagraph (a) of paragraph (3) hereof.

(2) For indirect shipments an acceptable alternative to the certificate of origin obtained in the country of origin as provided in paragraph (1) shall be proof of origin obtainable in the intermediate country from which the goods are last shipped to the country of final destination. Such proof shall consist of a declaration by the consignor of the goods in the intermediate country before a consular officer of the country of origin resident in the intermediate country, certified by the latter and approved by a consular representative of the country of final destination resident in the intermediate country, it being understood that the consular representatives of the country of origin shall not certify the shipper's declaration for this purpose unless they are satisfied upon examination of documentary or other evidence that the statements made therein are true.

(3) The attached form of certificate of origin for use in connection with direct shipments from the United States to Poland and the attached form for use in connection with indirect shipments from the United States to Poland through an intermediate country or countries,

respectively, conform to the provisions above set forth, it being understood and agreed, however, that

(a) If the circumstances of any particular case render it impracticable for the shipper of the goods to obtain certification on a certificate of origin by a Chamber of Commerce or similar organization, the certificate of origin may be submitted for authentication directly to a Polish consular officer, and the fact that certification by a Chamber of Commerce or similar organization has not been obtained shall not be considered by such consular officer as of itself sufficient ground for refusing to authenticate the document.

(b) If at the time the certificate of origin is made out circumstances render it difficult or inconvenient for shippers to specify on such certificate the name of the vessel on which the goods are to be shipped, the necessities and convenience of shippers shall be taken into account either by waiving this requirement or by making such other provision as the circumstances of the case require.

(c) In exceptional cases in which doubt exists regarding the exact proportion of the value of any given article represented by the costs of the labor and raw material of the United States, or in which such proportion is less than fifty per centum, but the article, in view of the nature and extent of the processes to which it has been subjected, is distinctly an American product, no certification regarding such proportion on a certificate of origin shall be required.

Any article in which the raw material or the labor of the United States represents less than fifty per centum of the total value shall, nevertheless, be deemed to be a product of the United States if a like article from any third country representing less than fifty per centum in value the labor and raw material of such third country is deemed to be a product of that country.

(4) In the event that modification of the requirements outlined in the preceding paragraphs is at any time considered desirable from the viewpoint of either Party, it is agreed that its proposals to this end shall be given sympathetic consideration by the other Party.

I shall be glad to have your confirmation of the accord thus reached.

Accept, Excellency, the renewed assurances of my highest consideration.

HENRY L. STIMSON

Annexes:
Form of certificate of origin for use in connection with direct shipments;
Form of certificate of origin for use in connection with indirect shipments.

HIS EXCELLENCY
MR. TYTUS FILIPOWICZ,
Ambassador of Poland.

[Enclosure 1]

Forms.

Certificate of origin, direct shipments.

No. No. of the institution executing the certificate of origin.

Certificate of origin

I, (member or manager of the firm or corporation)_____

_____

(name of individual and title)

exporter of the merchandise described below, do solemnly and truly declare that the said merchandise {is the growth of / has been finished in / has been manufactured in} the United States of America, and that not less than 50 per cent of the total value of the goods represents the cost of labor and raw material in the United States, and that the said merchandise is correctly described as follows:

Port of shipment_____

On steamship_____

(name of steamship)

Name of shipper_____

(indicate whether merchant or manufacturer)

Address of shipper_____

Consignee in Poland_____

(indicate whether merchant or manufacturer)

Address of consignee in Poland_____

Dated_____

Marks and numbers	No. of packages or cases	Description of the commodities	Weight Gross	Weight Net	Value

_____Signature of Exporter

Subscribed and sworn to before me this _____ day of _____ _____ 19_____

_____ Notary Public

CERTIFICATION BY CHAMBER OF COMMERCE

_____ 19 ____

_____

a recognized chamber of commerce has examined the manufacturers invoice of shippers affidavit concerning the origin of the merchandise, and according to the best of its knowledge and belief, finds the products named originated in the United States of America.

_____

(Signature and seal of the Institution executing the Certificate of Origin)

(Certification of competent Polish Consular Officer)

Certificate of origin, indirect shipments.

[Enclosure 2]

_____
Place and date

CERTIFICATE OF ORIGIN

I
We (consignor of the goods)_____

_____
(name of individual or of the firm)

exporter(s) of the merchandise described below, do solemnly and truly declare that the said merchandise {is the growth of / has been finished in / has been manufactured in} the United States of America, and that not less than 50 per cent of the total value of the goods represents the cost of labor and raw material in the United States, and that the said merchandise is correctly described as follows:

Marks and numbers	No. of packages or cases	Description of commodities	Weight Gross	Weight Net	Value

The above described merchandise is to be shipped per_____

_____
(indicate whether on steamship (name) or by railway)

from _____
(place of shipment)

Consignee in the Polish custom territory_____

Address of consignee in the Polish custom territory_____

_____
Signature of consignor.

Certification by the competent consular authority of the U.S.A.

_____ 19____
(Place and date)

No. _____
(of the consular representative certifying the certificate of origin)

I do hereby certify, that I have examined the documents concerning the merchandise described above by the consignor, and according to my best knowledge and belief, I find the products named originated in the United States of America.

Witness my hand and seal of office the day and year aforesaid.

_____

_____ of the United States of America.

(Certification by the competent Polish consular representative).

The Polish Ambassador (Filipowicz) to the Secretary of State (Stimson) Agreement by Poland.

AMBASADA POLSKA
W WASZYNGTONIE

No. 2241/31 *June 15, 1931.*

SIR:

I have the honor to acknowledge the receipt of your note of this date concerning your understanding of the agreement reached regarding the requirements for furnishing proof of the origin of imported merchandise entitled to the benefits of the treaty of friendship, commerce and consular rights signed this day on behalf of Poland and the United States of America, and to confirm that understanding, as follows:

In the event that proof of the origin of imported goods is required by either Party pursuant to the provisions of the tenth paragraph of Article VI of the treaty, it is agreed that

(1) A declaration by the shipper in the country of origin legalized by a consular representative of the country of final destination resident in the country of origin shall be accepted as satisfactory proof of the origin of the goods. As far as certificates of origin for importation into the Polish customs territory are concerned, the above-mentioned shipper's declaration, before legalization by a consular representative of Poland, has to be certified by a competent Chamber of Commerce or similar organization, subject to the exceptions provided for in subparagraph (a) of paragraph (3) hereof.

(2) For indirect shipments an acceptable alternative to the certificate of origin obtained in the country of origin as provided in paragraph (1) shall be proof of origin obtainable in the intermediate country from which the goods are last shipped to the country of final destination. Such proof shall consist of a declaration by the consignor of the goods in the intermediate country before a consular officer of the country of origin resident in the intermediate country, certified by the latter and approved by a consular representative of the country of final destination resident in the intermediate country, it being understood that the consular representatives of the country of origin shall not certify the shipper's declaration for this purpose unless they are satisfied upon examination of documentary or other evidence that the statements made therein are true.

(3) The attached form of certificate of origin for use in connection with direct shipments from the United States to Poland and the attached form for use in connection with indirect shipments from the United States to Poland through an intermediate country or countries, respectively, conform to the provisions above set forth, it being understood and agreed, however, that

> (a) If the circumstances of any particular case render it impracticable for the shipper of the goods to obtain certification on a certificate of origin by a Chamber of Commerce or similar organization, the certificate of origin may be submitted for authentication directly to a Polish consular officer, and the fact

that certification by a Chamber of Commerce or similar organization has not been obtained shall not be considered by such consular officer as of itself sufficient ground for refusing to authenticate the document.

(b) If at the time the certificate of origin is made out circumstances render it difficult or inconvenient for shippers to specify on such certificate the name of the vessel on which the goods are to be shipped, the necessities and convenience of shippers shall be taken into account either by waiving this requirement or by making such other provision as the circumstances of the case require.

(c) In exceptional cases in which doubt exists regarding the exact proportion of the value of any given article represented by the costs of the labor and raw material of the United States, or in which such proportion is less than fifty per centum, but the article, in view of the nature and extent of the processes to which it has been subjected, is distinctly an American product, no certification regarding such proportion on a certificate of origin shall be required.

Any article in which the raw material or the labor of the United States represents less than fifty per centum of the total value shall, nevertheless, be deemed to be a product of the United States if a like article from any third country representing less than fifty per centum in value the labor and raw material of such third country is deemed to be a product of that country.

(4) In the event that modification of the requirements outlined in the preceding paragraphs is at any time considered desirable from the viewpoint of either Party, it is agreed that its proposals to this end shall be given sympathetic consideration by the other Party.

Accept, Sir, the renewed assurances of my highest consideration.

TYTUS FILIPOWICZ

THE HONORABLE
HENRY L. STIMSON,
Secretary of State.

[Enclosure 1]

No. No. of the institution executing the certificate of origin.

Certificate of origin

I, (member or manager of the firm or corporation)_____
_____
(name of individual and title)

exporter of the merchandise described below, do solemnly and truly declare that the said merchandise {is the growth of / has been finished in / has been manufactured in} the United States of America, and that not less than 50 per cent of the total value of the goods represents the cost of labor and raw material in the United States, and that the said merchandise is correctly described as follows:

Port of shipment_____
On steamship_____
(name of steamship)
Name of shipper_____
(indicate whether merchant or manufacturer
Address of shipper_____
Consignee in Poland_____
Address of consignee in Poland_____
Dated_____

Marks and numbers	No. of packages or cases	Description of the commodities	Weight Gross	Weight Net	Value

_____Signature of Exporter

Subscribed and sworn to before me this_____day of_____
_____19____

_____Notary Public

CERTIFICATION BY CHAMBER OF COMMERCE

_____19____

A Recognized Chamber of Commerce has examined the manufacturers invoice or shippers affidavit concerning the origin of the merchandise, and according to the best of its knowledge and belief, finds the products named originated in the United States of America.

_____
(Signature and seal of the Institution executing the Certificate of Origin)

(Certification of competent Polish Consular Officer)

[Enclosure 2]

Place and date

CERTIFICATE OF ORIGIN.

I
We (consignor of the goods) ----------

(name of individual or of the firm)

exporter(s) of the merchandise described below, do solemnly and truly declare that the said merchandise { is the growth of / has been finished in / has been manufactured in } the United States of America, and that not less than 50 percent of the total value of the goods represents the cost of labor and raw material in the United States, and that the said merchandise is correctly described as follows:

Marks and numbers	No. of packages or cases	Description of commodities	Weight Gross	Weight Net	Value

The above described merchandise is to be shipped per ----------

---
(indicate whether on steamship (name) or by railway)

from ----------
(place of shipment)

Consignee in the Polish custom territory----------
Address of consignee in the Polish custom territory----------

---
Signature of consignor.

Certification by the competent consular authority of the U.S.A.

---- 19----
(Place and date)

No.----------
(of the consular representative certifying the certificate of origin)

I do hereby certify, that I have examined the documents concerning the merchandise described above by the consignor, and according to my best knowledge and belief, I find the products named originated in the United States of America.

Witness my hand and seal of office the day and year aforesaid.

---------- of the United States of America.

(Certification by the competent Polish consular representative.)

Multilateral convention and protocol of signature concerning narcotic drugs, concluded at Geneva, July 13, 1931; ratification advised by the Senate, March 31, 1932; ratified by the President, April 8, 1932; ratification of the United States deposited at Geneva, April 28, 1932; proclaimed, July 10, 1933.

July 13, 1931.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Narcotic drugs restriction convention. Preamble.

WHEREAS a Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, dated Geneva, July 13, 1931, and left open for signature until December 31, 1931, was signed by the respective Plenipotentiaries of the United States of America, (with reservations); Germany; Argentine Republic; Austria; Belgium; Bolivia; Brazil; Great Britain and Northern Ireland and all parts of the British Empire which are not separate members of the League of Nations; Canada; India; Chile; Costa Rica; Cuba; Denmark; Free City of Danzig; Dominican Republic; Egypt; Spain; Ethiopia; France (with a reservation); Greece; Guatemala; Hejaz, Nejd and Dependencies; Italy; Japan (with a reservation as recorded in the protocol of signature); Liberia; Lithuania; Luxembourg; Mexico; Monaco; Panama; Paraguay; The Netherlands; Persia; Poland; Portugal; Rumania; San Marino; Siam (with a reservation); Sweden; Switzerland; Czechoslovakia; Uruguay and Venezuela, together with a Protocol of Signature, the original of which Convention and Protocol, being in the English and French languages, are word for word as follows:

CONVENTION POUR LIMITER LA FABRICATION ET RÉGLEMENTER LA DISTRIBUTION DES STUPÉFIANTS

LE PRÉSIDENT DU REICH ALLEMAND; LE PRÉSIDENT DES ÉTATS-UNIS D'AMÉRIQUE; LE PRÉSIDENT DE LA RÉPUBLIQUE ARGENTINE; LE PRÉSIDENT FÉDÉRAL DE LA RÉPUBLIQUE D'AUTRICHE; SA MAJESTÉ LE ROI DES BELGES; LE PRÉSIDENT DE LA RÉPUBLIQUE DE BOLIVIE; LE PRÉSIDENT DE LA RÉPUBLIQUE DES ÉTATS-UNIS DU BRÉSIL; SA MAJESTÉ LE ROI DE GRANDE-BRETAGNE ET D'IRLANDE ET DES DOMINIONS BRITANNIQUES AU DELÀ DES MERS, EMPEREUR DES INDES; LE PRÉSIDENT DE LA RÉPUBLIQUE DU CHILI; LE PRÉSIDENT DE LA RÉPUBLIQUE DE COSTA-RICA; LE PRÉSIDENT DE LA RÉPUBLIQUE DE CUBA; SA MAJESTÉ LE ROI DE DANEMARK ET D'ISLANDE; LE PRÉSIDENT DE LA RÉPUBLIQUE DE POLOGNE, POUR LA VILLE LIBRE DE DANTZIG; LE PRÉSIDENT DE LA RÉPUBLIQUE DOMINICAINE; SA MAJESTÉ LE ROI D'EGYPTE; LE PRÉSIDENT DU GOUVERNEMENT PROVISOIRE DE LA RÉPUBLIQUE ESPAGNOLE; SA MAJESTÉ L'EMPEREUR ROI DES ROIS D'ETHIOPIE; LE PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE; LE PRÉSIDENT DE LA RÉPUBLIQUE HELLÉNIQUE; LE PRÉSIDENT DE LA RÉPUBLIQUE DE GUATÉMALA; SA MAJESTÉ LE ROI DU HEDJAZ, DU NEDJED ET DÉPENDANCES; SA MAJESTÉ LE ROI D'ITALIE; SA MAJESTÉ L'EMPEREUR DU JAPON; LE PRÉSIDENT DE LA RÉPUBLIQUE DU LIBÉRIA; LE PRÉSIDENT DE LA RÉPUBLIQUE DE LITHUANIE; SON ALTESSE ROYALE LA GRANDE-DUCHESSE DE LUXEMBOURG; LE PRÉSIDENT DES ÉTATS-UNIS DU MEXIQUE; SON ALTESSE SÉRÉNISSIME LE PRINCE DE MONACO; LE PRÉSIDENT DE LA RÉPUBLIQUE DE PANAMA; LE PRÉSIDENT DE LA RÉPUBLIQUE DU PARAGUAY; SA MAJESTÉ LA REINE DES PAYS-BAS; SA MAJESTÉ IMPÉRIALE LE CHAH DE PERSE; LE PRÉSIDENT DE LA RÉPUBLIQUE DE POLOGNE; LE PRÉSIDENT DE LA RÉPUBLIQUE PORTUGAISE; SA MAJESTÉ LE ROI DE ROUMANIE; LES CAPITAINES-RÉGENTS DE LA RÉPUBLIQUE DE SAINT-MARIN; SA MAJESTÉ LE ROI DE SIAM; SA MAJESTÉ LE ROI DE SUÈDE; LE CONSEIL FÉDÉRAL SUISSE; LE PRÉSIDENT DE LA RÉPUBLIQUE TCHÉCOSLOVAQUE; LE PRÉSIDENT DE LA RÉPUBLIQUE DE L'URUGUAY; LE PRÉSIDENT DES ETATS-UNIS DE VENEZUELA,

Désirant compléter les dispositions des Conventions internationales de l'opium signées à La Haye le 23 janvier 1912 et à Genève le 19 février 1925, en rendant effective par voie d'accord international la limitation de la fabrication des stupéfiants aux besoins légitimes du monde pour les usages médicaux et scientifiques, et en réglementant leur distribution,

Ont décidé de conclure une Convention à cet effet, et ont désigné pour leurs plénipotentiaires:

CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS.

Contracting powers.

THE PRESIDENT OF THE GERMAN REICH; THE PRESIDENT OF THE UNITED STATES OF AMERICA; THE PRESIDENT OF THE ARGENTINE REPUBLIC; THE FEDERAL PRESIDENT OF THE AUSTRIAN REPUBLIC; HIS MAJESTY THE KING OF THE BELGIANS; THE PRESIDENT OF THE REPUBLIC OF BOLIVIA; THE PRESIDENT OF THE REPUBLIC OF THE UNITED STATES OF BRAZIL; HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA; THE PRESIDENT OF THE REPUBLIC OF CHILE; THE PRESIDENT OF THE REPUBLIC OF COSTA RICA; THE PRESIDENT OF THE REPUBLIC OF CUBA; HIS MAJESTY THE KING OF DENMARK AND ICELAND; THE PRESIDENT OF THE POLISH REPUBLIC, FOR THE FREE CITY OF DANZIG; THE PRESIDENT OF THE DOMINICAN REPUBLIC; HIS MAJESTY THE KING OF EGYPT; THE PRESIDENT OF THE PROVISIONAL GOVERNMENT OF THE SPANISH REPUBLIC; HIS MAJESTY THE EMPEROR AND KING OF THE KINGS OF ABYSSINIA; THE PRESIDENT OF THE FRENCH REPUBLIC; THE PRESIDENT OF THE HELLENIC REPUBLIC; THE PRESIDENT OF THE REPUBLIC OF GUATEMALA; HIS MAJESTY THE KING OF HEJAZ, NEJD AND DEPENDENCIES; HIS MAJESTY THE KING OF ITALY; HIS MAJESTY THE EMPEROR OF JAPAN; THE PRESIDENT OF THE REPUBLIC OF LIBERIA; THE PRESIDENT OF THE REPUBLIC OF LITHUANIA; HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBURG; THE PRESIDENT OF THE UNITED STATES OF MEXICO; HIS SERENE HIGHNESS THE PRINCE OF MONACO; THE PRESIDENT OF THE REPUBLIC OF PANAMA; THE PRESIDENT OF THE REPUBLIC OF PARAGUAY; HER MAJESTY THE QUEEN OF THE NETHERLANDS; HIS IMPERIAL MAJESTY THE SHAH OF PERSIA; THE PRESIDENT OF THE POLISH REPUBLIC; THE PRESIDENT OF THE PORTUGUESE REPUBLIC; HIS MAJESTY THE KING OF ROUMANIA; I CAPITANI REGGENTI OF THE REPUBLIC OF SAN MARINO; HIS MAJESTY THE KING OF SIAM; HIS MAJESTY THE KING OF SWEDEN; THE SWISS FEDERAL COUNCIL; THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC; THE PRESIDENT OF THE REPUBLIC OF URUGUAY; THE PRESIDENT OF THE UNITED STATES OF VENEZUELA,

Purpose declared. Previous conventions supplemented. Vol. 38, p. 1912.

Desiring to supplement the provisions of the International Opium Conventions, signed at The Hague on January 23rd, 1912, and at Geneva on February 19th, 1925, by rendering effective by international agreement the limitation of the manufacture of narcotic drugs to the world's legitimate requirements for medical and scientific purposes and by regulating their distribution,

Plenipotentiaries.

Have resolved to conclude a Convention for that purpose and have appointed as their Plenipotentiaries:

Le Président du Reich allemand:

M. Werner Freiherr VON RHEINBABEN, "Staatssekretär z. D.";
Le docteur Waldemar KAHLER, Conseiller ministériel au Ministère de l'Intérieur du Reich.

Le Président des Etats-Unis d'Amérique:

M. John K. CALDWELL, du Département d'Etat;
M. Harry J. ANSLINGER, Commissaire des stupéfiants;
M. Walter Lewis TREADWAY, M.D., F.A.C.P., Chirurgien général adjoint, Chef du Service de l'Hygiène publique des Etats-Unis, Division de l'Hygiène mentale;
M. Sanborn YOUNG, Membre du Sénat de l'Etat de Californie.

Le Président de la République Argentine:

Le docteur Fernando PEREZ, Ambassadeur extraordinaire et plénipotentiaire près Sa Majesté le Roi d'Italie.

Le Président fédéral de la République d'Autriche:

M. Emerich PFLÜGL, Envoyé extraordinaire et Ministre plénipotentiaire, Représentant permanent auprès de la Société des Nations;
Le docteur Bruno SCHULTZ, Directeur de Police et Conseiller aulique, Membre de la Commission consultative du trafic de l'opium et autres drogues nuisibles.

Sa Majesté le Roi des Belges:

Le docteur F. DE MYTTENAERE, Inspecteur principal des pharmacies à Hal.

Le Président de la République de Bolivie:

Le docteur M. CUELLAR, Membre de la Commission consultative du trafic de l'opium et autres drogues nuisibles.

Le Président de la République des Etats-Unis du Brésil:

M. Raul DO RIO BRANCO, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.

Sa Majesté le Roi de Grande-Bretagne et d'Irlande et des Dominions britanniques au delà des mers, Empereur des Indes:

Pour la Grande-Bretagne et l'Irlande du Nord, ainsi que toutes les parties de l'Empire britannique non Membres séparés de la Société des Nations:

Sir Malcolm DELEVINGNE, K.C.B., Adjoint permanent au Secrétaire d'Etat, Ministère de l'Intérieur.

Pour le Dominion du Canada:

Le colonel C. H. L. SHARMAN, C.M.G., C.B.E., Chef de la Division des stupéfiants, Département des Pensions et de l'Hygiène publique;
Le docteur Walter A. RIDDELL, M.A., Ph.D. "Advisory Officer" du Dominion du Canada auprès de la Société des Nations.

Pour l'Inde:

Le docteur R. P. PARANJPYE, Membre du Conseil de l'Inde.

Le Président de la République du Chili:

M. Enrique GAJARDO, Membre de la Délégation permanente auprès de la Société des Nations.

Le Président de la République de Costa-Rica:

Le docteur Viriato FIGUEREDO LORA, Consul à Genève.

Plenipotentiaries—Continued.

The President of the German Reich:

M. Werner Freiherr VON RHEINBABEN, "Staatssekretär z.D.";
Dr. Waldemar KAHLER, Ministerial Counsellor at the Ministry of Interior of the Reich.

The President of the United States of America:

Mr. John K. CALDWELL, of the Department of State;
Mr. Harry J. ANSLINGER, Commissioner of Narcotics;
Mr. Walter Lewis TREADWAY, M.D., F.A.C.P., Assistant Surgeon-General, United States Public Health, Service Chief, Division of Mental Hygiene;
Mr. Sanborn YOUNG, Member of the Senate of the State of California.

The President of the Argentine Republic:

Dr. Fernando PEREZ, Ambassador Extraordinary and Plenipotentiary to His Majesty the King of Italy.

The Federal President of the Austrian Republic:

M. Emerich PFLÜGL, Envoy Extraordinary and Minister Plenipotentiary, Permanent Representative accredited to the League of Nations;
Dr. Bruno SCHULTZ, Police Director and "Conseiller aulique", Member of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

His Majesty the King of Belgium:

Dr. F. DE MYTTENAERE, Principal Inspector of Chemistry at Hal.

The President of the Republic of Bolivia:

Dr. M. CUELLAR, Member of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

The President of the Republic of the United States of Brazil:

M. Raul DO RIO BRANCO, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League of Nations:

Sir Malcolm DELEVINGNE, K.C.B., Permanent Deputy-Under-Secretary in the Home Office.

For the Dominion of Canada:

Colonel C. H. L. SHARMAN, C.M.G., C.B.E., Chief Narcotic Division, Department of Pensions and National Health;

Dr. Walter A. RIDDELL, M.A., Ph.D., Dominion of Canada Advisory Officer accredited to the League of Nations.

For India:

Dr. R. P. PARANJPYE, Member of the Council of India.

The President of the Republic of Chile:

M. Enrique GAJARDO, Member of the Permanent Delegation accredited to the League of Nations.

The President of the Republic of Costa Rica:

Dr. Viriato FIGUEREDO LORA, Consul at Geneva.

Le Président de la République de Cuba:
M. Guillermo DE BLANCK, Envoyé extraordinaire et Ministre plénipotentiaire, Délégué permanent auprès de la Société des Nations;
Le docteur Benjamin PRIMELLES.

Sa Majesté le Roi de Danemark et d'Islande:
M. Gustav RASMUSSEN, Chargé d'affaires à Berne.

Le Président de la République de Pologne (pour la Ville libre de Dantzig):
M. François SOKAL, Ministre plénipotentiaire, Délégué permanent auprès de la Société des Nations.

Le Président de la République Dominicaine:
M. Charles ACKERMANN, Consul général à Genève.

Sa Majesté le Roi d'Egypte:
T. W. RUSSELL pacha, Commandant de la police du Caire et Directeur du Bureau central des informations relatives aux narcotiques.

Le Président du Gouvernement provisoire de la République espagnole:
M. Julio CASARES, Chef de section au Ministère des Affaires étrangères.

Sa Majesté l'Empereur Roi des Rois d'Ethiopie:
Le comte LAGARDE, duc D'ENTOTTO, Ministre plénipotentiaire, Représentant auprès de la Société des Nations.

Le Président de la République française:
M. Gaston BOURGOIS, Consul de France.

Le Président de la République hellénique:
M. R. RAPHAËL, Délégué permanent auprès de la Société des Nations.

Le Président de la République de Guatémala:
M. Luis MARTÍNEZ MONT, Professeur de psychologie expérimentale aux Ecoles secondaires de l'Etat.

Sa Majesté le Roi du Hedjaz, du Nedjed et Dépendances:
Cheik HAFIZ WAHBA, Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté Britannique.

Sa Majesté le Roi d'Italie:
M. Stefano CAVAZZONI, Sénateur, ancien Ministre du Travail.

Sa Majesté l'Empereur du Japon:
M. Setsuzo SAWADA, Ministre plénipotentiaire, Directeur du Bureau du Japon auprès de la Société des Nations;
M. Shigeo OHDACHI, Secrétaire au Ministère de l'Intérieur, Chef de la Section administrative.

Le Président de la République de Libéria:
Le docteur Antoine SOTTILE, Envoyé extraordinaire et Ministre plénipotentiaire, Délégué permanent auprès de la Société des Nations.

Le Président de la République de Lithuanie:
Le docteur Dovas ZAUNIUS, Ministre des Affaires étrangères.
M. Juozas SAKALAUSKAS, Chef de Section au Ministère des Affaires étrangères.

Plenipotentiaries—Continued.

The President of the Republic of Cuba:
M. Guillermo DE BLANCK, Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations;
Dr. Benjamin PRIMELLES.

His Majesty the King of Denmark and Iceland:
M. Gustav RASMUSSEN, Chargé d'affaires at Berne.

The President of the Polish Republic (for the Free City of Danzig):
M. François SOKAL, Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations.

The President of the Dominican Republic:
M. Charles ACKERMANN, Consul-General at Geneva.

His Majesty the King of Egypt:
T. W. RUSSELL Pasha, Chief of Police of Cairo and Director of the Central Bureau for Information with regard to Narcotics.

The President of the Provisional Government of the Spanish Republic:
M. Julio CASARES, Head of Section at the Ministry for Foreign Affairs.

His Majesty the Emperor and King of the Kings of Abyssinia;
Count LAGARDE, Duke of ENTOTTO, Minister Plenipotentiary, Representative accredited to the League of Nations.

The President of the French Republic:
M. Gaston BOURGOIS, Consul of France.

The President of the Hellenic Republic:
M. R. RAPHAËL, Permanent Delegate accredited to the League of Nations.

The President of the Republic of Guatemala:
M. Luis MARTÍNEZ MONT, Professor of Experimental Psychology in Secondary Schools of State.

His Majesty the King of Hejaz, Nejd and Dependencies:
Cheik HAFIZ WAHBA, Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty.

His Majesty the King of Italy:
M. Stefano CAVAZZONI, Senator, Former Minister of Labour.

His Majesty the Emperor of Japan:
M. Setsuzo SAWADA, Minister Plenipotentiary, Director of the Japanese Bureau accredited to the League of Nations;
M. Shigeo OHDACHI, Secretary at the Ministry for Home Affairs, Head of the Administrative Section.

The President of the Republic of Liberia:
Dr. Antoine SOTTILE, Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations.

The President of the Republic of Lithuania:
Dr. Dovas ZAUNIUS, Minister for Foreign Affairs.
M. Juozas SAKALAUSKAS, Head of Section at the Ministry for Foreign Affairs.

Son Altesse Royale la Grande-Duchesse de Luxembourg:
M. Charles VERMAIRE, Consul à Genève.

Le Président des Etats-Unis du Mexique:
M. Salvador MARTÍNEZ DE ALVA, Observateur permanent auprès de la Société des Nations.

Son Altesse Sérénissime le Prince de Monaco:
M. Conrad E. HENTSCH, Consul général à Genève.

Le Président de la République de Panama:
Le docteur Ernesto HOFFMANN, Consul général à Genève.

Le Président de la République du Paraguay:
Le docteur Ramón V. CABALLERO DE BEDOYA, Envoyé extraordinaire et Ministre plénipotentiaire près le Président de la République française, Délégué permanent auprès de la Société des Nations.

Sa Majesté la Reine des Pays-Bas:
M. W. G. VAN WETTUM, Conseiller du Gouvernement pour les affaires internationales de l'opium.

Sa Majesté Impériale le Chah de Perse:
M. A. SEPAHBODY, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse, Délégué permanent auprès de la Société des Nations.

Le Président de la République de Pologne:
M. Witold CHODŹKO, ancien Ministre.

Le Président de la République portugaise:
Le docteur Augusto DE VASCONCELLOS, Ministre plénipotentiaire, Directeur général du Secrétariat portugais de la Société des Nations;
Le docteur Alexandro FERRAZ DE ANDRADE, premier Secrétaire de Légation, Chef de la Chancellerie portugaise auprès de la Société des Nations.

Sa Majesté le Roi de Roumanie:
M. Constantin ANTONIADE, Envoyé extraordinaire et Ministre plénipotentiaire auprès de la Société des Nations.

Les Capitaines-Régents de la République de Saint-Marin:
Le professeur C. E. FERRI, Avocat.

Sa Majesté le Roi de Siam:
Son Altesse Sérénissime le Prince DAMRAS, Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté Britannique, Représentant permanent auprès de la Société des Nations.

Sa Majesté le Roi de Suède:
M. K. I. WESTMAN, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.

Le Conseil fédéral suisse:
M. Paul DINICHERT, Ministre plénipotentiaire, Chef de la Division des Affaires étrangères du Département politique fédéral;
Le docteur Henri CARRIÈRE, Directeur du Service fédéral de l'Hygiène publique.

Plenipotentiaries—Continued.

Her Royal Highness the Grand-Duchess of Luxemburg:
M. Charles VERMAIRE, Consul at Geneva.

The President of the United States of Mexico:
M. Salvador MARTÍNEZ DE ALVA, Permanent Observer accredited to the League of Nations.

His Serene Highness the Prince of Monaco:
M. Conrad E. HENTSCH, Consul-General at Geneva.

The President of the Republic of Panama:
Dr. Ernesto HOFFMANN, Consul-General at Geneva.

The President of the Republic of Paraguay:
Dr. Ramón V. CABALLERO DE BEDOYA, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic, Permanent Delegate accredited to the League of Nations.

Her Majesty the Queen of the Netherlands:
M. W. G. VAN WETTUM, Government Adviser for International Opium Questions.

His Imperial Majesty the Shah of Persia:
M. A. SEPAHBODY, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Permanent Delegate accredited to the League of Nations.

The President of the Polish Republic:
M. Witold CHODŹKO, Former Minister.

The President of the Portuguese Republic:
Dr. Augusto DE VASCONCELLOS, Minister Plenipotentiary, General Director of the Portuguese Secretariat of the League of Nations;
Dr. Alexandro FERRAZ DE ANDRADE, First Secretary of Legation, Chief of the Portuguese Office accredited to the League of Nations.

His Majesty the King of Roumania:
M. Constantin ANTONIADE, Envoy Extraordinary and Minister Plenipotentiary accredited to the League of Nations.

I Capitani Reggenti of the Republic of San Marino:
Professor C. E. FERRI, Advocate.

His Majesty the King of Siam:
His Serene Highness Prince DAMRAS, Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty, Permanent Representative accredited to the League of Nations.

His Majesty the King of Sweden:
M. K. I. WESTMAN, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

The Swiss Federal Council:
M. Paul DINICHERT, Minister Plenipotentiary, Chief of the Division for Foreign Affairs of the Federal Political Department;
Dr. Henri CARRIÈRE, Director of the Federal Service of Public Health.

Le Président de la République tchécoslovaque:

M. Zdeněk FIERLINGER, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse, Délégué permanent auprès de la Société des Nations.

Le Président de la République de l'Uruguay:

Le docteur Alfredo DE CASTRO, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.

Le Président des Etats-Unis du Venezuela:

Le docteur L. G. CHACÍN-ITRIAGO, Chargé d'affaires à Berne, Membre de l'Académie de médecine de Caracas.

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

CHAPITRE I.—DÉFINITIONS.

Article premier.

Sauf indication expresse contraire, les définitions ci-après s'appliquent à toutes les dispositions de la présente Convention:

1. Par "Convention de Genève", on entend la Convention internationale de l'opium signée à Genève le 19 février 1925.

2. Par "Drogues", on entend les drogues suivantes, qu'elles soient partiellement fabriquées ou entièrement raffinées,

Groupe I.

Sous-groupe (a):

i) La morphine et ses sels, y compris les préparations faites en partant directement de l'opium brut ou médicinal et contenant plus de 20% de morphine;

ii) La diacétylmorphine et les autres esters (éthers-sels) de la morphine et leurs sels;

iii) La cocaïne et ses sels, y compris les préparations faites en partant directement de la feuille de coca et contenant plus de 0,1% de cocaïne, tous les esters de l'ecgonine et leurs sels;

iv) La dihydrooxycodéinone (dont l'eucodal, nom déposé, est un sel), la dihydrocodéinone (dont le dicodide, nom déposé, est un sel), la dihydromorphinone (dont le dilaudide, nom déposé, est un sel), l'acétylodihydrocodéinone ou l'acétylodéméthylodihydrothébaïne (dont l'acédicone, nom déposé, est un sel), la dihydromorphine (dont le paramorfan, nom déposé, est un sel), leurs esters et les sels de l'une quelconque de ces substances et leurs esters, la N-oxymorphine (génomorphine, nom déposé), les composés N-oxymorphiniques, ainsi que les autres composés morphiniques à azote pentavalent.

Sous-groupe (b):

L'ecgonine, la thébaïne et leurs sels, les éthers-oxydes de la morphine, tels que la benzylmorphine, et leurs sels, à l'exception de la méthylmorphine (codéine), de l'éthylmorphine et de leurs sels.

Groupe II.

La méthylmorphine (codéine), l'éthylmorphine et leurs sels.

Plenipotentiaries—Continued.

The President of the Czechoslovak Republic:

M. Zdeněk FIERLINGER, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Permanent Delegate accredited to the League of Nations.

The President of the Republic of Uruguay:

Dr. Alfredo DE CASTRO, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

The President of the United States of Venezuela:

Dr. L. G. CHACÍN-ITRIAGO, Chargé d'Affaires at Berne, Member of the Medical Academy of Caracas.

Who, having communicated to one another their full powers, found in good and due form, have agreed as follows:

CHAPTER I.—DEFINITIONS.

Article 1.

Definitions.

Except where otherwise expressly indicated, the following definitions shall apply throughout this Convention:

"Geneva Convention."

1. The term "Geneva Convention" shall denote the International Opium Convention signed at Geneva on February 19th, 1925.

"The drugs."

2. The term "the drugs" shall denote the following drugs whether partly manufactured or completely refined:

Group I.

Sub-Group (a)

(i) Morphine and its salts, including preparations made directly from raw or medicinal opium and containing more than 20 per cent of morphine;

(ii) Diacetylmorphine and the other esters of morphine and their salts;

(iii) Cocaine and its salts, including preparations made direct from the coca leaf and containing more than 0.1 per cent of cocaine, all the esters of ecgonine and their salts;

(iv) Dihydrohydrooxycodeinone (of which the substance registered under the name of eucodal is a salt); dihydrocodeinone (of which the substance registered under the name of dicodide is a salt), dihydromorphinone (of which the substance registered under the name of dilaudide is a salt), acetyldihydrocodeinone or acetyldemethylodihydrothebaine (of which the substance registered under the name of acedicone is a salt); dihydromorphine (of which the substance registered under the name of paramorfan is a salt), their esters and the salts of any of these substances and of their esters, morphine-N-oxide (registered trade name genomorphine), also the morphine-N-oxide derivatives, and the other pentavalent nitrogen morphine derivatives.

Sub-Group (*b*):

Ecgonine, thebaine and their salts, benzylmorphine and the other ethers of morphine and their salts, except methylmorphine (codeine), ethylmorphine and their salts.

Group II.

Methylmorphine (codeine), ethylmorphine and their salts.

Les substances mentionnées dans le présent paragraphe seront considérées comme "drogues", même lorsqu'elles seront produites par voie synthétique.

Les termes "Groupe I" et "Groupe II" désignent respectivement les groupes I et II du présent paragraphe.

3. Par "opium brut", on entend le suc coagulé spontanément, obtenu des capsules du pavot somnifère (*Papaver somniferum L.*) et n'ayant subi que les manipulations nécessaires à son empaquetage et à son transport, quelle que soit sa teneur en morphine.

Par "opium médicinal", on entend l'opium qui a subi les préparations nécessaires pour son adaptation à l'usage médical, soit en poudre ou granulé, soit en forme de mélange avec des matières neutres, selon les exigences de la pharmacopée.

Par "morphine", on entend le principal alcaloïde de l'opium ayant la formule chimique $C_{17}H_{19}O_3N$.

Par "diacétylmorphine", on entend la diacétylmorphine (diamorphine, héroïne) ayant la formule $C_{21}H_{23}O_5N$ ($C_{17}H_{17}(C_2H_3O)_2O_3N$).

Par "feuille de coca", on entend la feuille de l'*Erythroxylon Coca* Lamarck, de l'*Erythroxylon novo-granatense* (Morris) *Hieronymus* et de leurs variétés, de la famille des Erythroxylacées, et la feuille d'autres espèces de ce genre dont la cocaïne pourrait être extraite directement ou obtenue par transformation chimique.

Par "cocaïne", on entend l'éther méthylique de la benzoylecgonine lévogyre ([α] D 20° = − 16°4) en solution chloroformique à 20% ayant la formule $C_{17}H_{21}O_4N$.

Par "ecgonine", on entend l'ecgonine lévogyre ([ ] D 20° = − 45°6 en solution aqueuse à 5%) ayant la formule $C_9H_{15}O_3N.H_2O$, et tous les dérivés de cette ecgonine qui pourraient servir industriellement à sa régénération.

Les "drogues" ci-après sont définies par leurs formules chimiques comme suit:

Dihydrooxycodéinone	$C_{18}H_{21}O_4N$	
Dihydrocodéinone	$C_{18}H_{21}O_3N$	
Dihydromorphinone	$C_{17}H_{19}O_3N$	
Acétylodihydrocodéinone ou Acétylodéméthylodihydrothébaïne	$C_{20}H_{23}O_4N$	($C_{18}H_{20}(C_2H_3O)O_3N$)
Dihydromorphine	$C_{17}H_{21}O_3N$	
N-oxymorphine	$C_{17}H_{19}O_4N$	
Thébaïne	$C_{19}H_{21}O_3N$	
Méthylmorphine (codéïne)	$C_{18}H_{21}O_3N$	($C_{17}H_{18}(CH_3O)O_2N$)
Ethylmorphine	$C_{19}H_{23}O_3N$	($C_{17}H_{18}(C_2H_5O)O_2N$)
Benzylmorphine	$C_{24}H_{25}O_3N$	($C_{17}H_{18}(C_7H_7O)O_2N$)

4. Par "fabrication", on entend aussi le raffinage.

Par "transformation", on entend la transformation d'une "drogue" par voie chimique, excepté la transformation des alcaloïdes en leurs sels.

Lorsqu'une des "drogues" est transformée en une autre "drogue", cette opération est considérée comme une transformation par rapport à la première "drogue" et comme une fabrication par rapport à la deuxième.

The substances mentioned in this paragraph shall be considered as drugs even if produced by a synthetic process. Synthetic substances.

The terms "Group I" and "Group II" shall respectively denote Groups I and II of this paragraph. "Group I" and "Group II."

3. "Raw opium" means the spontaneously coagulated juice obtained from the capsules of the *Papaver somniferum L.*, which has only been submitted to the necessary manipulations for packing and transport, whatever its content of morphine. "Raw opium."

"Medical opium" means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the national pharmacopœia, whether in powder form or granulated or otherwise or mixed with neutral materials. "Medical opium."

"Morphine" means the principal alkaloid of opium having the chemical formula $C_{17}H_{19}O_3N$. "Morphine."

"Diacetylmorphine" means diacetylmorphine (diamorphine, heroin) having the formula $C_{21}H_{23}O_5N$ ($C_{17}H_{17}(C_2H_3O)_2O_3N$). "Diacetylmorphine."

"Coca leaf" means the leaf of the *Erythroxylon Coca* Lamarck and the *Erythroxylon novogranatense* (Morris) *Hieronymus* and their varieties, belonging to the family of Erythroxylaceæ and the leaf of other species of this genus from which it may be found possible to extract cocaine, either directly or by chemical transformation. "Coca leaf."

"Cocaine" means methyl-benzoyl laevo-ecgonine ([α] D 20° = − 16°4) in 20 per cent solution of chloroform of which the formula is $C_{17}H_{21}O_4N$. "Cocaine."

"Ecgonine" means laevo-ecgonine ([α] D 20° = − 45°6 in 5 per cent solution of water), of which the formula is $C_9H_{15}O_3N.H_2O$, and all the derivatives of laevo-ecgonine which might serve industrially for its recovery. "Ecgonine."

The following drugs are defined by their chemical formulæ as set out below:

Dihydrohydrooxycodeinone	$C_{18}H_{21}O_4N$	
Dihydrocodeinone	$C_{18}H_{21}O_3N$	
Dihydromorphinone	$C_{17}H_{19}O_3N$	
Acetyldihydrocodeinone or Acetyldemethylodihydrothebaine.	$C_{20}H_{23}O_4N$	($C_{18}H_{20}(C_2H_3O)O_3N$)
Dihydromorphine	$C_{17}H_{21}O_3N$	
Morphine-N-Oxide	$C_{17}H_{19}O_4N$	
Thebaine	$C_{19}H_{21}O_3N$	
Methylmorphine (codeine)	$C_{18}H_{21}O_3N$	($C_{17}H_{18}(CH_3O)O_2N$)
Ethylmorphine	$C_{19}H_{23}O_3N$	($C_{17}H_{18}(C_2H_5O)O_2N$)
Benzylmorphine	$C_{24}H_{25}O_3N$	($C_{17}H_{18}(C_7H_7O)O_2N$)

4. The term "manufacture" shall include any process of refining. "Manufacture." "Conversion."

The term "conversion" shall denote the transformation of a drug by a chemical process, with the exception of the transformation of alkaloids into their salts.

When one of the drugs is converted into another of the drugs this operation shall be considered as conversion in relation to the first-mentioned drug and as manufacture in relation to the other.

Par "évaluations", on entend les évaluations fournies conformément aux articles 2 à 5 de la présente Convention et, sauf indication contraire du contexte, y compris les évaluations supplémentaires.

Le terme "stocks de réserve", dans le cas d'une "drogue" quelconque, désigne les stocks requis

i) Pour la consommation intérieure normale du pays ou du territoire où ils sont maintenus,
ii) Pour la transformation dans ce pays ou dans ce territoire, et
iii) Pour l'exportation.

Le terme "stocks d'Etat", dans le cas d'une "drogue" quelconque, indique les stocks maintenus sous le contrôle de l'Etat, pour l'usage de l'Etat et pour faire face à des circonstances exceptionnelles.

Sauf indication contraire du contexte, le mot "exportation" est considéré comme comprenant la réexportation.

Chapitre II.—Evaluations.

Article 2.

1. Les Hautes Parties contractantes fourniront annuellement au Comité central permanent, institué par le Chapitre VI de la Convention de Genève, pour chaque drogue et pour chacun de leurs territoires auxquels s'applique la présente Convention, des évaluations conformes aux dispositions de l'article 5 de la présente Convention.

2. Lorsqu'une Haute Partie contractante n'aura pas fourni d'évaluations pour l'un quelconque de ses territoires auxquels la présente Convention s'applique, à la date prévue à l'article 5, paragraphe 4, ladite évaluation sera établie dans la mesure du possible par l'organe de contrôle prévu à l'article 5, paragraphe 6.

3. Le Comité central permanent demandera pour les pays ou territoires auxquels la présente Convention ne s'applique pas, des évaluations établies conformément aux stipulations de la présente Convention. Si, pour l'un quelconque de ces pays ou territoires, il n'est pas fourni d'évaluation, l'Organe de contrôle en établira lui-même dans la mesure du possible.

Article 3.

Toute Haute Partie contractante pourra fournir, si c'est nécessaire, pour une année quelconque, et pour l'un quelconque de ses territoires, des évaluations supplémentaires pour ce territoire pour ladite année, en exposant les raisons qui les justifient.

Article 4.

1. Toute évaluation fournie conformément aux articles précédents se rapportant à l'une quelconque des "drogues" requises pour la consommation intérieure du pays ou du territoire pour lequel elle est établie, sera fondée uniquement sur les besoins médicaux et scientifiques de ce pays ou de ce territoire.

2. Les Hautes Parties contractantes pourront, en dehors des stocks de réserve, constituer et maintenir des stocks d'Etat.

"Estimates."

The term "estimates" shall denote estimates furnished in accordance with Articles 2 to 5 of this Convention and, unless the context otherwise requires, shall include supplementary estimates.

"Reserve stocks."

The term "reserve stocks" in relation to any of the drugs shall denote the stocks required

(i) For the normal domestic consumption of the country or territory in which they are maintained,
(ii) For conversion in that country or territory, and
(iii) For export.

"Government stocks."

The term "Government stocks" in relation to any of the drugs shall denote stocks kept under Government control for the use of the Government and to meet exceptional circumstances.

Except where the context otherwise requires, the term "export" shall be deemed to include re-export.

Estimates.

CHAPTER II.—ESTIMATES.

Article 2.

To be furnished annually.

1. Each High Contracting Party shall furnish annually, for each of the drugs in respect of each of his territories to which this Convention applies, to the Permanent Central Board, constituted under Chapter VI of the Geneva Convention, estimates in accordance with the provisions of Article 5 of this Convention.

Party failing to furnish.

2. In the event of any High Contracting Party failing to furnish, by the date specified in paragraph 4 of Article 5, an estimate in respect of any of his territories to which this Convention applies, an estimate will, so far as possible, be furnished by the Supervisory Body specified in paragraph 6 of Article 5.

Nonsignatories.

3. The Permanent Central Board shall request estimates for countries or territories to which this Convention does not apply to be made in accordance with the provisions of this Convention. If for any such country estimates are not furnished, the Supervisory Body shall itself, as far as possible, make the estimate.

Article 3.

Supplementaries.

Any High Contracting Party may, if necessary, in any year furnish in respect of any of his territories supplementary estimates for that territory for that year with an explanation of the circumstances which necessitate such supplementary estimates.

Article 4.

Basis.

1. Every estimate furnished in accordance with the preceding Articles, so far as it relates to any of the drugs required for domestic consumption in the country or territory in respect of which it is made, shall be based solely on the medical and scientific requirements of that country or territory.

Government stocks.

2. The High Contracting Parties may, in addition to reserve stocks, create and maintain Government stocks.

Article 5.

1. Les évaluations prévues aux articles 2 à 4 de la présente Convention devront être établies selon le modèle qui sera prescrit de temps à autre par le Comité central permanent et communiqué par les soins de ce Comité à tous les Membres de la Société des Nations et aux Etats non membres mentionnés à l'article 27.

2. Pour chacune des "drogues", soit sous la forme d'alcaloïdes ou sels ou de préparations d'alcaloïdes ou sels, pour chaque année et pour chaque pays ou territoire, les évaluations devront indiquer:

a) La quantité nécessaire pour être utilisée comme telle pour les besoins médicaux et scientifiques, y compris la quantité requise pour la fabrication des préparations pour l'exportation desquelles les autorisations d'exportation ne sont pas requises, que ces préparations soient destinées à la consommation intérieure ou à l'exportation;

b) La quantité nécessaire aux fins de transformation, tant pour la consommation intérieure que pour l'exportation;

c) Les stocks de réserve que l'on désire maintenir;

d) La quantité requise pour l'établissement et le maintien des stocks d'Etat, ainsi qu'il est prévu à l'article 4.

Par total des évaluations pour chaque pays ou territoire, on entend la somme des quantités spécifiées sous les alinéas *a*) et *b*) du présent paragraphe augmentée des quantités qui peuvent être nécessaires pour porter les stocks des réserves et les stocks d'Etat au niveau désiré, ou déduction faite de toute quantité dont ces stocks pourraient dépasser ce niveau. Il ne sera tenu compte, toutefois, de ces augmentations ou de ces diminutions que pour autant que les Hautes Parties contractantes intéressées auront fait parvenir en temps utile au Comité central permanent les évaluations nécessaires.

3. Chaque évaluation sera accompagnée d'un exposé de la méthode employée pour calculer les différentes quantités qui y seront inscrites. Si les quantités calculées comportent une marge tenant compte des fluctuations possibles de la demande, l'évaluation devra préciser le montant de la marge ainsi prévue. Il est entendu que, dans le cas de l'une quelconque des "drogues" qui sont ou peuvent être comprises dans le groupe II, il peut être nécessaire de laisser une marge plus large que pour les autres "drogues".

4. Toutes les évaluations devront parvenir au Comité central permanent au plus tard le 1er août de l'année qui précédera celle pour laquelle l'évaluation aura été établie.

5. Les évaluations supplémentaires devront être adressées au Comité central permanent dès leur établissement.

6. Les évaluations seront examinées par un Organe de contrôle. La Commission consultative du trafic de l'opium et autres drogues nuisibles de la Société des Nations, le Comité central permanent, le Comité d'hygiène de la Société des Nations et l'Office international d'Hygiène publique auront le droit de désigner chacun un membre de cet Organe. Le Secrétariat de l'Organe de contrôle sera assuré par le Secrétaire général de la Société des Nations en s'assurant la collaboration étroite du Comité central.

Article 5.

Prescribed form, etc.

1. Each estimate provided for in Articles 2 to 4 of this Convention shall be in the form from time to time prescribed by the Permanent Central Board and communicated by the Board to all the Members of the League of Nations and to the non-member States mentioned in Article 27.

Components to be specified.

2. Every estimate shall show for each country or territory for each year in respect of each of the drugs whether in the form of alkaloid or salts or of preparations of the alkaloids or salts:

(*a*) The quantity necessary for use as such for medical and scientific needs, including the quantity required for the manufacture of preparations for the export of which export authorisations are not required, whether such preparations are intended for domestic consumption or for export;

(*b*) The quantity necessary for the purpose of conversion, whether for domestic consumption or for export;

(*c*) The amount of the reserve stocks which it is desired to maintain:

(*d*) The quantity required for the establishment and maintenance of any Government stocks as provided for in Article 4.

The total of the estimates for each country or territory shall consist of the sum of the amounts specified under (*a*) and (*b*) of this paragraph with the addition of any amounts which may be necessary to bring the reserve stocks and the Government stocks up to the desired level, or after deduction of any amounts by which those stocks may exceed that level. These additions or deductions shall, however, not be taken into account except in so far as the High Contracting Parties concerned shall have forwarded in due course the necessary estimates to the Permanent Central Board.

Method of calculation.

3. Every estimate shall be accompanied by a statement explaining the method by which the several amounts shown in it have been calculated. If these amounts are calculated so as to include a margin allowing for possible fluctuations in demand, the estimates must indicate the extent of the margin so included. It is understood that in the case of any of the drugs which are or may be included in Group II, a wider margin may be necessary than in the case of the other drugs.

Time for submitting estimate.

4. Every estimate shall reach the Permanent Central Board not later than August 1st in the year preceding that in respect of which the estimate is made.

Supplementary estimates.

5. Supplementary estimates shall be sent to the Permanent Central Board immediately on their completion.

Examination, etc.

6. The estimates will be examined by a Supervisory Body. The Advisory Committee on the Traffic in Opium and other Dangerous Drugs of the League of Nations, the Permanent Central Board, the Health Committee of the League of Nations and the Office international d'Hygiène publique shall each have the right to appoint one member of this Body. The Secretariat of the Supervisory Body shall be provided by the Secretary-General of the League of Nations, who will ensure close collaboration with the Permanent Central Board.

Pour tout pays ou territoire pour lequel une évaluation aura été fournie, l'Organe de contrôle pourra demander, sauf en ce qui concerne les besoins de l'Etat, toute indication ou précision supplémentaire qu'il jugera nécessaire, soit pour compléter l'évaluation; soit pour expliquer les indications qui y figurent; à la suite des renseignements ainsi recueillis, il pourra modifier les évaluations avec le consentement de l'Etat intéressé. Dans le cas de l'une quelconque des "drogues" qui sont ou peuvent être comprises dans le groupe II, une déclaration sommaire sera suffisante.

7. Après avoir examiné, conformément au paragraphe 6 ci-dessus, les évaluations fournies et après avoir fixé, conformément à l'article 2, les évaluations pour les pays ou territoires pour lesquels il n'en aura pas été fourni, l'Organe de contrôle adressera, par l'entremise du Secrétaire général et au plus tard le 1er novembre de chaque année, à tous les Membres de la Société des Nations et aux Etats non membres mentionnés à l'article 27 un état contenant les évaluations pour chaque pays ou territoire; cet état sera accompagné, pour autant que l'Organe de contrôle le jugera nécessaire, d'un exposé des explications fournies ou demandées, conformément au paragraphe 6 ci-dessus, et de toutes observations que l'Organe de contrôle tiendrait à présenter relativement à toute évaluation, explication ou demande d'explication.

8. Toute évaluation supplémentaire communiquée au Comité central permanent au cours de l'année doit être traitée sans délai par l'Organe de contrôle suivant la procédure spécifiée aux paragraphes 6 et 7 ci-dessus.

Chapitre III.—Limitation de la fabrication.

Article 6.

1. Il ne sera fabriqué dans aucun pays ou territoire, au cours d'une année quelconque, de quantité d'une "drogue" quelconque supérieure au total des quantités suivantes:

a) La quantité requise, dans les limites des évaluations pour ce pays ou ce territoire, pour cette année, pour être utilisée comme telle pour ses besoins médicaux et scientifiques, y compris la quantité requise pour la fabrication des préparations pour l'exportation desquelles les autorisations d'exportation ne sont pas requises, que ces préparations soient destinées à la consommation intérieure ou à l'exportation;

b) La quantité requise dans les limites des évaluations pour ce pays ou ce territoire, pour cette année, aux fins de transformation, tant pour la consommation intérieure que pour l'exportation;

c) La quantité qui pourra être requise par ce pays ou ce territoire, pour l'exécution, au cours de l'année, des commandes destinées à l'exportation et effectuées conformément aux dispositions de la présente Convention;

The Supervisory Body may require any further information or details, except as regards requirements for Government purposes, which it may consider necessary, in respect of any country or territory on behalf of which an estimate has been furnished in order to make the estimate complete or to explain any statement made therein, and may, with the consent of the Government concerned, amend any estimate in accordance with any information or details so obtained. It is understood that in the case of any of the drugs which are or may be included in Group II a summary statement shall be sufficient.

Examination and determination.

7. After examination by the Supervisory Body as provided in paragraph 6 above of the estimates furnished, and after the determination by that Body as provided in Article 2 of the estimates for each country or territory on behalf of which no estimates have been furnished, the Supervisory Body shall forward, not later than November 1st in each year, through the intermediary of the Secretary-General, to all the Members of the League of Nations and non-member States referred to in Article 27, a statement containing the estimates for each country or territory, and, so far as the Supervisory Body may consider necessary, an account of any explanations given or required in accordance with paragraph 6 above, and any observations which the Supervisory Body may desire to make in respect of any such estimate or explanation, or request for an explanation.

Supplementary estimates.

8. Every supplementary estimate sent to the Permanent Central Board in the course of the year shall be dealt with without delay by the Supervisory Body in accordance with the procedure specified in paragraphs 6 and 7 above.

Chapter III.—Limitation of Manufacture.

Article 6.

Limitation of manufacture.

1. There shall not be manufactured in any country or territory in any one year a quantity of any of the drugs greater than the total of the following quantities:

(*a*) The quantity required within the limits of the estimates for that country or territory for that year for use as such for its medical and scientific needs including the quantity required for the manufacture of preparations for the export of which export authorisations are not required, whether such preparations are intended for domestic consumption or for export;

(*b*) The quantity required within the limits of the estimates for that country or territory for that year for conversion, whether for domestic consumption or for export;

(*c*) Such quantity as may be required by that country or territory for the execution during the year of orders for export in accordance with the provisions of this Convention;

d) La quantité éventuellement requise par ce pays ou territoire pour maintenir les stocks de réserve au niveau spécifié dans les évaluations de l'année envisagée;

e) La quantité éventuellement requise pour maintenir les stocks d'Etat au niveau spécifié dans les évaluations de l'année envisagée.

2. Il est entendu que si, à la fin d'une année, une Haute Partie contractante constate que la quantité fabriquée dépasse le total des quantités spécifiées ci-dessus, compte tenu des déductions prévues à l'article 7, premier alinéa, cet excédent sera déduit de la quantité qui doit être fabriquée au cours de l'année suivante. En transmettant leurs statistiques annuelles au Comité central permanent, les Hautes Parties contractantes donneront les raisons de ce dépassement.

Article 7.

Pour chaque "drogue", il sera déduit de la quantité dont la fabrication est autorisée, conformément à l'article 6, au cours d'une année quelconque, dans un pays ou territoire quelconque:

i) Toute quantité de la "drogue" importée, y compris ce qui aurait été retourné et déduction faite de ce qui aurait été réexporté;

ii) Toute quantité de ladite "drogue" saisie et utilisée comme telle pour la consommation intérieure ou la transformation.

S'il est impossible d'effectuer pendant l'exercice en cours l'une des déductions susmentionnées, toute quantité demeurant en excédent à a fin de l'exercice sera déduite des évaluations de l'année suivante.

Article 8.

La quantité d'une "drogue" quelconque, importée ou fabriquée dans un pays ou territoire aux fins de transformation, conformément aux évaluations de ce pays ou de ce territoire, devra être utilisée, si possible, en totalité à cet effet pendant la période visée par l'évaluation.

Toutefois, s'il est impossible d'utiliser ainsi la quantité totale dans la période en question, la fraction demeurant inutilisée à la fin de l'année sera déduite des évaluations de l'année suivante pour ce pays ou ce territoire.

Article 9.

Si, au moment où toutes les dispositions de la présente Convention deviendront applicables, les stocks d'une "drogue" existant à ce moment dans un pays ou territoire dépassent le montant des stocks de réserve de cette "drogue" que ce pays ou territoire désire maintenir, conformément à ses évaluations, cet excédent sera déduit de la quantité qui, normalement, pourrait être fabriquée ou importée, selon le cas, au cours de l'année, conformément aux dispositions de la présente Convention.

Si cette procédure n'est pas appliquée, le gouvernement prendra en charge les stocks en excédent existant au moment où toutes les

(*d*) The quantity, if any, required by that country or territory for the purpose of maintaining the reserve stocks at the level specified in the estimates for that year;

(*e*) The quantity, if any, required for the purpose of maintaining the Government stocks at the level specified in the estimates for that year.

Excess remaining to be deducted.

2. It is understood that, if at the end of any year, any High Contracting Party finds that the amount manufactured exceeds the total of the amounts specified above, less any deductions made under Article 7, paragraph 1, such excess shall be deducted from the amount to be manufactured during the following year. In forwarding their annual statistics to the Permanent Central Board, the High Contracting Parties shall give the reasons for any such excess.

Article 7.

Deductions.

There shall be deducted from the total quantity of each drug permitted under Article 6 to be manufactured in any country or territory during any one year:

(i) Any amounts of that drug imported including any returned deliveries of the drug, less quantities re-exported.

(ii) Any amounts of the drug seized and utilised as such for domestic consumption or for conversion.

If it should be impossible to make any of the above deductions during the course of the current year, any amounts remaining in excess at the end of the year shall be deducted from the estimates for the following year.

Article 8.

Imports for conversion purposes.

The full amount of any of the drugs imported into or manufactured in any country or territory for the purpose of conversion in accordance with the estimates for that country or territory shall, if possible, be utilised for that purpose within the period for which the estimate applies.

In the event, however, of it being impossible to utilise the full amount for that purpose within the period in question, the portion remaining unused at the end of the year shall be deducted from the estimates for that country or territory for the following year.

Article 9.

Restriction on existing stock.

If at the moment when all the provisions of the Convention shall have come into force, the then existing stocks of any of the drugs in any country or territory exceeds the amount of the reserve stocks of that drug, which, according to the estimates for that country or territory, it is desired to maintain, such excess shall be deducted from the quantity which, during the year, could ordinarily be imported or manufactured as the case may be under the provisions of this Convention.

Alternatively, the excess stocks existing at the moment when all the provisions of the Convention shall have come into force shall be

dispositions de la présente Convention deviendront applicables. Le gouvernement n'en délivrera, à certains intervalles, que les quantités qui peuvent être délivrées, conformément à la Convention. Toutes les quantités ainsi délivrées au cours de l'année seront déduites de la quantité totale destinée à être fabriquée ou importée, selon le cas, au cours de cette même année.

Chapitre IV.—Interdictions et restrictions.

Article 10.

1. Les Hautes Parties contractantes interdiront l'exportation de leurs territoires de la diacétylmorphine et de ses sels, ainsi que des préparations contenant de la diacétylmorphine ou ses sels.

2. Toutefois, sur demande émanant du gouvernement d'un pays où la diacétylmorphine n'est pas fabriquée, toute Haute Partie contractante pourra autoriser l'exportation à destination de ce pays des quantités de diacétylmorphine, de ses sels et des préparations contenant de la diacétylmorphine ou ses sels, qui sont nécessaires pour les besoins médicaux et scientifiques de ce pays, à la condition que cette demande soit accompagnée d'un certificat d'importation et soit adressée à l'administration officielle indiquée dans le certificat.

3. Toutes les quantités ainsi importées seront distribuées par le gouvernement du pays importateur et sous sa responsabilité.

Article 11.

1. Le commerce et la fabrication commercial de tout produit dérivé de l'un des alcaloïdes phénanthrènes de l'opium ou des alcaloïdes ecgoniniques de la feuille de coca, qui ne sera pas utilisé à la date de ce jour pour des besoins médicaux ou scientifiques, ne pourront être permis dans un pays ou territoire quelconque que si la valeur médicale ou scientifique de ce produit a été constatée d'une manière jugée probante par le gouvernement intéressé.

Dans ce cas, à moins que le gouvernement ne décide que le produit en question n'est pas susceptible d'engendrer la toxicomanie ou d'être converti en un produit susceptible d'engendrer la toxicomanie, les quantités dont la fabrication est autorisée ne devront pas, dans l'attente des décisions mentionnées ci-après, dépasser le total des besoins intérieurs du pays ou du territoire pour des fins médicales et scientifiques et la quantité nécessaire pour satisfaire aux commandes d'exportation, et les dispositions de la présente Convention seront appliquées audit produit.

2. La Haute Partie contractante qui autorisera le commerce ou la fabrication commerciale d'un de ces produits en avisera immédiatement le Secrétaire général de la Société des Nations, qui communiquera cette notification aux autres Hautes Parties contractantes et au Comité d'hygiène de la Société.

3. Le Comité d'hygiène, après avoir soumis la question au Comité permanent de l'Office international d'hygiène publique, décidera si le produit dont il s'agit peut engendrer la toxicomanie (et doit être assimilé de ce fait aux "drogues" mentionnées dans le sous-groupe *a*)

taken possession of by the Government and released from time to time in such quantities only as may be in conformity with the present Convention. Any quantities so released during any year shall be deducted from the total amount to be manufactured or imported as the case may be during that year.

Chapter IV.—Prohibitions and Restrictions.

Prohibitions and restrictions.

Article 10.

Exports of diacetylmorphine.

1. The High Contracting Parties shall prohibit the export from their territories of diacetylmorphine, its salts, and preparations containing diacetylmorphine, or its salts.

2. Nevertheless, on the receipt of a request from the Government of any country in which diacetylmorphine is not manufactured, any High Contracting Party may authorise the export to that country of such quantities of diacetylmorphine, its salts, and preparations containing diacetylmorphine or its salts, as are necessary for the medical and scientific needs of that country, provided that the request is accompanied by an import certificate and is consigned to the Government Department indicated in the certificate.

Imports.

3. Any quantities so imported shall be distributed by and on the responsibility of the Government of the importing country.

Article 11.

Regulation of traffic, etc., in.

1. No trade in or manufacture for trade of any product obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not in use on this day's date for medical or scientific purposes shall take place in any country or territory unless and until it has been ascertained to the satisfaction of the Government concerned that the product in question is of medical or scientific value.

In this case (unless the Government determines that such product is not capable of producing addiction or of conversion into a product capable of producing addiction) the quantities permitted to be manufactured, pending the decision hereinafter referred to, shall not exceed the total of the domestic requirements of the country or territory for medical and scientific needs, and the quantity required for export orders and the provisions of this Convention shall apply.

2. Any High Contracting Party permitting trade in or manufacture for trade of any such product to be commenced shall immediately send a notification to that effect to the Secretary-General of the League of Nations, who shall advise the other High Contracting Parties and the Health Committee of the League.

3. The Health Committee will thereupon, after consulting the Permanent Committee of the Office international d'Hygiène publique, decide whether the product in question is capable of producing addiction (and is in consequence assimilable to the drugs mentioned in sub-

du groupe I), ou s'il peut être transformé en une de ces mêmes drogues (et être, de ce fait, assimilé aux "drogues" mentionnées dans le sous-groupe *b*) du groupe I ou dans le groupe II).

4. Si le Comité d'hygiène décide que, sans être une "drogue" susceptible d'engendrer la toxicomanie, le produit dont il s'agit peut être transformé en une telle "drogue", la question de savoir si ladite "drogue" rentre dans le sous-groupe *b*) du groupe I ou dans le groupe II sera soumise pour décision à un Comité de trois experts qualifiés pour en examiner les aspects scientifiques et techniques. Deux de ces experts seront désignés respectivement par le gouvernement intéressé et par la Commission consultative de l'opium; le troisième sera désigné par les deux précités.

5. Toute décision prise conformément aux deux paragraphes précédents sera portée à la connaissance du Secrétaire général de la Société des Nations, qui la communiquera à tous les Membres de la Société et aux Etats non membres mentionnés à l'article 27.

6. S'il résulte de ces décisions que le produit en question peut engendrer la toxicomanie ou peut être transformé en une "drogue" susceptible de l'engendrer, les Hautes Parties contractantes, dès la réception de la communication du Secrétaire général, soumettront ladite "drogue" au régime prévu par la présente Convention, suivant qu'elle sera comprise dans le groupe I ou dans le groupe II.

7. Sur la demande de toute Haute Partie contractante adressée au Secrétaire général, toute décision de cette nature pourra être revisée à la lumière de l'expérience acquise et conformément à la procédure indiquée ci-dessus.

Article 12.

1. L'importation ou l'exportation d'une "drogue" quelconque, en provenance ou à destination du territoire d'une Haute Partie contractante, ne pourront être effectuées que conformément aux dispositions de la présente Convention.

2. Les importations d'une "drogue" quelconque, dans un pays ou territoire quelconque et pour une année quelconque, ne pourront excéder le total des évaluations définies à l'article 5 et de la quantité exportée de ce pays ou territoire pendant la même année, déduction faite de la quantité fabriquée dans le pays ou territoire pendant la même année.

CHAPITRE V.—CONTRÔLE.

Article 13.

1. *a*) Les Hautes Parties contractantes appliqueront à toutes les "drogues" du groupe I les dispositions de la Convention de Genève, dont celle-ci prévoit l'application aux substances spécifiées à son article 4 (ou des dispositions équivalentes). Les Hautes Parties contractantes appliqueront aussi ces dispositions aux préparations de la morphine et cocaïne visées à cet article 4 et à toutes les préparations des autres "drogues" du groupe I, sauf les préparations qui peuvent être soustraites au régime de la Convention de Genève, conformément à l'article 8 de cette Convention.

group (*a*) of Group I), or whether it is convertible into such a drug (and is in consequence assimilable to the drugs mentioned in sub-group (*b*) of Group I or in Group II).

4. In the event of the Health Committee deciding that the product is not itself a drug capable of producing addiction, but is convertible into such a drug, the question whether the drug in question shall fall under sub-group (*b*) of Group I or under Group II shall be referred for decision to a body of three experts competent to deal with the scientific and technical aspects of the matter, of whom one member shall be selected by the Government concerned, one by the Opium Advisory Committee of the League, and the third by the two members so selected.

5. Any decisions arrived at in accordance with the two preceding paragraphs shall be notified to the Secretary-General of the League of Nations, who will communicate it to all the Members of the League and to the non-member States mentioned in Article 27.

6. If the decisions are to the effect that the product in question is capable of producing addiction or is convertible into a drug capable of producing addiction, the High Contracting Parties will, upon receipt of the communication from the Secretary-General, apply to the drug the appropriate régime laid down in the present Convention according as to whether it falls under Group I or under Group II.

7. Any such decisions may be revised, in accordance with the foregoing procedure, in the light of further experience, on an application addressed by any High Contracting Party to the Secretary-General.

Article 12.

Import and export restrictions.

1. No import of any of the drugs into the territories of any High Contracting Party or export from those territories shall take place except in accordance with the provisions of this Convention.

2. The imports in any one year into any country or territory of any of the drugs shall not exceed the total of the estimates as defined in Article 5 and of the amount exported from that country or territory during the year, less the amount manufactured in that country or territory in that year.

CHAPTER V.—CONTROL.

Control.

Article 13.

Provisions of Geneva Convention to apply.

1. (*a*) The High Contracting Parties shall apply to all the drugs in Group I the provisions of the Geneva Convention which are thereby applied to substances specified in its fourth Article (or provisions in conformity therewith). The High Contracting Parties shall also apply these provisions to preparations made from morphine and cocaine and covered by Article 4 of the Geneva Convention and to all other preparations made from the other drugs in Group I except such preparations as may be exempted from the provisions of the Geneva Convention under its eighth Article.

b) Les Hautes Parties contractantes appliqueront aux solutions ou dilutions de morphine ou de cocaïne, ou de leurs sels, dans une substance inerte, liquide ou solide, et contenant 0,2% ou moins de morphine ou 0,1% ou moins de cocaïne, le même traitement qu'aux préparations contenant un pourcentage plus élevé.

2. Les Hautes Parties contractantes appliqueront aux "drogues" qui sont ou qui peuvent être comprises dans le groupe II les dispositions suivantes de la Convention de Genève ou des dispositions équivalentes:

a) Les dispositions des articles 6 et 7, en tant qu'elles s'appliquent à la fabrication, à l'importation, à l'exportation et au commerce de gros de ces "drogues";

b) Les dispositions du chapitre V, sauf en ce qui concerne les compositions qui contiennent l'une de ces "drogues" et qui se prêtent à une application thérapeutique normale;

c) Les dispositions des alinéas 1*b*), *c*) et *e*) et de l'alinéa 2 de l'article 22, étant entendu:

i) Que les statistiques des importations et des exportations pourront être envoyées annuellement et non trimestriellement, et

ii) Que l'alinéa 1*b*) et l'alinéa 2 de l'article 22 ne seront pas applicables aux préparations qui contiennent ces "drogues".

Article 14.

1. Les gouvernements qui auront délivré une autorisation d'exportation, à destination de pays ou de territoires auxquels ne s'appliquent ni la présente Convention ni la Convention de Genève, pour une "drogue" qui est ou pourra être comprise dans le groupe I en aviseront immédiatement le Comité central permanent. Il est entendu que si les demandes d'exportation s'élèvent à 5 kilogrammes ou davantage, l'autorisation ne sera pas délivrée avant que le gouvernement soit assuré auprès du Comité central permanent que l'exportation ne provoquera pas un dépassement des évaluations pour le pays ou territoire importateur. Si le Comité central permanent fait savoir qu'il y aura un dépassement, le gouvernement n'autorisera pas l'exportation de la quantité qui provoquerait ce dépassement.

2. S'il ressort des relevés des importations et des exportations adressés au Comité central permanent ou des notifications faites à ce Comité, conformément au paragraphe précédent, que la quantité exportée ou dont l'exportation a été autorisée à destination d'un pays ou territoire quelconque dépasse le total des évaluations définies à l'article 5 pour ce pays ou ce territoire, pour cette année, augmenté de ses exportations constatées, le Comité en avisera immédiatement toutes les Hautes Parties contractantes. Celles-ci ne pourront plus autoriser, pendant l'année en question, aucune nouvelle exportation à destination dudit pays ou territoire, sauf

i) Dans le cas où une évaluation supplémentaire sera fournie, en ce qui concerne à la fois toute quantité importée en excédent et la quantité supplémentaire requise, ou

ii) Dans les cas exceptionnels où l'exportation est, de l'avis du gouvernement du pays exportateur, essentielle aux intérêts de l'humanité ou au traitement des malades.

(*b*) The High Contracting Parties shall treat solutions or dilutions of morphine or cocaine or their salts in an inert substance, liquid or solid, which contain 0.2 per cent or less of morphine or 0.1 per cent or less of cocaine in the same way as preparations containing more than these percentages.

2. The High Contracting Parties shall apply to the drugs which are or may be included in Group II the following provisions of the Geneva Convention (or provisions in conformity therewith):

(*a*) The provisions of Articles 6 and 7 in so far as they relate to the manufacture, import, export and wholesale trade in those drugs;

(*b*) The provisions of Chapter V, except as regards compounds containing any of these drugs which are adapted to a normal therapeutic use;

(*c*) The provisions of paragraphs 1 (*b*), (*c*) and (*e*) and paragraph 2 of Article 22, provided:

(i) That the statistics of import and export may be sent annually instead of quarterly, and

(ii) That paragraph 1 (*b*) and paragraph 2 of Article 22 shall not apply to preparations containing any of these drugs.

Article 14.

License to export to nonparticipating countries.

1. Any Government which has issued an authorisation for the export of any of the drugs which are or may be included in Group I to any country or territory to which neither this Convention nor the Geneva Convention applies shall immediately notify the Permanent Central Board of the issue of the authorisation; provided that, if the request for export amounts to 5 kilogrammes or more, the authorisation shall not be issued until the Government has ascertained from the Permanent Central Board that the export will not cause the estimates for the importing country or territory to be exceeded. If the Permanent Central Board sends a notification that such an excess would be caused, the Government will not authorise the export of any amount which would have that effect.

2. If it appears from the import and export returns made to the Permanent Central Board or from the notifications made to the Board in pursuance of the preceding paragraph that the quantity exported or authorised to be exported to any country or territory exceeds the total of the estimates for that country or territory as defined in Article 5, with the addition of the amounts shown to have been exported, the Board shall immediately notify the fact to all the High Contracting Parties, who will not, during the currency of the year in question, authorise any new exports to that country except:

(i) In the event of a supplementary estimate being furnished for that country in respect both of any quantity over-imported and of the additional quantity required; or

(ii) In exceptional cases where the export in the opinion of the Government of the exporting country is essential in the interests of humanity or for the treatment of the sick.

3. Le Comité central permanent préparera chaque année un état indiquant pour chaque pays ou territoire et pour l'année précédente:

a) Les évaluations de chaque "drogue";
b) La quantité de chaque "drogue" consommée;
c) La quantité de chaque "drogue" fabriquée;
d) La quantité de chaque "drogue" transformée;
e) La quantité de chaque "drogue" importée;
f) La quantité de chaque "drogue" exportée;
g) La quantité de chaque "drogue" employée à la confection des préparations pour l'exportation desquelles les autorisations d'exportation ne sont pas requises.

S'il résulte dudit état que l'une des Hautes Parties contractantes a ou peut avoir manqué aux obligations prévues par la présente Convention, le Comité sera en droit de lui demander des explications par l'entremise du Secrétatire général de la Société des Nations, et la procédure prévue par les paragraphes 2 à 7 de l'article 24 de la Convention de Genève sera applicable.

Le Comité publiera, le plus tôt possible, l'état visé ci-dessus, et, à moins qu'il ne le juge pas nécessaire, un résumé des explications données ou demandées conformément à l'alinéa précédent, ainsi que toutes observations qu'il tiendrait à faire concernant ces explications ou demandes d'explications.

En publiant les statistiques et autres informations qu'il reçoit en vertu de la présente Convention, le Comité central permanent aura soin de ne faire figurer dans ces publications aucune indication susceptible de favoriser les opérations des spéculateurs ou de porter préjudice au commerce légitime d'une quelconque des Hautes Parties contractantes.

Chapitre VI.—Dispositions administratives.

Article 15.

Les Hautes Parties contractantes prendront toutes les mesures législatives ou autres nécessaires pour donner effet dans leurs territoires aux dispositions de la présente Convention.

Les Hautes Parties contractantes établiront, si elles ne l'ont déjà fait, une administration spéciale ayant pour mission:

a) D'appliquer les prescriptions de la présente Convention;
b) De réglementer, surveiller et contrôler le commerce des "drogues";
c) D'organiser la lutte contre la toxicomanie, en prenant toutes les mesures utiles pour en empêcher le développement et pour combattre le trafic illicite.

Article 16

1. Chacune des Hautes Parties contractantes exercera une surveillance rigoureuse sur:

a) Les quantités de matières premières et de "drogues" manufacturées qui se trouvent en la possession de chaque fabricans aux fins de fabrication ou de transformation de chacune de cet "drogues" ou à toutes autres fins utiles;

3. The Permanent Central Board shall each year prepare a statement showing, in respect of each country or territory for the preceding year:

(*a*) The estimates in respect of each drug;
(*b*) The amount of each drug consumed;
(*c*) The amount of each drug manufactured;
(*d*) The amount of each drug converted;
(*e*) The amount of each drug imported;
(*f*) The amount of each drug exported;
(*g*) The amount of each drug used for the compounding of preparations, exports of which do not require export authorisations.

If such statement indicates that any High Contracting Party has or may have failed to carry out his obligations under this Convention, the Board shall have the right to ask for explanations, through the Secretary-General of the League of Nations, from that High Contracting Party, and the procedure specified in paragraphs 2 to 7 of Article 24 of the Geneva Convention shall apply in any such case.

The Board shall, as soon as possible thereafter, publish the statement above mentioned together with an account, unless it thinks it unnecessary, of any explanations given or required in accordance with the preceding paragraph and any observations which the Board may desire to make in respect of any such explanation or request for an explanation.

The Permanent Central Board shall take all necessary measures to ensure that the statistics and other information which it receives under this Convention shall not be made public in such a manner as to facilitate the operations of speculators or to injure the legitimate commerce of any High Contracting Party.

CHAPTER VI.—ADMINISTRATIVE PROVISIONS.

Administrative provisions.

Article 15.

Laws, etc., to be enacted.

The High Contracting Parties shall take all necessary legislative or other measures in order to give effect within their territories to the provisions of this Convention.

The High Contracting Parties shall, if they have not already done so, create a special administration for the purpose of:

(*a*) Applying the provisions of the present Convention;
(*b*) Regulating, supervising and controlling the trade in the drugs;
(*c*) Organising the campaign against drug addiction, by taking all useful steps to prevent its development and to suppress the illicit traffic.

Article 16.

Supervision by each Power.

1. Each High Contracting Party shall exercise a strict supervision over:

(*a*) The amounts of raw material and manufactured drugs in the possession of each manufacturer for the purpose of the manufacture or conversion of any of the drugs or otherwise;

b) Les quantités de "drogues" (ou de préparations contenant ces drogues) produites;

c) La manière dont il est disposé des "drogues" et préparations ainsi produites, notamment leur distribution au commerce, à la sortie de la fabrique.

2. Les Hautes Parties contractantes ne permettront pas l'accumulation entre les mains d'un fabricant quelconque de quantités de matières premières dépassant les quantités requises pour le fonctionnement économique de l'entreprise, en tenant compte des conditions du marché. Les quantités de matières premières en la possession de tout fabricant, à un moment quelconque, ne dépasseront pas les quantités nécessaires pour les besoins de la fabrication pendant le semestre suivant, à moins que le gouvernement, après enquête, n'estime que des conditions exceptionnelles justifient l'accumulation de quantités additionnelles, mais, en aucun cas, les quantités totales qui pourront être accumulées ainsi ne devront dépasser l'approvisionnement d'une année.

Article 17.

Chacune des Hautes Parties contractantes astreindra chaque fabricant établi sur ses territoires à fournir des rapports trimestriels indiquant:

a) Les quantités de matières premières et de chaque "drogue" qu'il a reçues dans sa fabrique, ainsi que les quantités de "drogues" ou de tout autre produit, quel qu'il soit, fabriqué avec chacune de ces substances. En signalant les quantités de matières premières ainsi reçues par lui, le fabricant indiquera la proportion de morphine, de cocaïne ou d'ecgonine contenue dans celles-ci ou qui peut en être retirée—proportion qui sera déterminée par une méthode prescrite par le gouvernement et dans des conditions que le gouvernement considère comme satisfaisantes;

b) Les quantités, soit de matières premières, soit de produits manufacturés à l'aide de ces matières, qui ont été utilisées au cours du trimestre;

c) Les quantités restant en stock à la fin du trimestre.

Chacune des Hautes Parties contractantes astreindra chaque négociant en gros établi sur ses territoires à fournir, à la fin de chaque année, un rapport spécifiant pour chaque "drogue" la quantité de cette "drogue" contenue dans les préparations exportées ou importées au cours de l'année et pour l'exportation ou l'importation desquelles il n'est pas requis d'autorisation.

Article 18.

Chacune des Hautes Parties contractantes s'engage à ce que toutes les "drogues" du groupe I qu'elle saisira dans le trafic illicite soient détruites ou transformées en substances non stupéfiantes ou réservées à l'usage médical ou scientifique, soit par le gouvernement, soit sous son contrôle, une fois que ces "drogues" ne sont plus nécessaires pour la procédure judiciaire ou toute autre action de la part des autorités de l'Etat. Dans tous les cas, la diacétylmorphine devra être détruite ou transformée.

(*b*) The quantities of the drugs or preparations containing the drugs produced;

(*c*) The disposal of the drugs and preparations so produced with especial reference to deliveries from the factories.

2. No High Contracting Party shall allow the accumulation in the possession of any manufacturer of quantities of raw materials in excess of those required for the economic conduct of business, having regard to the prevailing market conditions. The amounts of raw material in the possession of any manufacturer at any one time shall not exceed the amounts required by that manufacturer for manufacture during the ensuing six months, unless the Government, after due investigation, considers that exceptional conditions warrant the accumulation of additional amounts, but in no case shall the total quantities which may be accumulated exceed one year's supply.

Article 17.

Quarterly reports required of each manufacturer.

Each High Contracting Party shall require each manufacturer within his territories to submit quarterly reports stating:

(*a*) The amount of raw materials and of each of the drugs received into the factory by such manufacturer and the quantities of the drugs, or any other products whatever, produced from each of these substances. In reporting the amounts of raw materials so received, the manufacturer shall state the proportion of morphine, cocaine or ecgonine contained in or producible therefrom as determined by a method prescribed by the Government and under conditions considered satisfactory by the Government;

(*b*) The quantities of either the raw material or the products manufactured therefrom which were disposed of during the quarter;

(*c*) The quantities remaining in stock at the end of the quarter.

Each High Contracting Party shall require each wholesaler within his territories to make at the close of each year a report stating, in respect of each of the drugs, the amount of that drug contained in preparations, exported or imported during the year, for the export or import of which authorisations are not required.

Article 18.

Seizures in illicit traffic.

Each High Contracting Party undertakes that any of the drugs in Group I which are seized by him in the illicit traffic shall be destroyed or converted into non-narcotic substances or appropriated for medical or scientific use, either by the Government or under its control, when these are no longer required for judicial proceedings or other action on the part of the authorities of the State. In all cases diacetylmorphine shall either be destroyed or converted.

Article 19.

Les Hautes Parties contractantes exigeront que les étiquettes sous lesquelles est mise en vente une "drogue" quelconque ou une préparation contenant cette "drogue" indiquent le pourcentage de celle-ci. Elles devront aussi en indiquer le nom de la manière prévue par la législation nationale

CHAPITRE VII.—DISPOSITIONS GÉNÉRALES.

Article 20.

1. Toute Haute Partie contractante dans l'un quelconque des territoires de laquelle une "drogue" quelconque sera fabriquée ou transformée au moment de l'entrée en vigueur de la présente Convention ou qui, à ce moment ou ultérieurement, se proposera d'autoriser sur son territoire cette fabrication ou transformation, enverra une notification au Secrétaire général de la Société des Nations en indiquant si la fabrication ou la transformation est destinée aux besoins intérieurs seulement ou également à l'exportation, et à quelle époque cette fabrication ou transformation commencera; elle spécifiera également les "drogues" qui doivent être fabriquées ou transformées, ainsi que le nom et l'adresse des personnes ou des maisons autorisées.

2. Au cas où la fabrication ou la transformation de l'une quelconque des "drogues" cesserait sur son territoire, la Haute Partie contractante enverra une notification à cet effet au Secrétaire général en indiquant la date et le lieu où cette fabrication ou transformation a cessé ou cessera et en spécifiant les "drogues" visées, les personnes ou maisons visées, ainsi que leur nom et leur adresse.

3. Les renseignements fournis conformément aux paragraphes 1 et 2 seront communiqués par le Secrétaire général aux Hautes Parties contractantes.

Article 21.

Les Hautes Parties contractantes se communiqueront par l'entremise du Secrétaire général de la Société des Nations les lois et règlements promulgués pour donner effet à la présente Convention, et lui transmettront un rapport annuel relatif au fonctionnement de la Convention sur leurs territoires, conformément à un formulaire établi par la Commission consultative du trafic de l'opium et autres "drogues" nuisibles.

Article 22.

Les Hautes Parties contractantes feront figurer dans les statistiques annuelles fournies par elles au Comité central permanent les quantités de chacune des "drogues" employées par les fabricants et grossistes pour la confection de préparations, destinées à la consommation intérieure ou à l'exportation, pour l'exportation desquelles les autorisations ne sont pas requises.

Les Hautes Parties contractantes feront également figurer dans leurs statistiques un résumé des relevés établis par les fabricants, conformément à l'article 17.

Article 19.

Marking labels.

The High Contracting Parties will require that the labels under which any of the drugs, or preparations containing those drugs, are offered for sale, shall show the percentage of the drugs. These labels shall also indicate the name of the drugs as provided for in the national legislation.

CHAPTER VII.—GENERAL PROVISIONS.

General provisions.

Article 20.

Information to be furnished the League of Nations.

1. Every High Contracting Party in any of whose territories any of the drugs is being manufactured or converted, at the time when this Convention comes into force, or in which he proposes either at that time or subsequently to authorise such manufacture or conversion, shall notify the Secretary-General of the League of Nations indicating whether the manufacture or conversion is for domestic needs only or also for export, the date on which such manufacture or conversion will begin, and the drugs to be manufactured or converted as well as the names and addresses of persons or firms authorised.

2. In the event of the manufacture or conversion of any of the drugs ceasing in the territory of any High Contracting Party, he shall notify the Secretary-General to that effect, indicating the place and date at which such manufacture or conversion has ceased or will cease and specifying the drugs affected, as well as the names and addresses of persons or firms concerned.

Transmission of, to signatories.

3. The information furnished under this Article shall be communicated by the Secretary-General to the High Contracting Parties.

Article 21.

Mutual communication of laws, etc.

The High Contracting Parties shall communicate to one another through the Secretary-General of the League of Nations the laws and regulations promulgated in order to give effect to the present Convention, and shall forward to the Secretary-General an annual report on the working of the Convention in their territories, in accordance with a form drawn up by the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

Article 22.

Reports, to include drugs used in compounds.

The High Contracting Parties shall include in the annual statistics furnished by them to the Permanent Central Board the amounts of any of the drugs used by manufacturers and wholesalers for the compounding of preparations whether for domestic consumption or for export for the export of which export authorisations are not required.

Summary of returns. *Ante*, p. 1573.

The High Contracting Parties shall also include a summary of the returns made by the manufacturers in pursuance of Article 17.

Article 23.

Les Hautes Parties contractantes se communiqueront par l'entremise du Secrétaire général de la Société des Nations, dans un délai aussi bref que possible, des renseignements sur tout cas de trafic illicite découvert par elles et qui pourra présenter de l'importance, soit en raison des quantités de "drogues" en cause, soit en raison des indications que ce cas pourra fournir sur les sources qui alimentent en "drogues" le trafic illicite ou les méthodes employées par les trafiquants illicites.

Ces renseignements indiqueront, dans toute la mesure possible:

a) La nature et la quantité des "drogues" en cause;

b) L'origine des "drogues", les marques et étiquettes;

c) Les points de passage où les "drogues" ont été détournées dans le trafic illicite;

d) Le lieu d'où les "drogues" ont été expédiées et les noms des expéditeurs, agents d'expédition ou commissionnaires, les méthodes de consignation et les noms et adresses des destinataires s'ils sont connus.

e) Les méthodes employées et routes suivies par les contrebandiers et éventuellement les noms des navires qui ont servi au transport;

f) Les mesures prises par les gouvernements en ce qui concerne les personnes impliquées (et, en particulier, celles qui posséderaient des autorisations ou des licences), ainsi que les sanctions appliquées;

g) Tous autres renseignements qui pourraient aider à la suppression du trafic illicite.

Article 24.

La présente Convention complétera les Conventions de La Haye de 1912 et de Genève de 1925 dans les rapports entre les Hautes Parties contractantes liées par l'une au moins de ces dernières Conventions.

Article 25.

S'il s'élève entre les Hautes Parties contractantes un différend quelconque relatif à l'interprétation ou à l'application de la présente Convention, et si ce différend n'a pu être résolu de façon satisfaisante par voie diplomatique, il sera réglé conformément aux dispositions en vigueur entre les Parties concernant le règlement des différends internationaux.

Au cas où de telles dispositions n'existeraient pas entre les Parties au différend, elles le soumettront à une procédure arbitrale ou judiciaire. A défaut d'un accord sur le choix d'un autre tribunal, elles soumettront le différend, à la requête de l'une d'elles, à la Cour permanente de Justice internationale, si elles sont toutes parties au Protocole du 16 décembre 1920, relatif au Statut de ladite Cour, et, si elles n'y sont pas toutes parties, à un tribunal d'arbitrage, constitué conformément à la Convention de La Haye du 18 octobre 1907, pour le règlement pacifique des conflits internationaux.

Article 23.

Illicit traffic particulars.

The High Contracting Parties will communicate to each other through the Secretary-General of the League of Nations, as soon as possible, particulars of each case of illicit traffic discovered by them which may be of importance either because of the quantities involved or because of the light thrown on the sources from which drugs are obtained for the illicit traffic or the methods employed by illicit traffickers.

The particulars given shall indicate as far as possible:

(*a*) The kind and quantity of drugs involved;
(*b*) The origin of the drugs, their marks and labels;
(*c*) The points at which the drugs were diverted into the illicit traffic;
(*d*) The place from which the drugs were despatched, and the names of shipping or forwarding agents or consignors; the methods of consignment and the name and address of consignees, if known;
(*e*) The methods and routes used by smugglers and names of ships, if any, in which the drugs have been shipped;

(*f*) The action taken by the Government in regard to the persons involved, particularly those possessing authorisations or licences and the penalties imposed.

(*g*) Any other information which would assist in the suppression of illicit traffic.

Article 24.

Present convention supplementary to previous conventions. Vol. 38, p. 1912.

The present Convention shall supplement the Hague Convention of 1912 and the Geneva Convention of 1925 in the relations between the High Contracting Parties bound by at least one of these latter Conventions.

Article 25.

Settlement of disputes.

If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Convention and if such dispute cannot be satisfactorily settled by diplomacy, it shall be settled in accordance with any applicable agreements in force between the Parties providing for the settlement of international disputes.

In case there is no such agreement in force between the Parties, the dispute shall be referred to arbitration or judicial settlement. In the absence of agreement on the choice of another tribunal, the dispute shall, at the request of any one of the Parties, be referred to the Permanent Court of International Justice, if all the Parties to the dispute are Parties to the Protocol of December 16th, 1920, relating to the Statute of that Court, and, if any of the Parties to the dispute is not a Party to the Protocol of December 16th, 1920, to an arbitral tribunal constituted in accordance with the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

Vol. 36, p. 2221.

Article 26.

Toute Haute Partie contractante pourra déclarer, au moment de la signature, de la ratification ou de l'adhésion, qu'en acceptant la présente Convention, elle n'assume aucune obligation pour l'ensemble ou une partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa souveraineté ou sous son mandat, et la présente Convention ne s'appliquera pas aux territoires mentionnés dans cette déclaration.

Toute Haute Partie contractante pourra ultérieurement donner, à tout moment, avis au Secrétaire général de la Société des Nations qu'elle désire que la présente Convention s'applique à l'ensemble ou à une partie de ses territoires qui auront fait l'objet d'une déclaration aux termes de l'alinéa précédent, et la présente Convention s'appliquera à tous les territoires mentionnés dans cet avis, comme dans le cas d'un pays ratifiant la Convention ou y adhérant.

Chacune des Hautes Parties contractantes pourra déclarer à tout moment, après l'expiration de la période de cinq ans prévue à l'article 32, qu'elle désire que la présente Convention cesse de s'appliquer à l'ensemble ou à une partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa souveraineté ou sous son mandat, et la Convention cessera de s'appliquer aux territoires mentionnés dans cette déclaration, comme s'il s'agissait d'une dénonciation faite conformément aux dispositions de l'article 32.

Le Secrétaire général communiquera à tous les Membres de la Société, ainsi qu'aux Etats non membres mentionnés à l'article 27, toutes les déclarations et tous les avis reçus aux termes du présent article.

Article 27.

La présente Convention, dont les textes français et anglais feront également foi, portera la date de ce jour et sera, jusqu'au 31 décembre 1931, ouverte à la signature au nom de tout Membre de la Société des Nations ou de tout Etat non membre qui s'est fait représenter à la Conférence qui a élaboré la présente Convention, ou auquel le Conseil de la Société des Nations aura communiqué copie de la présente Convention à cet effet.

Article 28.

La présente Convention sera ratifiée. Les instruments de ratification seront transmis au Secrétaire général de la Société des Nations, qui en notifiera le dépôt à tous les Membres de la Société ainsi qu'aux Etats non membres visés à l'article précédent.

Article 29.

A dater du 1er janvier 1932, tout Membre de la Société des Nations et tout Etat non membre visé à l'article 27 pourra adhérer à la présente Convention.

Article 26.

Obligations of signatories over colonies, etc.

Any High Contracting Party may, at the time of signature, ratification, or accession, declare that, in accepting the present Convention, he does not assume any obligation in respect of all or any of his colonies, protectorates and overseas territories or territories under suzerainty or mandate, and the present Convention shall not apply to any territories named in such declaration.

Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Convention shall apply to all or any of his territories which have been made the subject of a declaration under the preceding paragraph, and the Convention shall apply to all territories named in such notice in the same manner as in the case of a country ratifying or acceding to the Convention.

Any High Contracting Party may, at any time after the expiration of the five-years period mentioned in Article 32, declare that he desires that the present Convention shall cease to apply to all or any of his colonies, protectorates and overseas territories or territories under suzerainty or mandate, and the Convention shall cease to apply to the territories named in such declaration as if it were a denunciation under the provisions of Article 32.

The Secretary-General shall communicate to all the Members of the League and to the non-member States mentioned in Article 27, all declarations and notices received in virtue of this Article.

Article 27.

Date; open for signature until December 31, 1931.

The present Convention, of which the French and English texts shall both be authoritative, shall bear this day's date, and shall, until December 31st, 1931, be open for signature on behalf of any Member of the League of Nations, or of any non-member State which was represented at the Conference which drew up this Convention, or to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

Article 28.

Ratification.

The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League and to the non-member States referred to in the preceding Article.

Article 29.

Accession of nonsignatory powers.

As from January 1st, 1932, the present Convention may be acceded to on behalf of any Member of the League of Nations or any non-member State mentioned in Article 27.

Les instruments d'adhésion seront transmis au Secrétaire général de la Société des Nations, qui en notifiera le dépôt à tous les Membres de la Société ainsi qu'aux Etats non membres visés audit article.

Article 30.

La présente Convention entrera en vigueur quatre-vingt-dix jours après que le Secrétaire général de la Société des Nations aura reçu les ratifications ou les adhésions de vingt-cinq Membres de la Société des Nations ou Etats non membres, y compris quatre Etats parmi les suivants:

Allemagne, Etats-Unis d'Amérique, France, Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, Japon, Pays-Bas, Suisse, Turquie.

Les dispositions autres que les articles 2 à 5 ne deviendront toutefois applicable que le 1er janvier de la première année pour laquelle les évaluations seront fournies, conformément aux articles 2 à 5.

Article 31.

Les ratifications ou adhésions déposées après la date de l'entrée en vigueur de la présente Convention prendront effet à l'expiration d'un délai de quatre-vingt-dix jours à partir du jour de leur réception par le Secrétaire général de la Société des Nations.

Article 32.

A l'expiration d'un délai de cinq ans à partir de l'entrée en vigueur de la présente Convention, celle-ci pourra être dénoncée par un instrument écrit déposé auprès du Secrétaire général de la Société des Nations. Cette dénonciation, si elle est reçue par le Secrétaire général le 1er juillet d'une année quelconque ou antérieurement à cette date, prendra effet le 1er janvier de l'année suivante, et, si elle est reçue après le 1er juillet, elle prendra effet comme si elle avait été reçue le 1er juillet de l'année suivante ou antérieurement à cette date. Chaque dénonciation ne sera opérante que pour le Membre de la Société des Nations ou l'Etat non membre au nom duquel elle aura été déposée.

Le Secrétaire général notifiera à tous les Membres de la Société et aux Etats non membres mentionnés à l'article 27 les dénonciations ainsi reçues.

Si, par suite de dénonciations simultanées ou successives, le nombre des Membres de la Société des Nations et des Etats non membres qui sont liés par la présente Convention se trouve ramené à moins de vingt-cinq, la Convention cessera d'être en vigueur à partir de la date à laquelle la dernière de ces dénonciations prendra effet, conformément aux dispositions du présent article.

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non-member States mentioned in that Article.

Article 30.

Effective dates.

The present Convention shall come into force ninety days after the Secretary-General of the League of Nations has received the ratifications or accessions of twenty-five Members of the League of Nations or non-member States, including any four of the following:

France, Germany, United Kingdom of Great Britain and Northern Ireland, Japan, Netherlands, Switzerland, Turkey, and the United States of America.

Provided always that the provisions of the Convention other than Articles 2 to 5 shall only be applicable from the first of January in the first year in respect of which estimates are furnished in conformity with Articles 2 to 5.

Article 31.

Ratifications received after Convention in force.

Ratifications or accessions received after the date of the coming into force of this Convention shall take effect as from the expiration of the period of ninety days from the date of their receipt by the Secretary-General of the League of Nations.

Article 32.

Denunciation.

After the expiration of five years from the date of the coming into force of this Convention, the Convention may be denounced by an instrument in writing, deposited with the Secretary-General of the League of Nations. The denunciation, if received by the Secretary-General on or before the first day of July in any year, shall take effect on the first day of January in the succeeding year, and, if received after the first day of July, shall take effect as if it had been received on or before the first day of July in the succeeding year. Each denunciation shall operate only as regards the Member of the League or non-member State on whose behalf it has been deposited.

The Secretary-General shall notify all the Members of the League and the non-member States mentioned in Article 27 of any denunciations received.

If, as a result of simultaneous or successive denunciations, the number of Members of the League and non-member States bound by the present Convention is reduced to less than twenty-five, the Convention shall cease to be in force as from the date on which the last of such denunciations shall take effect in accordance with the provisions of this Article.

Article 33.

Une demande de revision de la présente Convention pourra être formulée en tout temps par tout Membre de la Société des Nations ou Etat non membre lié par la Convention, par voie de notification adressée au Secrétaire général de la Société des Nations. Cette notification sera communiquée par le Secrétaire général à tous les autres Membres de la Société des Nations et Etats non membres ainsi liés, et, si elle est appuyée par un tiers au moins d'entre elles, les Hautes Parties contractantes s'engagent à se réunir en une conférence aux fins de revision de la Convention.

Article 34.

La présente Convention sera enregistrée par le Secrétaire général de la Société des Nations le jour de l'entrée en vigueur de la Convention.

Article 33.

Request for revision.

A request for the revision of the present Convention may at any time be made by any Member of the League of Nations or non-member State bound by this Convention by means of a notice addressed to the Secretary-General of the League of Nations. Such notice shall be communicated by the Secretary-General to the other Members of the League of Nations or non-member States bound by this Convention, and, if endorsed by not less than one-third of them, the High Contracting Parties agree to meet for the purpose of revising the Convention.

Article 34.

Registry, on entry into force.

The present Convention shall be registered by the Secretary-General of the League of Nations on the day of its entry into force.

Signatures.

EN FOI DE QUOI les plénipotentiaires susmentionnés ont signé la présente Convention.

FAIT à Genève, le treize juillet mil neuf cent trente et un, en un seul exemplaire, qui sera déposé dans les archives du Secrétariat de la Société des Nations, et dont les copies certifiées conformes seront remises à tous les Membres de la Société des Nations et aux Etats non membres mentionnés à l'article 27.

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Convention.

DONE at Geneva the thirteenth day of July, one thousand nine hundred and thirty-one, in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations, and certified true copies of which shall be delivered to all the Members of the League and to the non-member States referred to in Article 27.

ALLEMAGNE

GERMANY

Freiherr VON RHEINBABEN
Dr. KAHLER

Reservation by the United States of America.

ÉTATS-UNIS D'AMÉRIQUE

UNITED STATES OF AMERICA

John K. CALDWELL
Harry J. ANSLIGER
Walter Lewis TREADWAY.
Sanborn YOUNG.

(1) The Government of the United States of America reserves the right to impose, for purpose of internal control and control of import into and export from territory under its jurisdiction, of opium, coca leaves, all of their derivatives and similar substances produced by synthetic process, measures stricter than the provisions of the Convention.

(2) The Government of the United States of America reserves the right to impose, for purposes of controlling transit through its territories of raw opium, coca leaves, all of their derivatives and similar substances produced by synthetic process, measures by which the production of an import permit issued by the country of destination may be made a condition precedent to the granting of permission for transit through its territory.

(3) The Government of the United States of America finds it impracticable to undertake to send statistics of import and export to the Permanent Central Opium Board short of sixty days after the close of the three-months' period to which such statistics refer.

(4) The Government of the United States of America finds it impracticable to undertake to state separately amounts of drugs purchased or imported for Government purposes.

(5) Plenipotentiaries of the United States of America formally declare that the signing of the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs by them on the part of the United States of America on this date is not to be construed to mean that the Government of the United States of America recognises a regime or entity which signs or accedes to the Convention as the Government of a country when that regime or entity is not recognised by the Government of the United States of America as the Government of that country.

(6) The plenipotentiaries of the United States of America further declare that the participation of the United States of America in the Convention for limiting the manufacture of and regulating the distribution of narcotic drugs, signed on this date, does not involve any contractual obligation on the part of the United States of America to a country represented by a regime or entity which the Government of the United States of America does not recognise as the Government

of that country until such country has a Government recognised by the Government of the United States of America.[1]

J. K. C.
H. J. A.
W. L. T.
S. Y.

RÉPUBLIQUE ARGENTINE — ARGENTINE REPUBLIC — Signatures—Contd.

Ad referendum.
Fernando PEREZ

AUTRICHE — AUSTRIA

E. PFLÜGL
Dr Bruno SCHULTZ

BELGIQUE — BELGIUM

Dr F. DE MYTTENAERE

BOLIVIE — BOLIVIA

M. CUELLAR

BRÉSIL — BRAZIL

Raul DO RIO BRANCO

GRANDE-BRETAGNE ET IRLANDE DU NORD ainsi que toutes parties de l'Empire britannique non Membres séparés de la Société des Nations

GREAT BRITAIN AND NORTHERN IRELAND and all parts of the British Empire which are not separate Members of the League of Nations.

Malcolm DELEVINGNE

CANADA — CANADA

C. H. L. SHARMAN
W. A. RIDDELL

---

[1] *Traduction par le Secrétariat de la Société des Nations.*

(1) Le Gouvernement des Etats-Unis d'Amérique se réserve le droit d'appliquer, en vue de l'exercice d'un contrôle intérieur et d'un contrôle des importations et des exportations d'opium, de feuilles de coca et de tous leurs dérivés, et de produits synthétiques analogues, effectués par les territoires placés sous sa juridiction, des mesures plus strictes que les dispositions de la Convention.

(2) Le Gouvernement des Etats-Unis d'Amérique se réserve le droit d'appliquer, en vue de l'exercice d'un contrôle sur le transit à travers ses territoires de l'opium brut, des feuilles de coca, de tous leurs dérivés et des produits synthétiques analogues, des mesures en vertu desquelles l'octroi d'une autorisation de transit à travers son territoire pourra être subordonné à la production d'un permis d'importation délivré par le pays de destination.

(3) Le Gouvernement des Etats-Unis d'Amérique ne voit pas la possibilité de s'engage à envoyer au Comité central permanent de l'opium des statistiques des importations et des exportations avant un délai de soixante jours à dater de la fin de la période de trois mois à laquelle se rapportent ces statistiques.

(4) Le Gouvernement des Etats-Unis d'Amérique ne voit pas la possibilité de s'engager à indiquer séparément les quantités de stupéfiants achetées ou importées pour les besoins de l'Etat.

(5) Les plénipotentiaires des Etats-Unis d'Amérique declarent formellement que le fait qu'ils ont signé ce jour, pour le compte des Etats-Unis d'Amérique, la Convention pour la limitation de la fabrication et la réglementation de la distribution des stupéfiants, ne doit pas être interprété comme signifiant que le Gouvernement des Etats-Unis d'Amérique reconnaît un régime ou une entité qui signe la Convention ou y accède comme constituant le gouvernement d'un pays, lorsque ce régime ou cette entité n'est pas reconnue par le Gouvernement des Etats-Unis d'Amérique comme constituant le gouvernement de ce pays.

(6) Les plénipotentiaires des Etats-Unis d'Amérique déclarent, en outre, que la participation des Etats-Unis d'Amérique à la Convention pour la limitation de la fabrication et la réglementation de la distribution des stupéfiants, signée ce jour, n'implique aucune obligation contractuelle de la part des Etats-Unis d'Amérique à l'égard d'un pays représenté par un régime ou une entité que le Gouvernement des Etats-Unis d'Amérique ne reconnaît pas comme constituant le gouvernement de ce pays, tant que ce pays n'a pas un gouvernement reconnu par le Gouvernement des Etats-Unis d'Amérique.

Signatures—Contd.

INDE — INDIA

R. P. PARANJPYE

CHILI — CHILE

Enrique J. GAJARDO V.

COSTA-RICA — COSTA RICA

Viriato FIGUEREDO LORA.

CUBA — CUBA

G. DE BLANCK

Dr B. PRIMELLES

DANEMARK — DENMARK

Gustav RASMUSSEN

VILLE LIBRE DE DANTZIG — FREE CITY OF DANZIG

F. SOKAL

RÉPUBLIQUE DOMINICAINE — DOMINICAN REPUBLIC

Ch. ACKERMANN

ÉGYPTE — EGYPT

T. W. RUSSELL

ESPAGNE — SPAIN

Julio CASARES

ÉTHIOPIE — ABYSSINIA

Cte LAGARDE DUC d'ENTOTTO

Reservation by France.

FRANCE — FRANCE

Le Gouvernement français fait toutes ses réserves en ce qui concerne les colonies, protectorats et pays sous mandat dépendant de son autorité, sur la possibilité de produire régulièrement dans le délai strictement imparti les statistiques trimestrielles visées par l'article 13.[1]

G. BOURGOIS

GRÈCE — GREECE

R. RAPHAËL

GUATÉMALA — GUATEMALA

Luis MARTÍNEZ MONT.

HEDJAZ, NEDJED ET DÉPENDANCES — HEJAZ, NEJD AND DEPENDENCIES

HAFIZ WAHBA

ITALIE — ITALY

CAVAZZONI Stefano

JAPON — JAPAN

S. SAWADA

S. OHDACHI

LIBÉRIA — LIBERIA

Dr A. SOTTILE

Sous réserve de ratification du Sénat de la République de Libéria.[2]

LITHUANIE — LITHUANIA

ZAUNIUS.

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[1] *Translation by the Secretariat of the League of Nations:*

The French Government makes every reservation, with regard to the Colonies, Protectorates and Mandated Territories under its authority, as to the possibility of regularly producing the quarterly statistics referred to in Article 13 within the strict time-limit laid down.

[2] *Traduction par le Secrétariat de la Société des Nations.*

Subject to ratification by the Senate of the Republic of Liberia.

LUXEMBOURG	Ch. G. VERMAIRE	LUXEMBURG
MEXIQUE	S. MARTÍNEZ DE ALVA	MEXICO
MONACO	C. HENTSCH.	MONACO
PANAMA	Dr Ernesto HOFFMANN.	PANAMA
PARAGUAY	R. V. CABALLERO DE BEDOYA	PARAGUAY
PAYS-BAS	V. WETTUM	THE NETHERLANDS
PERSE	A. SEPAHBODY	PERSIA
POLOGNE	CHODŹKO	POLAND
PORTUGAL	Augusto DE VASCONCELLOS A. M. FERRAZ DE ANDRADE	PORTUGAL
ROUMANIE	C. ANTONIADE	ROUMANIA
SAINT-MARIN	FERRI Charles Emile	SAN MARINO
SIAM	DAMRAS As our Harmful Habit-forming Drugs Law goes beyond the provisions of the Geneva Convention and the present Convention on certain points, my Government reserves the right to apply our existing law.[1]	SIAM
SUÈDE	K. I. WESTMAN	SWEDEN
SUISSE	Paul DINICHERT Dr H. CARRIÈRE	SWITZERLAND
TCHÉCOSLOVAQUIE	Zd. FIERLINGER	CZECHOSLOVAKIA
URUGUAY	Alfredo DE CASTRO	URUGUAY
VENEZUELA	*Ad referendum* L. G. CHACÍN ITRIAGO	VENEZUELA

Signatures—Contd.

Reservation by Siam.

Copie certifiée conforme.

Pour le Secrétaire général:

J. A BUERO

Conseiller juridique du Secrétariat.

Certified true copy.

For the Secretary-General:

Legal Adviser of the Secretariat.

[1] *Traduction par le Secrétariat de la Société des Nations.*

Etant donné que la loi siamoise relative aux drogues donnant lieu à une toxicomanie va plus loin que la Convention de Genève et que la présente Convention, en ce qui concerne certains points, mon gouvernement se réserve le droit d'appliquer la loi en question.

PROTOCOLE DE SIGNATURE

I. En signant la Convention pour limiter la fabrication et réglementer la distribution des stupéfiants en date de ce jour, les Plénipotentiaires soussignés, dûment autorisés à cet effet, et au nom de leurs gouvernements respectifs, déclarent être convenus de ce qui suit:

Si, à la date du 13 juillet 1933, ladite Convention n'est pas entrée en vigueur conformément aux dispositions de l'article 30, le Secrétaire général de la Société des Nations soumettra la situation au Conseil de la Société des Nations, qui pourra, soit convoquer une nouvelle conférence de tous les Membres de la Société des Nations et Etats non membres au nom desquels la Convention aura été signée ou des ratifications ou des adhésions auront été déposées, en vue d'examiner la situation, soit prendre les mesures qu'il considérerait comme nécessaires. Le gouvernement de chaque Membre de la Société des Nations ou Etat non membre signataire ou adhérent s'engage à se faire représenter à toute conférence ainsi convoquée.

II. Le Gouvernement du Japon a fait la réserve exprimée ci-dessous, qui est acceptée par les autres Hautes Parties contractantes:

> La morphine brute produite au cours de la fabrication de l'opium à fumer dans la fabrique du Gouvernement général de Formose et tenue en stock par ce gouvernement, ne sera pas soumise aux mesures de limitation prévues à la présente Convention.
>
> Il ne sera retiré de temps à autre de ces stocks de morphine brute que les quantités qui pourront être requises pour la fabrication de la morphine raffinée dans les fabriques munies d'une licence par le Gouvernement japonais conformément aux dispositions de la présente Convention.

PROTOCOL OF SIGNATURE

Protocol of signature.

I. When signing the Convention for limiting the manufacture and regulating the distribution of narcotic drugs dated this day, the undersigned Plenipotentiaries, duly authorised to that effect and in the name of their respective Governments, declare to have agreed as follows:

Action, if signatures not obtained.
Ante, p. 1581.

If, on July 13th, 1933, the said Convention is not in force in accordance with the provisions of Article 30, the Secretary-General of the League of Nations shall bring the situation to the attention of the Council of the League of Nations, which may either convene a new Conference of all the Members of the League and non-member States on whose behalf the Convention has been signed or ratifications or accessions deposited, to consider the situation, or take such measures as it considers necessary. The Government of every signatory or acceding Member of the League of Nations or non-member State undertakes to be present at any Conference so convened.

Reservation by Japan.

II. The Japanese Government made the following reservation, which is accepted by the other High Contracting Parties:

> Crude morphine resulting from the manufacture of prepared opium in the factory of the Government-General of Formosa and held in stock by that Government shall not be subjected to the limitation measures provided for in this Convention.
>
> Such stocks of crude morphine will only be released from time to time in such quantities as may be required for the manufacture of refined morphine in factories licensed by the Japanese Government in accordance with the provisions of the present Convention.

EN FOI DE QUOI les soussignés ont apposé leur signature au bas du présent protocole.

FAIT à Genève, le treize juillet mil neuf cent trente et un, en simple expédition qui sera déposée dans les archives du Secrétariat de la Société des Nations; copie conforme en sera transmise à tous les Membres de la Société des Nations et à tous les Etats non membres représentés à la Conférence.

IN FAITH WHEREOF the undersigned have affixed their signatures to this Protocol.

DONE at Geneva, the thirteenth day of July, one thousand nine hundred and thirty-one, in a single copy, which will remain deposited in the archives of the Secretariat of the League of Nations; certified true copies will be transmitted to all Members of the League of Nations and to all non-member States represented at the Conference.

Signatures.

ALLEMAGNE — GERMANY

Freiherr VON RHEINBABEN
Dr. KAHLER

ÉTATS-UNIS D'AMÉRIQUE — UNITED STATES OF AMERICA

John K. CALDWELL.
Harry J. ANSLINGER
Walter Lewis TREADWAY.
Sanborn YOUNG.

RÉPUBLIQUE ARGENTINE — ARGENTINE REPUBLIC

Ad referendum
Fernando PEREZ.

AUTRICHE — AUSTRIA

Dr E. PFLÜGL
Dr Bruno SCHULTZ

BELGIQUE — BELGIUM

Dr F. DE MYTTENAERE

BOLIVIE — BOLIVIA

M. CUELLAR

BRÉSIL — BRAZIL

Raul DO RIO BRANCO

GRANDE-BRETAGNE ET IRLANDE DU NORD ainsi que toutes parties de l'Empire britannique non Membres séparés de la Société des Nations. — GREAT BRITAIN AND NORTHERN IRELAND and all parts of the British Empire which are not separate Members of the League of Nations.

Malcolm DELEVINGNE

CANADA — CANADA

C. H. L. SHARMAN.
W. A. RIDDELL

INDE — INDIA

R. P. PARANJPYE

Signatures—Contd.

CHILI — CHILE

Enrique J. GAJARDO V.

COSTA-RICA — COSTA RICA

Viriato FIGUEREDO LORA.

CUBA — CUBA

G. DE BLANCK
Dr. B. PRIMELLES.

DANEMARK — DENMARK

Gustav RASMUSSEN.

VILLE LIBRE DE DANTZIG — FREE CITY OF DANZIG

F. SOKAL

RÉPUBLIQUE DOMINICAINE — DOMINICAN REPUBLIC

Ch. ACKERMANN

EGYPTE — EGYPT

T. W. RUSSELL

ESPAGNE — SPAIN

Julio CASARES

ÉTHIOPIE — ABYSSINIA

Cte LAGARDE duc d'ENTOTTO

FRANCE — FRANCE

G. BOURGOIS

GRÈCE — GREECE

R. RAPHAËL

GUATÉMALA — GUATEMALA

Luis MARTÍNEZ MONT.

HEDJAZ, NEDJED ET DÉPENDANCES — HEJAZ, NEJD AND DEPENDENCIES

HAFIZ WAHBA

ITALIE — ITALY

CAVAZZONI Stefano

JAPON — JAPAN

S. SAWADA
S. OHDACHI

LITHUANIE — LITHUANIA

J. SAKALAUSKAS

LUXEMBOURG — LUXEMBURG

Ch. G. VERMAIRE

MEXIQUE — MEXICO

S. MARTÍNEZ DE ALVA

MONACO — MONACO

C. HENTSCH.

Signatures—Contd.

PANAMA — PANAMA

Dr. Ernesto HOFFMANN.

PARAGUAY — PARAGUAY

R. V. CABALLERO DE BEDOYA

PAYS-BAS — THE NETHERLANDS

My signature is subject to the reserve made by me on § 2 of Article 22 in the morning meeting of July 12th, 1931.[1]

v. WETTUM

PERSE — PERSIA

A. SEPAHBODY

POLOGNE — POLAND

CHODŹKO

PORTUGAL — PORTUGAL

Augusto DE VASCONCELLOS
A. M. FERRAZ DE ANDRADE

ROUMANIE — ROUMANIA

C. ANTONIADE.

SAINT-MARIN — SAN MARINO

FERRI Charles Emile

SIAM — SIAM

DAMRAS

SUÈDE — SWEDEN

K. J. WESTMAN

SUISSE — SWITZERLAND

Paul DINICHERT
Dr H. CARRIÈRE

URUGUAY — URUGUAY

Alfredo DE CASTRO

VENEZUELA — VENEZUELA

Ad referendum
L. G. CHACÍN ITRIAGO

Copie certifiée conforme. — Certified true copy.

Pour le Secrétaire général: — For the Secretary-General:

J. A BUERO

Conseiller juridique du Secrétariat. — *Legal Adviser of the Secretariat.*

[1] *Traduction du Secrétariat de la Société des Nations:*
Ma signature est subordonnée à la réserve faite par moi relativement au paragraphe 2 de l'article 22, à la séance du matin du 12 juillet 1931.

Ratifications, etc.
Ante, p. 1581.

AND WHEREAS the ratifications or accessions required under Article 30 of the said convention for the entry into force thereof, including the ratification by the United States of America, were received by the Secretary General of the League of Nations on or before April 10, 1933,[1] and that fact was notified to the Government of the United States of America by the Secretary General, the said convention under the terms of the said article, entered into force on the ninetieth day after April 10, 1933, namely, on July 9, 1933.

Proclamation.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof, subject to the reservations declared by the Plenipotentiaries of the United States of America at the time of signature of the said Convention, and included in the instrument of ratification thereof by the United States of America.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this tenth day of July in the year of our Lord one thousand nine hundred and thirty-three
[SEAL] and of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:

WILLIAM PHILLIPS
Acting Secretary of State.

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[1] The following ratifications and accessions were received by the Secretary General of the League of Nations on or before Apr. 10, 1933:

Ratifications.—United States of America, Belgium, Canada, Chile, Costa Rica, Cuba, Dominican Republic, Egypt, France, Germany, Great Britain, India, Italy, Lithuania, Mexico, Monaco, Persia, Portugal, Spain, Sweden, Switzerland, and Uruguay.

Accessions.— Brazil, Bulgaria, El Salvador, Hungary, Nicaragua, Peru, Sudan, and Turkey.

Other ratifications and accessions were received by the Secretary General as follows:

Ratifications.—Czechoslovakia, Apr. 12, 1933; Free City of Danzig, Apr. 18, 1933; Guatemala, May 1, 1933; the Netherlands (including the Netherland Indies, Surinam, and Curaçao), May 22, 1933; Poland, Apr. 11, 1933; Rumania, Apr. 11, 1933; and San Marino, June 12, 1933.

Accessions.—Haiti, May 4, 1933, and the Irish Free State, Apr. 11, 1933.

Parcel post agreement between the United States of America and the Hellenic Republic with regulations of execution. Signed at Athens, July 14, 1933; at Washington, August 1, 1933; approved by the President, August 8, 1933.

Arrangement
entre
la République Hellénique
et
les États-Unis d'Amérique
concernant
l'Échange des Colis Posteaux

Agreement
between
the Hellenic Republic
and
the United States of America
concerning
the Exchange of Parcel Post

Parcel post agreement with the Hellenic Republic.
Preamble.

Les soussignés, munis des pleins-pouvoirs de leurs Gouvernements respectifs ont, d'un commun accord et sous réserve de ratification par l'autorité supérieure compétente, arrêté l'Arrangement suivant:

The undersigned, provided with full powers by their respective Governments, have, by common consent and subject to ratification by the competent superior authorities, drawn up the following Agreement:

ARTICLE I

Object.

Objet de l'Arrangement.

Territory embraced.

1. Entre les États-Unis d'Amérique (y compris l'Alaska, Puerto Rico, les Îles Vierges, Guam, Samoa et Hawaï), d'une part, et la République Hellénique, d'autre part, il peut être échangé, sous la dénomination de colis postaux, des envois jusqu'à concurrence de 22 livres (10 kilogrammes), et des dimensions maxima suivantes:

Maximum weight of parcels.

Size.

Longueur maximum de 4 pieds (120 cm.), à condition que les colis de plus de 42 pouces (105 cm.), mais ne dépassant pas 44 pouces (110 cm.) de longueur, n'excèdent pas 24 pouces (60 cm.) de pourtour; les colis de plus de 44 pouces (110 cm.), mais ne dépassant pas 46 pouces (115 cm.) de longueur, n'excèdent pas 20 pouces (50 cm.) de pourtour; les colis dépassant 46 pouces (115 cm.), jusqu'à 4 pieds (120 cm.) de longueur, n'excèdent pas 16 pouces (40 cm.) de pourtour; les colis jusqu'à 3½ pieds (105 cm.) de longueur n'excèdent pas 6 pieds de longueur et pourtour ensemble.

ARTICLE I

Object of the Agreement.

1. Between the United States of America (including Alaska, Puerto Rico, the Virgin Islands, Guam, Samoa, and Hawaii), on one hand, and the Hellenic Republic, on the other hand, there may be exchanged under the denomination of parcel post, parcels up to the weight limit of 22 pounds (10 kilograms), and the following maximum dimensions:

Greatest length 4 feet (120 cm.), on condition that parcels over 42 inches (105 cm.) but not over 44 inches (110 cm.) long do not exceed 24 inches (60 cm.) in girth; that parcels over 44 inches (110 cm.) but not over 46 inches (115 cm.) long do not exceed 20 inches (50 cm.) in girth; that parcels over 46 inches (115 cm.) but not over 4 feet (120 cm.) long do not exceed 16 inches (40 cm.) in girth; and that parcels up to 3½ feet (105 cm.) in length do not exceed 6 feet (180 cm.) in length and girth combined.

2. Les limites de poids et de dimensions précitées peuvent être modifiées d'un commun accord par voie de correspondance.

ARTICLE II

Colis en Transit

1. Chaque Administration garantit la liberté de transit sur son territoire, dans les relations avec les pays avec lesquels elle entretient un échange de colis, pour tout colis originaire ou à destination de l'autre Administration contractante.

2. Les Administrations se notifient la nomenclature des pays à destination desquels elles acceptent des colis en transit.

3. Pour être acceptés au transit, les colis doivent être conformes aux prescriptions du pays intermédiaire.

ARTICLE III

Affranchissement. Taxes.

1. L'Administration du pays d'origine est autorisée à percevoir sur l'expéditeur de chaque colis, suivant les prescriptions en vigueur dans son service, les taxes de transport, les taxes à la valeur, ainsi que les droits pour les avis de réception et les recherches.

2. Les taxes et droits prévus au Paragraphe 1 doivent être payés d'avance, sauf en cas de réexpédition ou de renvoi des colis.

3. Il ne peut être perçu aucun droit et aucune taxe autres que ceux prévus par le présent Arrangement ou par son Règlement d'Exécution.

ARTICLE IV

Conditionnement des Colis.

Chaque colis doit être emballé d'une manière qui répond à la durée du transport et qui préserve le contenu, ainsi qu'il est prescrit par le Règlement d'Exécution.

2. The above-mentioned weight limits and maximum dimensions may be changed by an agreement made by correspondence.

ARTICLE II

Transit Parcels

Transit parcels.

1. Each Administration guarantees liberty of transit over its territory, in relations with countries with which it maintains an exchange of parcels, for every parcel originating in or destined for the other contracting Administration.

Rights guaranteed.

2. The Administrations notify each other as to the countries of destination for which they accept parcels in transit.

Notice.

3. To be accepted in transit, parcels must be in conformity with the provisions of the intermediate country.

Other requirements.

ARTICLE III

Postage and Fees.

Postage, etc.

1. The Administration of the country of origin is authorized to collect from the sender of each parcel, in accordance with the provisions in force in its service, the postage charges and insurance fees, as well as the fees for return receipts and inquiries.

Collecting, from sender.

2. The charges and fees provided for in Section 1 must be paid in advance, save in case of reforwarding or return of parcels.

Prepayment.

3. No fee or postage charge other than those provided for by the present Agreement or its Regulations of Execution may be collected.

Restriction.

ARTICLE IV

Preparation of Parcels.

Preparing parcels.

Every parcel shall be packed in a manner adequate for the length of the journey and the protection of the contents as set forth in the Regulations of Execution.

Packing requirements.

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ARTICLE V

Interdictions.

Prohibitions.

1. Il est interdit d'insérer dans les colis postaux:

Letters, etc.

a) des communications ou des notes ayant le caractère de lettres. Il est cependant permis d'insérer dans l'envoi la facture ouverte réduite à ses énonciations constitutives, de même qu'une simple copie de l'adresse du colis, avec mention de l'adresse de l'expéditeur.

Article with different address.

b) un objet portant une adresse autre que celle du destinataire de l'envoi;

Live animals.

c) des animaux vivants, à l'exception des sangsues;

Nonadmissible.

d) des objets dont l'admission est interdite par les lois ou règlements de douane ou autres de l'un ou l'autre des pays;

Explosives.

e) des matières explosibles ou inflammables, et, d'une manière générale, des objets dont le transport est dangereux; y compris les objets qui, par leur nature ou par leur emballage, peuvent constituer une source de danger pour les employés de la poste, ou salir ou endommager des autres colis.

Obscene, etc., articles.

f) Les objets obscènes ou immoraux.

Erroneously handled, etc.

2. Si des colis tombant sous l'une de ces interdictions ont été admis à tort à l'expédition, l'Administration qui en fait la constatation les traite suivant sa législation et ses règlements intérieures.

Les matières explosives ou inflammables, ainsi que les documents, portraits, ou autres objets portant atteinte aux bonnes moeurs du public, peuvent être détruites sur place par l'Administration qui les a trouvées dans les courriers.

Parcel containing a letter.

Le fait qu'un colis continent une lettre ou une communication ayant le caractère d'une lettre ne peut en aucun cas entraîner le retour à l'expéditeur d'un colis. La lettre est toutefois taxée en vue de la perception du destinataire de l'affranchissement dû, selon le tarif régulier.

ARTICLE V

Prohibitions.

1. It is forbidden to inclose in parcels:

a) Communications or notes having the character of letters. It is permissible, however, to enclose in the parcel the open invoice reduced to its essential features, as well as a simple copy of the address of the parcel with mention of the address of the sender.

b) An article bearing an address other than that of the addressee of the parcel.

c) Live animals, except leeches.

d) Articles whose admission is forbidden by the customs or other laws or regulations of either country.

e) Explosive or inflammable articles, and, in general, all articles whose transportation is dangerous, including articles which from their nature or packing may be a source of danger to postal employees, or may soil or damage other parcels.

f) Obscene or immoral articles.

2. If parcels coming under one of these prohibitions have been wrongly accepted for mailing, the Administration detecting them treats them in accordance with its domestic laws and regulations.

Explosive or inflammable articles, as well as documents, pictures or other articles injurious to public morals, may be destroyed on the spot by the Administration which has found them in the mails.

The fact that a parcel contains a letter or a communication having the nature of a letter may not in any case entail the return of the parcel to the sender. The letter is, however, marked for the collection of postage due from the addressee at the regular rate.

3. Les deux Administrations se communiquent, au moyen de la "Liste des Objets Interdits" publiée par le Bureau International de l'Union Postale Universelle, la nomenclature de tous les objets interdits. Toutefois, elles n'assument de ce chef aucune responsabilité envers les organes de la douane ou de la police ou envers l'expéditeur.

ARTICLE VI.

Assurance.

Les colis peuvent être assurés jusqu'au montant de 500 francs-or ou l'équivalent en monnaie du pays d'origine. Cependant, les Chefs des Administrations Postales des deux pays contractants peuvent, d'un commun accord, augmenter ou diminuer ce montant maximum d'assurance.

Un colis ne peut donner lieu au payement d'une indemnité supérieure à la valeur réelle de son contenu, mais il est loisible de l'assurer pour une partie de cette valeur seulement.

ARTICLE VII.

Responsabilité. Indemnité.

1. Les Administrations Postales des deux pays contractants ne seront pas responsables de la perte, de l'abstraction ou du dommage d'un colis ordinaire; mais l'une ou l'autre des Administrations est libre de payer indemnité pour la perte, l'abstraction ou le dommage qui ait eu lieu dans son service, sans recours contre l'autre Administration.

Sauf dans les cas mentionnés au paragraphe suivant, les Administrations sont responsables de la perte des colis assurés déposés dans l'un des deux pays contractants pour être livrés dans l'autre, et pour la perte, l'abstraction ou le dommage de leur contenu ou une partie de tel contenu. L'expéditeur ou un autre ayant-droit a le droit, de ce chef, à une indemnité qui corresponde au montant réel de la perte, de l'abstraction ou du dommage. Le montant de l'indemnité est calculé sur la

3. The two Administrations advise each other, by means of the List of Prohibited Articles published by the International Bureau of the Universal Postal Union, of all prohibited articles. However, they do not assume, on that account, any responsibility toward the customs or police authorities or the sender. List of prohibited articles to be published.

ARTICLE VI.

Insurance. Insurance.

Parcels may be insured up to the amount of 500 gold francs or its equivalent in the currency of the country of origin. However, the Chiefs of the Postal Administrations of the two contracting countries may, by mutual consent, increase or decrease this maximum amount of insurance. Maximum amount.

A parcel cannot give rise to the payment of an indemnity higher than the actual value of its contents, but it is permissible to insure it for only part of that value. Limitation.

ARTICLE VII.

Responsibility. Indemnity. Responsibility, etc.

1. The Postal Administrations of the two contracting countries will not be responsible for the loss, abstraction or damage of an ordinary parcel; but either Administration is at liberty to pay indemnity for the loss, abstraction or damage which may occur in its service, without recourse to the other Administration. No indemnity for loss of ordinary parcel.

Except in the cases mentioned in the Section following, the Administrations are responsible for the loss of insured parcels mailed in one of the two contracting countries for delivery in the other and for the loss, abstraction of or damage to their contents, or a part thereof. The sender, or other rightful claimant, is entitled on this account to an indemnity corresponding to the actual amount of the loss, abstraction or damage. The amount of indemnity is calcu- Allowance to sender. Basis.

ase de la valeur réelle (le prix courant, ou, à son défaut, la valeur ordinaire appréciée) au lieu et à l'époque où le colis a été accepté au transport; pourvu que l'indemnité ne puisse en aucun cas être supérieure à la somme pour laquelle le colis a été assuré, sur laquelle la taxe à la valeur a été perçue, ni au maximum de 100 dollars (500 francs-or).

Restriction.

Dans le cas où l'indemnité est payable pour la perte d'un colis ou pour la destruction ou abstraction de son contenu entier, l'expéditeur a le droit à la restitution des taxes postales, sur demande. Toutefois, les droits d'assurance ne sont remboursés dans aucun cas.

Postage reimbursement on lost parcel.

Sauf arrangement spécial contraire entre les pays intéressés, aucune indemnité ne sera payée par l'un ou l'autre des pays pour la perte de colis assurés en transit originaires d'un pays qui ne participe pas à cet Arrangement, à destination de l'un des deux pays contractants.

Parcel originating in a country not a party hereto.

Lorsqu'un colis avec valeur déclarée provenant d'un pays et destiné à être remis dans l'autre pays est réexpédié de là sur un tiers pays ou y est renvoyé à la demande de l'expéditeur ou du destinataire, l'ayant-droit à l'indemnité, en cas de perte, de spoliation ou d'avarie survenue subséquemment à la réexpédition ou au renvoi du colis par le pays de l'adresse primitive, ne peut prétendre, le cas échéant, qu'à l'indemnité que consent à verser ou—suivant l'entente intervenue entre les pays intéressés directement à la réexpédition ou au renvoi—que doit payer le pays où le fait s'est produit. Chacun des deux pays signataires du présent Arrangement qui réexpédie à tort un colis avec valeur déclarée sur un tiers pays, est responsable envers l'expéditeur dans la même mesure que le pays d'origine, donc dans les limites du présent Arrangement.

Parcels forwarded to a third country.

Responsibility for error.

lated on the basis of the actual value (current price, or, in the absence of current price, the ordinary estimated value) at the place where and the time when the parcel was accepted for mailing, provided in any case that the indemnity may not be greater than the amount for which the parcel was insured, and on which the insurance fee has been collected or the maximum amount of $100.00 (500 gold francs).

In the case where indemnity is payable for the loss of a parcel or for the destruction or abstraction of the whole of the contents thereof, the sender is entitled to the return of the postal charges, if claimed. However, the insurance fees are not in any case returned.

In the absence of special agreement to the contrary between the countries involved, no indemnity will be paid by either country for the loss of transit insured parcels originating in a country not participating in this Agreement and destined for one of the two contracting countries.

When an insured parcel originating in one country and destined to be delivered in the other country is reforwarded from there to a third country or is returned to a third country, at the request of the sender or of the addressee, the party entitled to the indemnity in case of loss, rifling or damage occurring subsequent to the reforwarding or return of the parcel by the original country of destination, can lay claim, in such a case, only to the indemnity which the country where the loss, rifling or damage occurred consents to pay, or which that country is obligated to pay in accordance with the agreement made between the countries directly interested in the reforwarding or return. Either of the two countries signing the present Agreement which wrongly forwards an insured parcel to a third country is responsible to the sender to the same extent as the country of origin, that is, within the limits of the present Agreement.

2. Les Administrations sont dégagées de toute responsabilité:

(a) En cas de colis dont les destinataires ont pris livraison sans réserves.

(b) En cas de perte ou d'avarie due à la force majeure; bien que chacune des Administrations puisse, de son gré et sans recours contre l'autre Administration, payer indemnité pour la perte ou l'avarie due à la force majeure, même si l'Administration du pays dans le service duquel la perte ou l'avarie a eu lieu reconnait que le dommage a été causé par la force majeure.

(c) Lorsqu'elles ne sont pas à même de se rendre compte des colis à la suite de la destruction des documents officiels due à la force majeure.

(d) Lorsque le dommage s'est produit par la faute ou la négligence de l'expéditeur, du destinataire, ou du représentant de l'un ou l'autre, ou lorsqu'il est dû à la nature de l'envoi.

(e) Pour les colis qui contiennent des objets interdits.

(f) Au cas où l'expéditeur d'un colis assuré, avec intention frauduleuse, déclare le contenu avec une valeur supérieure à sa valeur réelle; cette règle ne porte préjudice à aucun poursuit judiciaire nécessité par la législation du pays d'origine.

(g) Pour les colis saisis par la douane à la suite d'une fausse déclaration de leur contenu.

(h) Lorsqu'une réclamation ou une application d'indemnité n'a pas été présentée par le réclamant ou son agent dans la période d'un an à compter du lendemain du dépôt du colis assuré.

(i) Pour les colis qui contiennent des objets sans valeur intrinsèque ou des objets périssables, ou des objets qui ne remplissaient pas les stipulations de cet Arrangement, ou qui n'avaient pas été mis à la poste de la manière prescrite; mais le pays responsable de la perte, la spoliation ou l'avarie pourra payer indemnité du chef de tels colis sans recours contre l'autre Administration.

2. The Administrations are relieved of all responsibility. Release in certain cases.

(a) In case of parcels of which the addressee has accepted delivery without reservation. Unconditional acceptance.

(b) In case of loss or damage through force majeure (causes beyond control) although either Administration may at its option and without recourse to the other Administration pay indemnity for loss or damage due to force majeure even in cases where the Administration of the country in the service of which the loss or damage occurred recognizes that the damage was due to force majeure. Loss, etc., through force majeure.

(c) When they are unable to account for parcels in consequence of the destruction of official documents through force majeure. Destruction of official documents.

(d) When the damage has been caused by the fault or negligence of the sender or the addressee or the representative of either, or when it is due to the nature of the article. Damage through fault of sender, addressee, etc.

(e) For parcels which contain prohibited articles. Prohibited articles.

(f) In case the sender of an insured parcel, with intent to defraud, shall declare the contents to be above their real value; this rule, however, shall not prejudice any legal proceedings necessitated by the legislation of the country of origin. Declared above real value.

(g) For parcels seized by the customs because of false declaration of contents. Seized, because of false declaration.

(h) When no inquiry or application for indemnity has been made by claimant or his representative within a year commencing with the day following the posting of the insured parcel. No claim made within a year.

(i) For parcels which contain matter of no intrinsic value or perishable matter or which did not conform to the stipulations of this Agreement or which were not posted in the manner prescribed, but the country responsible for the loss, rifling or damage may pay indemnity in respect of such parcels without recourse to the other Administration. Matter of no intrinsic value, etc.

Indirect loss, etc.

3. Il n'est pas payé d'indemnité pour les dommages indirects ou les bénéfices non réalisés résultant de la perte, de la spoliation, de l'avarie, de la non-livraison, de la remise à une fausse adresse ou du retard d'un colis assuré expédié d'après les conditions du présent Arrangement.

3. No indemnity is paid for indirect damages or loss of profits resulting from the loss, rifling, damage, non-delivery, mis-delivery or delay of an insured parcel dispatched in accordance with the conditions of the present Agreement.

Indemnity payment.

4. Le payement de l'indemnité pour un colis assuré sera effectué à l'ayant-droit aussitôt que possible, et au plus tard dans le délai d'un an à compter du lendemain du jour où la réclamation est présentée.

4. The payment of compensation for an insured parcel shall be made to the rightful claimant as soon as possible and at the latest within a period of one year counting from the day following that on which the application is made.

Deferred in exceptional cases.

Toutefois, l'Administration postale payeuse peut exceptionnellement différer le payement de l'indemnité pour une période plus longue que celle stipulée si, à l'expiration dudit délai, elle n'a pu établir le sort de l'objet dont il s'agit ni la responsabilité encourue.

However, the paying Postal Administration may exceptionally defer payment of indemnity for a longer period than that stipulated if, at the expiration of that period, it has not been able to determine the disposition made of the article in question or the responsibility incurred.

Payment by country of origin if country of destination delays 9 months.

5. Sauf les cas où le payement est exceptionellement différé en conformité avec le deuxième alinéa du paragraphe précédent, l'Administration postale qui se charge du payement de la compensation est autorisée à payer l'indemnité pour le compte de l'Office qui, ayant été dûment notifié de la demande d'indemnité, a laissé s'écouler neuf mois sans donner de solution à l'affaire.

5. Except in cases where payment is exceptionally deferred as provided in the second paragraph of the foregoing section, the Postal Administration which undertakes the payment of compensation is authorized to pay indemnity on behalf of the Office, which, after being duly informed of the application for indemnity, has let nine months pass without settling the matter.

Country responsible.

6. L'obligation de payer l'indemnité incombe à l'Administration postale dont dépend le bureau d'origine, pourvu qu'au cas où l'indemnité est payée au destinataire selon le premier alinéa du paragraphe 1, elle incombe à l'Administration postale de destination.

6. The obligation of paying the indemnity shall rest with the Postal Administration to which the mailing office is subordinate, provided that in cases where the indemnity is paid to the addressee in accordance with the second paragraph of Section 1, it shall rest with the Postal Administration of destination.

Repayment.

L'Administration payeuse se réserve le droit de soumettre une demande de remboursement à l'Administration responsable.

Par le fait du payement de l'indemnité, et jusqu'à concurrence du montant de telle indemnité, l'Administration responsable est subrogée dans les droits de la personne qui l'à reçue, pour

The paying Administration retains the right to make a claim against the Administration responsible.

By the fact of the payment of the indemnity, and up to the amount of such indemnity, the responsible Administration is subrogated to the rights of the person who has received the indem-

tout recours éventuel, soit contre le destinataire, soit contre l'expéditeur ou contre des tiers.

Cependant, si des colis considérés comme perdus sont retrouvés, totalement ou partiellement, la personne à qui l'indemnité a été payée sera advisée qu'elle peut reprendre possession de l'envoi contre restitution du montant de l'indemnité qui lui a été payée.

7. Jusqu'à preuve du contraire, la responsabilité pour un colis assuré incombe à l'Administration qui, ayant reçu le colis sans formuler de réserves et étant mis en possession de tous les moyens réglementaires d'investigation, ne peut établir le sort du colis.

8. Lorsque la perte, la spoliation ou l'avarie d'un colis avec valeur déclarée est constatée lors de l'ouverture du récipient par le bureau d'échange réceptionnaire et a été signalée régulièrement au bureau d'échange expéditeur, la responsabilité incombe à l'Administration dont dépend ce dernier bureau, à moins qu'il ne soit prouvé que le fait s'est accompli sur le territoire de l'Administration réceptionnaire.

9. Si la perte, la spoliation ou l'avarie s'est produite en cours de transport sans qu'il soit possible d'établir sur le territoire ou dans le service de quel pays le fait s'est accompli, les Offices en cause supportent le dommage par parts égales.

10. Le pays responsable de la perte, de la spoliation ou de l'avarie et pour le compte duquel le payement est effectué, est tenu de rembourser le montant de l'indemnité au pays ayant effectué le payement. Ce remboursement doit avoir lieu sans retard et, au plus tard, dans le délai de 9 mois après notification du payement.

11. Ces remboursements au pays créditeur doivent être effectués sans frais pour cet Office, soit par mandat de poste, soit par traite, en monnaie ayant cours

nity for all eventual recourse against either the addressee, the sender, or third parties.

However, if parcels considered as lost are subsequently found again, in whole or in part, the person to whom the indemnity has been paid will be informed that he may regain possession of the recovered article by repaying the amount of the indemnity which has been paid to him.

Responsibility upon receiving country unable to shew disposition.

7. Until the contrary is proved, responsibility for an insured parcel rests with the Administration which, having received the parce' without making any reservations, and being put in possession of all the regulation means of investigation, can not establish the disposal of the parcel.

Dispatching office responsible if loss discovered by receiving office.

8. When the loss, rifling or damage of an insured parcel is detected upon opening the receptacle at the receiving exchange office and has been regularly pointed out to the dispatching exchange office, the responsibility falls on the Administration to which the latter office belongs, unless it be proved that the irregularity occurred on the territory of the receiving Administration.

Loss, etc., in transit.

9. If the loss, rifling or damage has taken place in the course of transportation, without its being possible to establish on the territory or in the service of which country the act took place, the Offices involved bear the loss in equal shares.

Repayment to country paying.

10. The country responsible for the loss, rifling or damage, and on whose account the payment is effected, is bound to repay the amount of the indemnity to the country which has effected the payment. This reimbursement must take place without delay, and at the latest within the period of 9 months after notification of payment.

Time limitation.

No expense to creditor.

11. These repayments to the creditor country must be made without expense for that Office, by money order or draft, in money valid in the creditor country or

dans le pays créditeur ou par tout autre procédé à convenir mutuellement par voie de correspondance.

Gold basis.

12. Le remboursement des indemnités doit s'effectuer sur la base de la monnaie-or.

Transit insured parcels.

13. Sauf entente contraire entre les pays intéressés, entente qui peut intervenir par voie de correspondance, aucune indemnité ne sera payée pour la perte, la spoliation ou l'avarie de colis avec valeur déclarée en transit, c'est-à-dire pour des colis avec valeur déclarée originaires de l'un des deux pays contractants à destination de pays ne participant pas au présent Arrangement, ou pour des colis originaires d'un pays ne participant pas à cet Arrangement à destination de l'un des deux pays contractants.

Defects in packing, etc.

14. L'expéditeur est responsable des défectuosités de l'emballage et de l'insuffisance de la fermeture et des cachets des colis avec valeur déclarée. D'autre part, les deux Administrations sont dégagées de toute responsabilité en cas de perte, de spoliation ou d'avarie causée par des défectuosités non remarquées au moment du dépôt.

in any other way to be agreed upon mutually by correspondence.

12. The reimbursement of the indemnities must be effected on the basis of gold money.

13. Barring contrary agreement between the countries concerned, which agreement may be made by correspondence, no indemnity will be paid for the loss, rifling or damage of an insured parcel in transit, i.e., for insured parcels originating in one of the two contracting countries and destined for countries not participating in the present Agreement, or for parcels originating in a country not participating in this Agreement and destined for one of the two contracting countries.

14. The sender is responsible for defects in the packing and insufficiency in the closing and the seals of insured parcels. Moreover, the two Administrations are released from all responsibility in case of loss, rifling or damage caused by defects not noticed at the time of mailing.

Article VIII

Certificate of mailing.

Certificat de Dépôt. Récépissés.

Furnished sender on request.

Sur demande, l'expéditeur d'un colis ordinaire peut obtenir un certificat au moment du dépôt du colis. Chaque pays a le droit de percevoir une taxe raisonnable pour tel certificat.

Receipt.

L'expéditeur d'un colis avec valeur déclarée recevra, sans charge, au moment de dépôt, un récépissé y relatif.

Article VIII

Certificate of Mailing. Receipts.

On request, the sender of an ordinary parcel may obtain a certificate at the time of mailing the parcel. Each country has the right to collect a reasonable fee therefor.

The sender of an insured parcel receives without charge, at the time of posting, a receipt for his parcel.

Article IX

Return receipts and inquiries.

Avis de Réception et Feuilles de Recherches.

Fee.

1. L'expéditeur d'un colis avec valeur déclarée peut obtenir un avis de réception contre payement du droit prévu dans le pays d'orgine, et dans les conditions établies par le Règlement.

Article IX

Return Receipts and Inquiries.

1. The sender of an insured parcel may obtain a return receipt upon payment of the fee provided for in the country of origin, and under the conditions laid down in the Regulations.

2. Un droit, que l'Administration d'origine fixe à sa convenance, peut être perçu pour toute réclamation présentée après l'expédition soit d'un colis ordinaire, soit d'un colis avec valeur déclarée, à moins que l'expéditeur n'ait déjà acquitté le droit spécial pour un avis de réception.

Le pays d'origine a également la faculté de percevoir un droit lorsqu'il s'agit de redresser une irrégularité qui n'est pas imputable à la poste.

ARTICLE X

Retrait et modification d'adresse.

L'expéditeur d'un colis peut le faire retirer du service ou en faire modifier l'adresse tant que cet envoi n'a pas été remis au destinataire. Les demandes de retrait ou de modification d'adresse sont soumises aux prescriptions en vigueur dans le service intérieur des deux Administrations contractantes. Elles doivent être transmises à l'Administration centrale ou à tels autres bureaux qui pourraient être désignés par voie de correspondance.

ARTICLE XI

Droits de Douane.

1. Les colis sont soumis à toutes les prescriptions et dispositions douanières en vigueur dans le pays de destination. Les droits exigibles de ce chef sont perçus sur le destinataire lors de la remise du colis, suivant le règlement des douanes.

2. Les Administrations peuvent s'entendre spécialement par voie de correspondance pour l'échange de colis avec bulletin d'affranchissement.

ARTICLE XII

Annulations des Droits de Douane.

Si les formalités exigées par l'autorité douanière ont été remplies, les droits de douane proprement dits sont annulés, dans la République Hellénique et aux

2. A charge, which the Administration of origin fixes at its convenience, may be collected for every inquiry presented after mailing an ordinary or insured parcel, unless the sender has already paid the special fee for a return receipt. Inquiry charges.

The country of origin also has the option of collecting a fee when it is a question of correcting an irregularity which is not the fault of the postal service. Irregularity corrections.

ARTICLE X

Return and Change of Address.

The sender of a parcel may have it returned or have its address changed provided that it has not been delivered to the addressee. The requests for return or change of address are subject to the provisions in force in the domestic service of the two contracting Administrations. They must be sent to the Central Administration, or to such other offices as may be designated by way of correspondence. Return and change of address.

ARTICLE XI

Customs Duties.

1. The parcels are subject to all customs laws and regulations in force in the country of destination. The duties collectible on that account are collected from the addressee on delivery of the parcel, in accordance with the customs regulations. Duties imposed by country of destination.

2. The Administrations may come to a special agreement, by way of correspondence, for the exchange of parcels with prepayment bulletins. Prepayment arrangements.

ARTICLE XII

Cancellation of Customs Duties.

If the formalities required by the customs authorities have been fulfilled, the customs duties properly so-called are canceled, in the Hellenic Republic and the United Cancellation, if returned or redirected.

Etats-Unis d'Amérique, sur les colis renvoyés à l'origine ou réexpédiés sur un tiers pays.

ARTICLE XIII

Droits de dédouanement, de factage et de magasinage.

Customs clearance, delivery and storage charges.

1. L'Administration du pays de destination peut percevoir sur le destinataire, pour l'accomplissement des formalités en douane et la remise à domicile, un droit qui ne peut excéder 20 cents (100 centimes-or) par colis, ainsi qu'un droit supplémentaire jusqu'à concurrence de 10 cents (50 centimes-or) par colis pour chaque nouvelle présentation, lorsque la première présentation est restée infructueuse.

2. Chaque Administration est autorisée à percevoir un droit de magasinage convenable pour les colis adressés "Poste Restante" ou pour ceux qui ne sont pas retirés dans le délai qu'elle a fixé. Ce droit ne peut toutefois excéder 1 dollar (5 francs-or) par colis.

ARTICLE XIV

Missent parcels.

Colis envoyés en fausse direction.

Provisions for ordinary parcels.

Les colis ordinaires envoyés en fausse direction sont réexpédiés sur leur véritable destination par la voie la plus directe dont peut disposer l'Administration réexpéditrice. Ils ne peuvent pas être frappés de droits de douane

Insured mail.

ou autres par cette Administration. Les colis avec valeur déclarée envoyés en fausse direction ne peuvent être réexpédiés que comme tels sur leur destination. En cas d'impossibilité, ils sont renvoyés à l'origine.

Refund, if parcel returned.

Lorsque la réexpédition entraîne le retour du colis au bureau d'origine, l'Administration réexpéditrice rembourse audit bureau les bonifications reçues et signale l'erreur par un Bulletin de Vérification.

Reforwarding to a third country.

Quand la réexpédition entraîne l'acheminement d'un colis à un pays tiers, et si le montant crédité à l'Administration réexpédi-

States of America, on parcels returned to origin or reforwarded to a third country.

ARTICLE XIII

Customs-Clearance, Delivery and Storage Charges.

1. The Administration of the country of destination may collect from the addressee, for the fulfillment of customs formalities and delivery at his residence, a charge not exceeding 20 cents (100 gold centimes) per parcel, as well as a supplementary charge of 10 cents (50 gold centimes) per parcel for each new presentation when the first presentation has been unsuccessful.

2. Each Administration is authorized to collect a suitable storage charge for parcels addressed "Poste Restante" or which are not withdrawn within the period which it has fixed. This charge may not, however, exceed 1 dollar (5 gold francs) per parcel.

ARTICLE XIV

Missent Parcels.

Ordinary parcels when missent are reforwarded to their true destination by the most direct route at the disposal of the reforwarding Administration. They must not be charged with customs or other charges by that Administration. Insured parcels, when missent, may not be reforwarded to their destination except as such. If this is impossible, they are returned to origin.

When the reforwarding involves the return of the parcel to the office of origin, the retransmitting Administration refunds to that office the credits received and reports the error by a Bulletin of Verification.

When the reforwarding involves the dispatch of a parcel to a third country and if the amount credited to the retransmitting

trice est insuffisant pour couvrir les frais de la réexpédition qu'elle doit payer, l'Administration réexpéditrice alloue à l'Administration sur laquelle elle réexpédie le colis les bonifications qui sont dues à celle-ci; ensuite elle recouvre le montant de l'insuffisance en le réclamant du bureau d'échange duquel le colis en fausse direction a été reçu. La raison de cette réclamation est notifiée audit bureau d'échange au moyen d'un bulletin de verification.

ARTICLE XV

Réexpédition.

1. Un colis peut être réexpédié à la suite du changement d'adresse du destinataire dans le pays de destination, sur la demande soit de l'expéditeur soit du destinataire.

La réexpédition d'un colis dans l'intérieur d'un des pays contractants donne lieu à la perception des taxes supplémentaires prévues par l'Administration de ce pays. Il en est de même, le cas échéant, en ce qui concerne la remise de ce colis à une autre personne au lieu de destination primitif. Ces taxes ne seront pas annullées, même au cas où le colis est renvoyé à l'origine ou réexpédié sur un autre pays.

2. Si un colis doit être réexpédié sur un des deux pays signataires du présent Arrangement, il est passible des nouvelles taxes de transport, et, le cas échéant, de la taxe à la valeur, à moins que ces taxes n'aient pas été payées d'avance. Les nouveaux droits sont perçus sur le destinataire par l'Administration qui effectue la remise. Les colis avec valeur déclarée doivent être réexpédiés comme tels.

3. Sur demande de l'expéditeur ou du destinataire, les colis peuvent aussi être réexpédiés sur un autre pays ou y être renvoyés. Les colis avec valeur déclarée ne peuvent cependant être réexpédiés ou renvoyés que comme tels. Les expéditeurs peuvent

Administration is insufficient to cover the expenses of retransmission which it has to defray, the retransmitting Administration allows to the Administration to which it forwards the parcel the credits due it; it then recovers the amount of the deficiency by claiming it from the office of exchange from which the missent parcel was directly received. The reason for this claim is notified to the latter by means of a Bulletin of Verification.

ARTICLE XV

Reforwarding.

1. A parcel may be redirected in consequence of the addressee's change of address in the country of destination, at the request of either the sender or the addressee. Redirection allowed.

The reforwarding of a parcel within one of the contracting countries gives rise to the collection of the supplementary charges provided for by the Administration of that country. The same is true, if occasion arises, in regard to the delivery of such parcel to another person at the original place of destination. These charges shall not be cancelled even in case the parcel is returned to origin or reforwarded to another country. Additional charges.

2. If a parcel must be reforwarded to one of the two countries signatory to the present Agreement, it is liable to new postage charges, and, if occasion arises, new insurance fees, unless such charges and fees have been paid in advance. The new fees are collected from the addressee by the Administration effecting the delivery. Insured parcels must be reforwarded as such.

3. At the request of the sender or addressee, parcels may also be reforwarded or returned to another country. Insured parcels may not, however, be reforwarded or returned except as such. The senders may mark the parcels: "Do not forward to a Forwarding, etc., to another country. Forbidden, if so instructed.

revêtir les colis de la mention "Ne pas réexpédier sur un tiers pays." Dans ce cas, les colis ne doivent être réexpédiés sur aucun autre pays. En cas de perte, de spoliation ou d'avarie d'un colis avec valeur déclarée réexpédié sur un tiers pays ou renvoyé par ce pays, l'indemnité est déterminée exclusivement d'après les dispositions de l'Article VII, Paragraphe 1, 5ième alinéa, du présent Arrangement.

Ante, p. 1597.

third country". In that case, the parcels must not be reforwarded to any other country. In case of loss, rifling or damage of an insured parcel reforwarded to another country or returned by that country, the indemnity is decided upon exclusively in accordance with the provisions of Article VII, Section 1, 5th paragraph.

ARTICLE XVI.

Non-Livraison.

Non-delivery.

Provisions governing.

1. Les colis tombés en rebut, renvoyés à l'expéditeur, sont passibles des nouveaux frais de transport, ainsi que, le cas échéant, de la taxe à la valeur, et sont renvoyés comme colis de la même catégorie qu'à l'aller. Les taxes sont exigibles de l'expéditeur et perçues par l'Administration qui lui rend les colis.

Requests allowed.

2. Au moment du dépôt, l'expéditeur peut demander, pour le cas de non-remise:

(a) que le colis lui soit immédiatement renvoyé,

(b) qu'il soit considéré comme abandonné,

(c) qu'il soit remis à une autre personne dans le pays de destination.

Marks.

Si l'expéditeur use de cette faculté, il doit revêtir le colis et le bulletin d'expédition d'une des mentions suivantes:

"En cas de non-remise, le colis doit être renvoyé immédiatement";

"En cas de non-remise, le colis doit être considéré comme abandonné";

"En cas de non-remise, le colis doit être délivré à _____".

Aucune mention autre que celles prévues ci-dessus n'est admise.

Time for returning undeliverable parcels.

3. Sauf disposition contraire, les colis tombés en rebut sont renvoyés à l'origine sans avis préalable 30 jours après leur arrivée au bureau de destination. Les colis que le destinataire refuse d'accepter doivent être renvoyés im-

ARTICLE XVI.

Non-Delivery.

1. Undeliverable parcels returned to the sender are liable to new postage charges as well as insurance fees if necessary, and are returned as parcels of the same class in which they were received. The charges are collectible from the sender, and are collected by the Administration delivering the parcels to him.

2. At the time of mailing, the sender may request, in the event of non-delivery:

(a) that the parcel be returned to him immediately,

(b) that it be considered as abandoned; or,

(c) that it be delivered to another person in the country of destination.

If the sender makes use of this option, he must mark the parcel and the dispatch note with one of the following notes:

"In case of non-delivery, the parcel should be returned immediately",

"In case of non-delivery, the parcel should be considered as abandoned";

"In case of non-delivery, the parcel should be delivered to ___".

No note other than those provided for above is permitted.

3. Barring contrary instructions, undeliverable parcels are returned to origin, without previous notification, 30 days after their arrival at the office of destination. Parcels which the addressee refuses to accept shall be

mediatément. Dans tous les cas, le motif de la non-remise doit être indiqué sur le colis ainsi que sur le bulletin d'expédition.

4. Les colis sujets à détérioration ou à corruption peuvent être vendus immédiatement, même en route, à l'aller ou au retour, sans avis préalable, et sans formalité judiciaire, au profit de qui de droit.

Si, pour une cause quelconque, la vente est impossible, les objets détériorés ou corrompus sont détruits. La vente ou la destruction donne lieu à l'établissement d'un procès-verbal qui est envoyé à l'Administration d'origine.

5. Les colis tombés en rebut dont l'expéditeur a fait abandon, peuvent, à l'expiration du délai de 30 jours, être vendus au profit de l'Administration du pays de destination. Toutefois, s'il s'agit d'un colis avec valeur déclarée, il est dressé un procès-verbal qui doit être envoyé à l'Administration du pays d'origine. De même, l'Administration du pays d'origine doit être avisée, lorsqu'un colis avec valeur déclarée tombé en rebut, n'est pas renvoyé à l'origine.

6. Les stipulations de l'Article XVII, Paragraphe 3, s'appliqueront à un colis qui est retourné à la suite de non-livraison.

ARTICLE XVII

Bonification des taxes.

1. Pour chaque colis échangé entre les pays contractants, l'Office expéditeur bonifie à l'Office destinataire les quotes-parts revenant à ce dernier, et indiquées dans le Règlement d'exécution.

2. Les sommes à bonifier pour un colis en transit, c'est-à-dire à destination soit d'une possession, soit d'un tiers pays, sont indiquées de même dans le Règlement d'exécution.

3. En cas de réexpédition ou retour à l'origine d'un colis, si des nouvelles taxes d'affranchissement, et, s'il s'agit de colis as-

returned immediately. In all cases, the reason for non-delivery must be indicated on the parcel and on the dispatch note.

4. Parcels liable to deterioration or corruption may be sold immediately, even enroute on the outward or return voyage, without previous notice and without judicial formality, for the profit of the rightful party.

If, for any reason, sale is impossible, the deteriorated or corrupted articles are destroyed. The sale or destruction gives rise to the making of a report which is sent to the Administration of origin.

5. Undeliverable parcels which the sender has abandoned may, at the expiration of a 30-day period, be sold for the profit of the Administration of the country of destination. However, in the case of an insured parcel, a report is made up, which must be sent to the Administration of the country of origin. Likewise, the Administration of the country of origin must be advised when an insured parcel which is undeliverable is not returned to origin.

6. The provisions of Article XVII, Section 3 shall be applied to a parcel which is returned in consequence of non-delivery.

ARTICLE XVII

Charges.

Charges.

Exchange credits.

1. For each parcel exchanged between the contracting countries, the dispatching Office credits to the Office of destination the quotas due to the latter, and indicated in the Regulations of Execution.

Post, p. 1618.

Transit credits.

2. The sums to be paid for a parcel in transit, i.e., destined either for a possession or for a third country, are likewise indicated in the Regulations of Execution.

Reforwarding, etc.

3. In case of reforwarding or return to origin of a parcel, if new postage and new insurance fees (in the case of insured par-

surés, des nouveaux droits d'assurance, sont perçus par l'Office réexpéditeur, le colis est traité comme s'il avait originé dans ce pays. Autrement, l'Office réexpéditeur recouvre de l'autre Office la quote-part qui lui est due, c'est-à-dire, suivant le cas:

(a) les taxes prescrites par le paragraphe 1 ci-dessus;
(b) les taxes de réexpédition ou retour.

Parcels to a third country.

En cas de réexpédition ou retour à un tiers pays, les frais totaux, à savoir, celles des taxes mentionées sous (a) et (b) ci-dessus qui sont applicables, suivront le colis, mais au cas où le pays tiers intéressé refuse d'assumer les frais parce qu'ils ne peuvent être perçus du destinataire ou de l'expéditeur, suivant le cas, ou pour une autre raison quelconque, ils seront portés de nouveau à la charge du pays d'origine.

Au cas d'un colis renvoyé ou réexpédié en transit à travers de l'une Administration sur l'autre, l'Administration intermédiaire pourra exiger aussi la somme qui lui est due pour tout autre service territorial ou maritime effectué, ainsi que tous montants dûs a une autre ou des autres Administrations quelconques qui sont intéressées.

Article XVIII

Colis-Avion.

Air parcels.

Les Chefs des Administrations Postales des deux pays contractants ont le droit de fixer, d'un commun accord, la surtaxe aérienne et les autres conditions, au cas où les colis sont transportés par voie aérienne.

Article XIX

Suspension Temporaire du Service.

Temporary suspension of service.

Lorsque des circonstances extraordinaires justifient la mesure, l'une ou l'autre des Administrations peut suspendre le service des colis postaux temporairement et d'une manière générale ou partielle, pourvu qu'elle

cels) are collected by the redispatching Office, the parcel is treated as if it had originated in that country. Otherwise, the redispatching Office recovers from the other Office the quota due to it, namely, as the case may be:

(a) the charges prescribed by Section 1 above;
(b) the charges for reforwarding or return.

In case of reforwarding or return to a third country, the accrued charges, that is, such of the charges mentioned in (a) and (b) above as are applicable, shall follow the parcel, but in the case that the third country concerned refuses to assume the charges because they cannot be collected from the addressee or sender, as the case may be, or for any other reason, they shall be charged back to the country of origin.

In the case of a parcel returned or reforwarded in transit through one the of the two Administrations to or from the other, the intermediary Administration may claim also the sum due to it for any additional territorial or sea service provided, together with any amounts due to any other Administration or Administrations concerned.

Article XVIII

Air Parcels.

The Chiefs of the Postal Administrations of the two contracting countries have the right to fix by mutual consent the air surtax and other conditions in the case where the parcels are conveyed by the air routes.

Article XIX

Temporary Suspension of Service.

In extraordinary circumstances such as will justify the measure, either Administration may temporarily suspend the parcel post service, either entirely or partially, on condition of giving immediate notice, if necessary by

en donne immédiatement avis à l'autre Administration, au besoin par télégraphe.

ARTICLE XX

Dispositions non prévues par le Présent Arrangement.

1. À moins qu'elles ne soient réglées par le présent Arrangement toutes les questions concernant les demandes de retrait ou de renvoi des colis, et l'établissement et le renvoi des avis de réception et le règlement des demandes d'indemnité pour les colis assurés, seront traitées suivant les dispositions de la Convention postale universelle et de son Règlement d'exécution, en tant que celles-ci sont applicables et ne sont pas contraires à celles qui précèdent. Si le cas n'est prévu nulle part, la législation interne des États-Unis d'Amérique ou de la République Hellénique, ou les décisions prises par l'un ou l'autre des pays, sont applicables dans le pays respectif.

2. Les détails relatifs à l'application du présent Arrangement seront fixés par les deux Administrations dans un Règlement d'exécution dont les dispositions pourront être modifiées ou complétées d'un commun accord par voie de correspondance. Un même accord par voie de correspondance pourra intervenir en vue de l'échange de colis contre remboursement.

3. Les deux Administrations se notifient mutuellement leurs lois, ordonnances et tarifs concernant l'échange des colis postaux, ainsi que toutes les modifications de taxes qui y seraient introduites dans la suite.

ARTICLE XXI

Durée de l'Arrangement.

1. Le présent Arrangement, qui remplace et abroge celui signé à Athènes, le 28 Mai/10 Juin et à Washington, le 8 Juillet, 1913, entrera en vigueur après avoir été ratifié par les parties contractantes.

telegraph, to the other Administration.

ARTICLE XX

Matters not Provided for in the Present Agreement.

Matters not provided for.

Application of other conventions.

1. Unless they are provided for in the present Agreement, all questions concerning requests for recall or return of parcels and the obtaining and disposition of return receipts and settlement of indemnity claims in connection with insured parcels shall be treated in accordance with the provisions of the Universal Postal Convention and its Regulations of Execution, insofar as they are applicable and are not contrary to the foregoing provisions. If the case is not provided for at all, the domestic legislation of the United States of America or of the Hellenic Republic, or the decisions made by one country or the other, are applicable in the respective country.

Vol. 46, p. 2523.

Further provisions authorized.

2. The details relative to the application of the present Agreement will be fixed by the two Administrations in Regulations of Execution, the provisions of which may be modified or completed by common consent by way of correspondence. A similar agreement through correspondence may be made with a view to the exchange of C.O.D. parcels.

Exchange of regulations, etc.

3. The two Administrations notify each other mutually of their laws, ordinances and tariffs concerning the exchange of parcel post, as well as of all modifications in rates which may be subsequently made.

ARTICLE XXI

Duration of the Agreement.

Duration of Agreement.

Prior agreement abrogated.

Vol. 38, p. 1744, repealed.

1. The present Agreement, which replaces and abrogates that signed at Athens, May 28/June 10 and at Washington, July 8, 1913, will enter into force after having been ratified by the contracting parties.

Effective date.

Provisional application.

Toutefois, il est loisible aux deux Administrations de l'appliquer provisoirement dès le 1er Juin, 1933.

Duration.

2. Il déploiera ses effets aussi longtemps qu'il n'aura pas été dénoncé 6 mois à l'avance par l'une ou l'autre des deux Administrations.

Insured parcel restriction.

Chacune des deux Administrations est autorisée à supprimer totalement ou partiellement le service des colis avec valeur déclarée ou à le restreindre à quelques bureaux, si des motifs spéciaux nécessitaient cette mesure et sous la réserve d'en informer préalablement l'autre Administration. Le cas échéant, la notification doit en être faite par la voie la plus rapide.

Signatures.

Fait en double expédition et signé à Washington, le 1er Août, et à Athènes, le 14 Juillet 1933.

Le Directeur Général des Postes, Télégraphes et Téléphones de la République Hellénique.
[SEAL] C THEOFANOPOULOS

However, it is permissible for the two Administrations to apply it provisionally from June 1, 1933.

2. It shall remain in effect as long as it has not been terminated six months in advance by one or the other of the two Administrations.

Each of the two Administrations is authorized to discontinue, totally or partially, the service of insured parcels or to restrict it to certain offices, if special reasons make that measure necessary, on the condition that the other Administration is so advised in advance. If need be, the notification thereof must be by the most rapid means.

Done in duplicate and signed at Washington, the first day of August and at Athens, the 14th day of July, 1933.

[SEAL] JAMES A FARLEY
The Postmaster General of the United States of America.

Approved by the President.

The foregoing Parcel Post Agreement between the United States of America and the Hellenic Republic has been negotiated and concluded with my advice and consent and is hereby approved and ratified.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

[SEAL] FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.
WASHINGTON, *August 8, 1933.*

Règlement d'Exécution
de l'Arrangement concernant l'Échange
des Colis Postaux
conclu entre
la République Hellénique
et
les États-Unis d'Amérique.

ARTICLE 1

Conditionnement des Colis.

1. Le nom et l'adresse de l'expéditeur et du destinataire doivent être écrits d'une façon lisible et exacte, si possible sur le colis même ou sur une étiquette fixée solidement à l'envoi.

Il est recommandé d'insérer un double de l'adresse dans chaque colis, surtout lorsque l'usage d'une étiquette volante est rendu nécessaire par le conditionnement ou par la forme de l'envoi.

Les colis dont l'adresse de l'expéditeur ou du destinataire consiste en initiales seulement ne sont pas admis, exception faite des désignations commerciales (raisons sociales) composées d'initiales.

Les adresses au crayon ne sont pas admises. Sont toutefois acceptées les adresses écrites au crayon-encre, sur un fond préalablement mouillé.

2. Les colis contenant des espèces monnayées, de l'or ou de l'argent en barres, des pierreries ou autres matières précieuses doivent toujours être expédiés avec déclaration de valeur.

Lorsqu'un colis contenant des objets de l'espèce est expédié sans déclaration de valeur, l'office postal qui remarque l'erreur en premier lieu est tenu de le traiter comme colis avec valeur déclarée et d'après les dispositions de son pays.

3. Chaque colis doit être emballé de manière que le contenu soit préservé pendant toute la durée du transport, et de façon

Regulations of Execution
for the Agreement concerning the Exchange
of Parcel Post
concluded between
the Hellenic Republic
and
the United States of America.

Regulations of Execution.

ARTICLE 1

Preparation of Parcels.

Preparation of parcels.

1. The name and address of the sender and of the addressee must be written, legibly and correctly, if possible on the parcel itself, or on a label affixed securely to the parcel.

It is recommended that a duplicate of the address be inserted in every parcel, especially when the use of a tag is rendered necessary by the packing or form of the parcel.

Parcels on which the name of the sender or of the addressee is indicated merely by initials are not admitted, except in the case of commercial designations (trade names) composed of initials.

Addresses in pencil are not admitted. However, addresses written in indelible pencil on a previously dampened surface are accepted.

2. Parcels containing coins, gold or silver in bars, precious stones, or other precious articles, must always be sent insured.

When a parcel containing coin, gold or silver in bars, precious stones or other precious articles is sent uninsured through error, the post office first discovering it is bound to treat it as an insured parcel, and in accordance with the legislation of its country.

3. Each parcel must be packed in such a manner that the contents are protected over the whole route, and in such a way as to

à empêcher le contenu d'endommager des autres colis ou envois, ou blesser les agents postaux. L'emballage doit protéger le contenu suffisamment afin que les traces soient faciles à découvrir en cas de spoliation. Les colis avec valeur déclarée doivent être scellés par des cachets à la cire, par des plombs ou par un autre moyen équivalent. Pour les colis ordinaires, un ficelage soigneux suffit comme moyen de fermeture, mais ils peuvent aussi être scellés.

Comme mesure de sécurité, chaque Administration peut exiger qu'une empreinte ou marque spéciale de l'expéditeur figure sur les plombs ou cachets de fermeture des colis avec valeur déclarée.

L'Administration des douanes du pays de destination est autorisée à ouvrir les colis. A cet effet, les cachets ou toute autre fermeture peuvent être brisés ou rompus. Les envois ouverts par la douane doivent être refermés et, en outre, scellés d'office, si l'expéditeur les avait scellés.

4. Pour les colis avec valeur déclarée, le montant de la valeur déclarée doit figurer sur le colis, exprimé dans la monnaie du pays d'origine, en caractères latins. Ce montant doit être converti en francs-or par l'expéditeur ou par le bureau d'origine, et le résultat de la conversion est ajouté au-dessous de l'indication originale. Le montant de la valeur assurée doit aussi être indiqué sur le bulletin d'expédition.

5. Chaque colis avec valeur déclaré doit porter du côté de l'adresse un numéro (insurance number) et l'indication "insured" ou "valeur déclarée". Le même numéro d'assurance et la même annotation doivent également figurer sur le bulletin d'expédition.

6. Les étiquettes ou timbres-poste apposés sur les colis avec valeur déclarée doivent être espacés afin qu'ils ne puissent servir à cacher des lésions de l'emballage. Ils ne doivent pas, non plus, être repliés sur deux faces de l'emballage, de manière à couvrir la bordure.

prevent the contents from damaging other parcels or objects or injuring postal agents. The packing must protect the contents sufficiently that, in case of rifling, the traces thereof may be easily discovered. Insured parcels must be sealed with wax or lead or by some equivalent means. For ordinary parcels, careful tying is sufficient as a mode of closing, but they may also be sealed.

As a protective measure, either Administration may require that a special imprint or mark of the sender appear on the wax or lead seals closing insured parcels.

The Customs Administration of the country of destination is authorized to open the parcels. To that end, the seals or any other fastenings may be broken. Parcels opened by the customs must be refastened and also officially sealed, if the sender has sealed them.

4. For insured parcels, the amount of insured value must appear on the parcel in the currency of the country of origin and in Roman letters. This amount must be converted into gold francs by the sender or by the office of origin, and the result of the conversion is added below the original indication. The amount of the insured value must also be indicated on the dispatch note.

5. Each insured parcel must bear on the address side an insurance number and the notation "Insured" or "Valeur declaree". The same insurance number and notation must also be shown on the dispatch note.

6. The labels or postage stamps affixed to insured parcels must be spaced so that they cannot serve to conceal injuries to the packing. Neither must they be folded over two faces of the wrapping so as to cover the edge.

7. Les liquides et les corps facilement liquéfiable doivent être expédiés dans un double récipient. Entre le premier (bouteille, flacon, boîte, etc.) et le second (boîte en métal, en bois résistant, en fibre de solide qualité ou récipient de résistance équivalente), une espace doit être laissée qui sera remplie de sciure, de son ou de toute autre matière spongieuse, en quantité suffisante pour absorber tout le liquide en cas de bris du récipient.

8. Les poudres et les matières colorantes en poudre doivent être emballées dans de fortes boîtes en fer-blanc ou autre métal, qui, après avoir été soudées, seront placées à leur tour dans des emballages extérieurs résistants de manière à exclure tout endommagement d'autres envois.

7. Liquids and easily liquefiable substances must be sent in a double receptacle. Between the first (bottle, flask, box, etc.) and the second (box of metal, strong wood, or strong carton of fiberboard, or receptacle of equal strength), there must be left a space to be filled with sawdust, bran or other absorbent material, in sufficient quantity to absorb all the liquid in case that the receptacle is broken.

8. Powders and dyes in powder form must be packed in strong boxes of tin or other metal, which, after soldering, must be placed in turn in substantial outer covers in such a way as to avoid all damage to other articles.

ARTICLE 2.

Déclarations en douane et Bulletins d'expédition.

1. L'expéditeur doit préparer une déclaration en douane et un bulletin d'expédition pour chaque colis expédié de l'un ou l'autre pays, sur des formules spéciales fournies à cet effet par le pays d'origine.

La déclaration en douane doit fournir une description générale du colis, une liste exacte et détaillée de son contenu et de sa valeur, la date de sa mise à la poste, le poids réel, le nom et l'adresse de l'expéditeur, et le nom et l'adresse du destinataire; et elle sera attachée solidement au colis.

Le bulletin d'expédition doit indiquer le bureau d'origine, le nom et l'adresse de l'expéditeur, le nombre de déclarations en douane, le poids du colis, le port payé, le nom et l'adresse du destinataire, et le bureau de destination; et il sera attaché solidement au colis.

Toutefois, par exception à ce qui précède, lorsque plus d'un colis non assuré est déposé simultanément par le même expéditeur à l'adresse du même destinataire,

ARTICLE 2.

Customs Declarations and Dispatch Notes.

Customs declarations, etc.

1. The sender shall prepare one customs declaration and one dispatch note for each parcel sent from either country, upon special forms provided for the purpose by the country of origin.

The customs declaration shall give a general description of the parcel, an accurate statement in detail of its contents and value, date of mailing, actual weight, the sender's name and address and the name and address of the addressee, and shall be securely attached to the parcel.

The dispatch note shall show the office of mailing, the name and address of the sender, the number of customs declarations, the weight of the parcel, the postage paid, the name and address of the addressee, and the office of destination and shall be securely attached to the parcel.

However, as an exception to the foregoing, when more than one uninsured parcel is mailed simultaneously by the same sender to the same addressee at the same

l'expéditeur ne doit nécessairement préparer qu'une déclaration en douane et un bulletin d'expédition pour chaque lot de trois colis au maximum originaires de la République Hellénique; ou deux declarations en douane et un bulletin d'expédition pour chaque lot de trois colis au maximum originaires des États-Unis d'Amérique. Telles déclarations en douane et tels bulletins d'expédition doivent indiquer, outre les détails prévus aux deux alinéas précédents, le nombre total de colis constituant le lot entier; et ils seront attachés solidement à l'un des colis. Dans de tels cas, chaque colis d'un groupe doit être numéroté 1, 2 ou 3, à titre de numéros d'identification; et lorsque plus de trois colis sont envoyés simultanément chaque groupe est désignée par une lettre (a, b, c, etc.); pour exemple, lorsqu'il y a deux groupes de trois colis chacune, les colis doivent être marqués "a-1", "a-2" et "a-3"; et "b-1", "b-2" et "b-3".

2. Les Administrations n'acceptent aucune responsabilité pour l'exactitude des déclarations en douane ni des bulletins d'expédition.

address, the sender need prepare only one customs declaration and one dispatch note for each lot of not more than three parcels sent from the Hellenic Republic and two customs declarations and one dispatch note in the case of each lot of not more than three parcels sent from the United States of America, which customs declarations and dispatch notes shall show, in addition to the particulars set forth in the preceding two paragraphs, the total number of parcels comprising the shipment, and shall be securely attached to one of the parcels. In such case, each parcel in a group must be numbered 1, 2 or 3, as identification numbers, and when more than 3 parcels are sent at the same time each group is indicated by a letter (a, b, c, etc.); for example, when there are 2 groups of 3 parcels each, the parcels shall be marked "a-1", "a-2" and "a-3" and "b-1", "b-2" and "b-3".

2. The Administrations accept no responsibility for the correctness of the customs declarations or dispatch notes.

ARTICLE 3

Avis de réception.

Return receipts.

1. Quant à un colis pour lequel un avis de recéption est demandé, le bureau d'origine fait figurer sur le colis les lettres ou les mots "A. R.", ou "Avis de réception". Le bureau d'origine, ou un autre bureau quelconque désigné par l'Administration expéditrice, doit remplir une formule d'avis de réception et l'attacher au colis. Si la formule ne parvient pas au bureau de destination, celui-ci prépare un duplicata.

2. Le bureau de destination, après avoir dûment rempli la formule d'avis de réception, la renvoie en franchise de port à l'adresse de l'expéditeur du colis.

3. Lorsque l'expéditeur demande un avis de réception postérieurement au dépôt du colis, le bureau d'origine remplie régu-

ARTICLE 3

Return Receipts.

1. As to a parcel for which a return receipt is asked, the office of origin places on the parcel the letters or words "A. R." or "Avis de reception". The office of origin or any other office appointed by the dispatching Administration shall fill out a return receipt form and attach it to the parcel. If the form does not reach the office of destination, that office makes out a duplicate.

2. The office of destination, after having duly filled out the return receipt form, returns it free of postage to the address of the sender of the parcel.

3. When the sender applies for a return receipt after a parcel has been mailed, the office of origin duly fills out a return receipt

lièrement une formule d'avis de réception tout en y attachant une formule de réclamation pourvue des détails relatifs à l'expédition du colis, et la transmet au bureau de destination du colis. En cas de livraison régulière du colis, le bureau de destination retire la formule de réclamation, et l'avis de réception est traité de la manière prescrite au paragraphe précédent.

ARTICLE 4

Récipients.

1. Chaque Administration pourvoit à l'acquisition des sacs nécessaires pour l'expédition de ses colis. Chaque sac doit être marqué de façon à indiquer le nom du bureau ou du pays auquel il appartient. Les sacs vides doivent être renvoyés au pays d'origine par le prochain courrier.

2. Il y a lieu d'indiquer sur la feuille de route tant le nombre de sacs utilisés pour la confection de la dépêche que celui des sacs vides en retour. À l'aide de ces indications, chaque Administration exerce un contrôle sur la rentrée des récipients qui lui appartiennent. Au cas où ce contrôle demontrerait que le 10% du nombre total des sacs utilisés pendant une année n'a pas été renvoyé, la valeur des sacs manquants doit être remboursée à l'office expéditeur.

ARTICLE 5

Échange des colis.

1. Les colis sont échangés dans des sacs clos au moyen de cachets ou de plombs, entre les bureaux désignés par les Administrations. Ils sont transmis au pays de destination aux frais du pays d'origine et de la manière qui convient à ce dernier.

Le poids de chaque sac ne doit pas dépasser 40 kilogrammes.

2. Les colis assurés seront compris dans des sacs à part de ceux

form and attaches it to a form of inquiry which is entered with the details concerning the transmission of the parcel and then forwards it to the office of destination of the parcel. In the case of the due delivery of the parcel, the office of destination withdraws the inquiry form, and the return receipt is treated in the manner prescribed in the foregoing Section.

ARTICLE 4

Receptacles.

Receptacles.

1. Each Administration provides itself with the necessary sacks for the exchange of its parcels. Each bag shall be marked to show the name of the office or country to which it belongs. The empty sacks must be returned to the country of origin by the next mail.

2. It is necessary to indicate in the parcel bill both the number of sacks used for the preparation of the dispatch and the number of empty sacks returned. With the aid of these indications, each Administration exercises a control over the return of the receptacles belonging to it. In case that this control shows that 10% of the total number of sacks used during a year have not been returned, the value of the missing sacks must be repaid to the dispatching office.

ARTICLE 5

Exchange of Parcels.

Exchange of parcels.

1. The parcels are exchanged in sacks closed by means of wax or lead seals, between the offices designated by the Administrations. They are transmitted to the country of destination at the expense of the country of origin and in a manner convenient to the latter.

The weight of each sack must not exceed 40 kilograms.

2. Insured parcels shall be enclosed in separate sacks from

dans lesquels les colis ordinaires sont insérés, et les étiquettes des sacs qui contiennent les colis assurés doivent être marquées avec tels symboles distinctifs qui seraient adoptés de temps en temps.

ARTICLE 6

Inscription des colis.

Billing.

1. Il doit être établi des feuilles de route distinctes pour les colis ordinaires, d'une part, et pour les colis avec valeur déclarée, d'autre part.

Les feuilles de route sont établies en double exemplaire. L'originale est expédié par la poste aux lettres, tandis que le duplicata est inséré dans l'un des sacs. Le sac renfermant la feuille de route est désigné par la lettre "F" tracée d'une manière apparente sur l'étiquette.

2. Les colis ordinaires compris dans chaque dépêche à destination de la République Hellénique sont inscrits en bloc sur les feuilles de route, mais par catégories d'envois jusqu'à 1 kilogramme, de 1 à 5 kilogrammes, et de 5 à 10 kilogrammes.

Les colis ordinaires compris dans chaque dépêche à destination des États-Unis d'Amérique sont inscrits sur les feuilles de route par la seule mention du nombre total des colis et de leur poids net total.

3. Les colis avec valeur déclarée sont inscrits isolément sur les feuilles de route, avec indication du numéro (insurance number) et du nom du bureau d'origine.

Pour les colis avec valeur déclarée à destination de la République Hellénique, les feuilles de route doivent porter aussi l'indication de la coupure de poids à laquelle les colis appartiennent.

Pour les colis avec valeur déclarée à destination des États-Unis d'Amérique, les feuilles de route doivent porter, en outre, l'indication du poids net total des colis.

those in which ordinary parcels are contained, and the labels of sacks containing insured parcels shall be marked with such distinctive symbols as may from time to time be agreed upon.

ARTICLE 6

Billing of Parcels.

1. Separate parcel bills must be prepared for the ordinary parcels on the one hand, and for the insured parcels on the other hand.

The parcel bills are prepared in duplicate. The original is sent in the regular mails, while the duplicate is inserted in one of the sacks. The sack containing the parcel bill is designated by the letter "F" traced in a conspicuous manner on the label.

2. The ordinary parcels included in each dispatch sent to the Hellenique Republic are to be entered on the parcel bills in bulk, but by classes of parcels up to 1 kilogram, from 1 to 5 kilograms, and from 5 to 10 kilograms.

The ordinary parcels included in each dispatch sent to the United States of America are to be entered on the parcel bills to show the total number of parcels and the total net weight thereof.

3. Insured parcels shall be entered individually on the parcel bills to show the insurance number and the name of the office of origin.

In the case of insured parcels for the Hellenic Republic, the parcel bills must also show the indication of the division of weight to which the parcel belongs.

In the case of insured parcels for the United States of America, the parcel bills must also show the total net weight of the parcels.

4. Les colis transmis à découvert doivent être inscrits séparément sur les feuilles de route.

5. Les colis retournés ou réexpédiés doivent être inscrits isolément sur les feuilles de route et être suivis du mot "Retourné" ou "Réexpédié", selon le cas. Une indication de frais dus pour ces colis doit figurer dans la colonne "Observations".

6. Le nombre total des sacs compris dans chaque dépêche doit aussi figurer sur les feuilles de route.

7. Chaque bureau d'échange expéditeur numérote les feuilles de route à l'angle gauche supérieur d'après une série annuelle. Le dernier numéro de l'année précédente doit être mentionné sur la première feuille de la nouvelle année.

8. La mode exacte d'avis des colis ou des récipients les contenant expédiés par l'une des Administrations en transit par l'autre, ainsi que tous les détails en connexion avec la manière d'avis de tels colis ou récipients non prévus par cet Arrangement, sera réglée d'un commun accord par voie de correspondance entre les deux Administrations.

4. Parcels sent a decouvert must be entered separately on the parcel bills.

5. Returned or redirected parcels must be entered individually on the parcel bills and be followed by the word "Returned" or "Redirected", as the case may be. A statement of the charges which may be due on these parcels should be shown in the "Observations" column.

6. The total number of sacks comprising each dispatch must also be shown on the parcel bills.

7. Each dispatching exchange office numbers the parcel bills in the upper left-hand corner in accordance with an annual series. The last number of the preceding year must be mentioned on the first bill of the following year.

8. The exact method of advising parcels or the receptacles containing them sent by one Administration in transit through the other together with any details of procedure in connection with the advice of such parcels or receptacles for which provision is not made in this Agreement, shall be settled by mutual agreement through correspondence between the two Administrations.

ARTICLE 7.

Vérification par les bureaux d'échange.

1. À la réception d'une dépêche, le bureau d'échange destinataire procède à sa vérification. Les inscriptions sur la feuille de route doivent être vérifiées exactement. Chaque erreur ou omission doit être portée immédiatement à la connaissance du bureau d'échange expéditeur au moyen d'un bulletin de vérification. Une dépêche est considérée comme ayant été trouvée en ordre à tous égards, lorsqu'il n'est pas dressé de bulletin de vérification.

Si l'on constate une erreur ou une irrégularité à la réception d'une dépêche, toutes les pièces pouvant servir de preuves à

ARTICLE 7.

Verification by the Exchange Office.

Verification.

1. Upon the receipt of a dispatch, the exchange office of destination proceeds to verify it. The entries in the parcel bill must be verified exactly. Each error or omission must be brought immediately to the knowledge of the dispatching exchange office by means of a bulletin of verification. A dispatch is considered as having been found in order in all regards when no bulletin of verification is made up.

If an error or irregularity is found upon receipt of a dispatch, all objects which may serve later on for investigations, or for exam-

l'appui en vue de recherches ultérieures ou de l'examen de demandes d'indemnité doivent être conservées.

2. Le bureau d'échange expéditeur auquel un bulletin de vérification est envoyé doit le renvoyer après l'avoir examiné et y apporté ses observations éventuelles. Ce bulletin est alors annexé aux feuilles de route des colis auxquelles il se rapporte. Les corrections apportées à une feuille de route qui ne sont pas appuyées par des documents sont considérées comme nulles et non avenues.

3. Si nécessaire, le bureau d'échange expéditeur peut de même être avisé par télégramme, aux frais de l'Office expéditeur de tel télégramme.

4. En cas de manque d'une feuille de route, il en est établi un duplicata dont une copie est envoyée au bureau d'échange expéditeur de la dépêche.

5. Le bureau d'échange qui reçoit d'un bureau correspondant un colis qui se trouve endommagé ou insuffisamment emballé doit réexpédier tel colis après remballage s'il est nécessaire, tout en préservant l'emballage original autant que possible.

Si le dommage est tel que le contenu du colis aurait pu être soustrait, le bureau doit d'abord ouvrir le colis d'office et en vérifier le contenu.

Dans l'un ou l'autre cas, le poids du colis sera vérifié avant et après le remballage, et indiqué sur l'emballage du colis même. Cette indication sera suivi par la note "Remballé à . . . (Repacked at . . .)" ainsi que la signature des agents ayant effectué tel remballage.

ARTICLE 8

Bonification des quotes-parts.

Payments.

1. Les quotes-parts terminales à bonifier par l'Office expéditeur à l'Office destinataire, en vertu de l'Article XVII, paragraphe 1, de l'Arrangement, sont les suivantes:

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ination of requests for indemnity, must be kept.

2. The dispatching exchange office to which a bulletin of verification is sent returns it after having examined it and entered thereon its observations, if any. That bulletin is then attached to the parcel bills of the parcels to which it relates. Corrections made on a parcel bill which are not justified by supporting papers are considered as devoid of value.

3. If necessary, the dispatching exchange office may also be advised by telegram, at the expense of the Office sending such telegram.

4. In case of shortage of a parcel bill, a duplicate is prepared, a copy of which is sent to the exchange office of origin of the dispatch.

5. The office of exchange which receives from a corresponding office a parcel which is damaged or insufficiently packed must redispatch such parcel after repacking, if necessary, preserving the original packing as far as possible.

If the damage is such that the contents of the parcel may have been abstracted, the office must first officially open the parcel and verify its contents.

In either case, the weight of the parcel will be verified before and after repacking, and indicated on the wrapper of the parcel itself. That indication will be followed by the note "Remballé à . . . (Repacked at . . .)", and the signature of the agents who have effected such repacking.

ARTICLE 8

Payments.

1. The terminal quotas to be credited by the dispatching Office to the Office of destination, by virtue of Article XVII, Section 1, of the Agreement, are the following:

I. Par la République Hellénique aux États-Unis d'Amérique:

70 centimes-or par kilogramme, sur la base du poids net en bloc (bulk net weight) de chaque dépêche.

Cette taxe s'applique aussi aux colis à destination de l'Alaska. Elle est réduite à 35 centimes-or par kilogramme pour les colis à destination de Puerto Rico, des Îles Vierges, de Guam, de Samoa, et de Hawaï.

II. Par les États-Unis d'Amérique à la République Hellénique:

Taxe par colis:

Jusqu'à 1 kg	60 cm. or
Au delà de 1 kg. jusqu'à 5 kg	1.75 fr. or
Au delà de 5 kg. jusqu'à 10 kg	2.75 " "

En outre, pour les colis assurés expédiés de l'un des pays sur l'autre, il sera bonifié une quote-part terminale d'assurance de 10 centimes-or par colis.

2. Les quotes-parts à bonifier pour les colis expédiés par une Administration à l'autre, un vue de leur transmission ultérieure à une possession ou à un pays tiers, seront fixées par l'Administration intermédiaire.

3. Les taxes terminales et de transit susmentionées peuvent être réduites ou majorées, moyennant avertissement donné trois mois à l'avance par l'un pays à l'autre. La réduction ou majoration sera valable pour un an au moins.

ARTICLE 9

Décompte.

1. À la fin de chaque trimestre, chaque Administration établit un compte sur la base des feuilles de route.

2. Ces comptes, accompagnés des feuilles de route et, le cas échéant, des copies des bulletins de vérification s'y rapportant, doivent être soumis à l'examen de l'Administration correspondante dans le courant du mois qui suit le trimestre auquel ils se rapportent.

I. By the Hellenic Republic to the United States of America: By the Hellenic Republic.

70 gold centimes per kilogram, based on the bulk net weight of each dispatch.

This rate applies also to parcels for Alaska. The rate is reduced to 35 gold centimes per kilogram for parcels for Puerto Rico, the Virgin Islands, Guam, Samoa, and Hawaii.

II. By the United States of America to the Hellenic Republic. By the United States of America.

Rate per parcel:

Up to 1 kg	60	gold cm.
From 1 up to 5 kg	1.75	" fr.
From 5 up to 10 kg	2.75	" fr.

In addition, in the case of insured parcels sent from either country to the other, there shall be paid a terminal insurance credit of 10 centimes gold per parcel.

2. The quotas to be credited for parcels dispatched by one Administration to the other for subsequent transmission to a possession or to a third country will be fixed by the intermediate Administration.

3. The terminal charges and transit rates above specified may be reduced or increased on three months' previous notice given by one country to the other. The reduction or increase shall hold good for at least one year.

ARTICLE 9

Accounting.

1. At the end of each quarter, each Administration makes up an account on the basis of the parcel bills. Accounting.

2. These accounts accompanied by the parcel bills, and, if any, copies of verification notes relating thereto shall be submitted to the examination of the corresponding Administration in the course of the month following the quarter to which they relate.

3. La récapitulation, l'envoi, l'examen et l'acceptation de ces comptes ne doivent pas être retardés et le règlement du solde aura lieu, au plus tard, à l'expiration du trimestre suivant.

4. Le solde résultant de la balance des comptes entre les deux Administrations est payé par traite à vue, tirée sur New York ou par un autre moyen convenu réciproquement par voie de correspondance. Les frais de paiement sont à la charge de l'Administration débitrice.

ARTICLE 10

Notifications Diverses.

Miscellaneous notifications.

Les Administrations se communiqueront mutuellement un résumé des dispositions de leurs lois ou règlements applicables aux colis échangés entre les deux pays contractants, ainsi que tous les autres détails nécessaires pour l'exécution de l'échange des colis.

Le présent Règlement sera exécutoire à partir du jour de la mise en vigueur de l'Arrangement concernant l'Échange des Colis Postaux, et aura la même durée que cet Arrangement.

Fait en double expédition et signé à Washington, le 1er Août, et à Athènes, le 14 Juillet 1933.

Le Directeur Général des Postes, Télégraphes et Téléphones de la République Hellénique.
C. THEOFANOPOULOS

3. The recapitulation, transmission, examination and acceptance of these accounts must not be delayed, and the payment of the balance shall take place, at the latest, at the expiration of the following quarter.

4. The balance resulting from the adjustment of the accounts between the two Administrations is paid by a sight draft drawn on New York, or by some other means mutually agreed upon by correspondence. The expenses of payment are chargeable to the debtor Administration.

ARTICLE 10

Miscellaneous Notifications.

The Administrations shall communicate to each other a summary of the provisions of their laws or regulations applicable to the parcels exchanged between the two contracting countries, and other items necessary for carrying out the exchange of parcels.

These Regulations shall come into operation on the day on which the Parcel Post Agreement comes into force and shall have the same duration as the Agreement.

Done in duplicate and signed at Washington, the first day of August and at Athens, the 14th day of July, 1933.

[SEAL] JAMES A FARLEY
The Postmaster General of the United States of America.

Approval of Regulations.

The foregoing Regulations for the Execution of the Parcel Post Agreement between the United States of America and the Hellenic Republic have been negotiated and concluded with my advice and consent and are hereby approved and ratified.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

[SEAL] FRANKLIN D ROOSEVELT

By the President
CORDELL HULL
Secretary of State.
WASHINGTON, *August 8, 1933.*

Convention between the United States of America and Mexico for the Rectification of the Rio Grande. Signed at Mexico City, February 1, 1933; ratification advised by the Senate of the United States, with amendment, April 25, 1933; ratified by the President of the United States, October 20, 1933; ratified by Mexico, October 6, 1933; ratifications exchanged at Washington, November 10, 1933; proclaimed by the President of the United States, November 13, 1933; and exchanges of notes.

February 1, 1933.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Rectification of the Rio Grande.

WHEREAS a convention between the United States of America and the United Mexican States for the rectification of the Rio Grande in the El Paso-Juarez Valley was concluded and signed by their respective plenipotentiaries at the city of Mexico on the first day of February, one thousand nine hundred and thirty-three, the original of which convention, being in the English and Spanish languages, is, as amended by the Senate of the United States of America, word for word as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES FOR THE RECTIFICATION OF THE RIO GRANDE (RIO BRAVO DEL NORTE) IN THE EL PASO-JUAREZ VALLEY.

CONVENCION ENTRE LOS ESTADOS UNIDOS DE AMERICA Y LOS ESTADOS UNIDOS MEXICANOS PARA LA RECTIFICACION DEL RIO GRANDE (BRAVO DEL NORTE) EN EL VALLE DE EL PASO-JUAREZ.

Contracting Powers.

The United States of America and the United Mexican States having taken into consideration the studies and engineering plans carried on by the International Boundary Commission, and specially directed to relieve the towns and agricultural lands located within the El Paso-Juarez Valley from flood dangers, and securing at the same time the stabilization of the international boundary line, which, owing to the present meandering nature of the river it has not been possible to hold within the mean line of its channel; and fully conscious of the great importance involved in this matter, both from a local point of view as well as from a good international understanding, have resolved to undertake, in common agreement and cooperation, the necessary works as pro-

Los Estados Unidos de América y los Estados Unidos Mexicanos habiendo tomado en consideración los estudios y proyectos de carácter técnico llevados a cabo por la Comisión Internacional de Límites, encaminados especialmente a librar a las poblaciones y a las tierras laborables, situadas dentro del Valle de El Paso-Juárez, de los peligros de inundación, logrando al mismo tiempo la estabilización de la línea divisoria internacional, que dada la actual naturaleza divagante del Río, no ha sido posible conservar dentro de la línea media del cauce del mismo; y penetrados de la gran importancia que tanto desde el punto de vista del interés local, como de la buena inteligencia internacional, reviste este asunto, han resuelto ejecutar, de común acuerdo y cooperación,

vided in Minute 129 (dated July 31, 1930) of the International Boundary Commission, approved by the two Governments in the manner provided by treaty; and in order to give legal and final form to the project, have named as their plenipotentiaries:

Plenipotentiaries.

The President of the United States of America, J. Reuben Clark, Jr., Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico; and

The President of the United Mexican States, Doctor José Manuel Puig Cassauranc, Secretary of State for Foreign Affairs;

Exchange of full powers.

Who, after having communicated their respective full powers and having found them in due and proper form, have agreed on the following articles:

I.

Agreement of Governments to carry out works.

The Government of the United States of America and the Government of the United Mexican States have agreed to carry out the Rio Grande rectification works provided for in Minute 129 of the International Boundary Commission and annexes thereto, approved by both Governments, in that part of the river beginning at the point of intersection of the present river channel with the located line as shown in map, exhibit No. 2 of Minute 129 of said Commission (said intersection being south of Monument 15 of the boundary polygon of Córdoba Island) and ending at Box Canyon.

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Application of terms.

The terms of this Convention and of Minute 129 shall apply exclusively to river rectification within the limits above set out.

Study of future regulations of International Boundary Commission.

The two Governments shall study such further minutes and regulations as may be submitted

las obras necesarias como se detallan en el Acta número 129 de 31 de julio de 1930 de la Comisión Internacional de Límites, aprobada por los dos Gobiernos en la manera prevista por los Tratados; y para dar forma legal y definitiva a dicho proyecto han decidido celebrar esta Convención, nombrando al efecto a sus respectivos plenipotenciarios:

El Presidente de los Estados Unidos de América al señor J. Reuben Clark, Jr., su Embajador Extraordinario y Plenipotenciario en México y

El Presidente de los Estados Unidos Mexicanos al señor Doctor José Manuel Puig Cassauranc, Secretario de Relaciones Exteriores.

Quienes, después de haberse mostrado sus respectivos plenos poderes, y encontrándolos en buena y debida forma, han convenido en los artículos siguientes:

I.

El Gobierno de los Estados Unidos de América y el Gobierno de los Estados Unidos Mexicanos han convenido en ejecutar las obras de rectificación del Río Grande (Bravo del Norte) previstas en el Acta número 129 de la Comisión Internacional de Límites y el informe anexo, que ha sido aprobada por ambos Gobiernos, en el tramo que comienza en el punto de intersección del cauce actual del Río con el trazo del proyecto tal como aparece en el mapa anexo No. 2, Acta 129 de dicha Comisión, (intersección que queda al Sur del Monumento No. 15 del polígono limítrofe de la Isla de Córdova), y termina en el Box Canyon (Cañón de Cajoncitos.)

Los términos de esta Convención y del Acta 129 se aplicarán exclusivamente a la rectificación del río dentro del tramo arriba descrito.

Los dos Gobiernos estudiarán cualesquiera otras actas y disposiciones propuestas por la Comisión

by the International Boundary Commission and, finding them acceptable, shall approve same in order to carry out the material execution of the works in accordance with the terms of this Convention. The works shall be begun after this Convention becomes effective.

Internacional de Límites, y en el caso de estar conformes las aprobarán, a fin de llevar a cabo la ejecución material de las obras de acuerdo con los términos de esta Convención. Las obras deberán iniciarse en cuanto entre en vigor la presente Convención.

II.

For the execution of the works there shall be followed the procedure outlined in the technical study of the project. The works shall be begun and shall be carried on primarily from the lower end, but at the same time and for reasons of necessity works may be carried on in the upper sections of the valley.

II.

Procedure for execution of works.

Para la ejecución de las obras se seguirá el procedimiento fijado en el estudio técnico del proyecto. Las obras comenzarán y serán llevadas a cabo en primer lugar en el extremo inferior, pudiendo a la vez ejecutarse obras en tramos superiores del Valle por razones de emergencia.

III.

In consideration of the difference existing in the benefits derived by each of the contracting countries by the rectification works, the proratable cost of the works will be defrayed by both Governments in the proportion of eighty-eight per cent (88%) by the United States of America and of twelve per cent (12%) by the United Mexican States.

III.

Proration of costs.

En atención a la diferencia que existe entre los beneficios reportados con las obras de rectificación por cada uno de los países contratantes, el costo a repartir a pro rata de las mismas será expensado por ambos Gobiernos en la proporción de 88%—ochenta y ocho por ciento—por los Estados Unidos de América y 12%—doce por ciento—por los Estados Unidos Mexicanos.

Percentages.

IV.

The direction and inspection of the works shall be under the International Boundary Commission, each Government employing for the construction of that portion of the work it undertakes, the agency that in accordance with its administrative organization should carry on the work.

IV.

Direction and inspection of works.

La dirección e inspección de las obras estarán a cargo de la Comisión Internacional de Límites, empleando cada Gobierno para la ejecución de la parte que le corresponda de las mismas, el órgano que de acuerdo con su régimen administrativo, deba ejecutarlas.

V.

The International Boundary Commission shall survey the ground to be used as the right of way to be occupied by the rectified channel, as well as the parts to be cut from both sides of said channel. Within thirty days after

V.

Surveys.

La Comisión Internacional de Límites levantará los planos de las porciones de terreno que ocupe el derecho de vía por donde deba pasar el cauce rectificado, así como los de las que deban segregarse en ambos lados de este

a cut has been made, it shall mark the boundaries on the ground, there being a strict superficial compensation in total of the areas taken from each country. Once the corresponding maps have been prepared, the Commission shall eliminate these areas from the provisions of Article II of the Convention of November 12, 1884, in similar manner to that adopted in the Convention of March 20, 1905 for the elimination of bancos.

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cauce. Dentro de un plazo de treinta días a contar de la consumación de cada corte, deslindará su área en el terreno, debiendo existir estricta compensación superficial en el total de áreas segregadas de cada país. Preparados los planos respectivos, la Comisión declarará eliminadas estas fracciones de los efectos del artículo 2o. de la Convención de 12 de noviembre de 1884, en forma análoga a la adoptada por la Convención de 20 de Marzo de 1905 para la eliminación de bancos.

VI.

Establishment of international boundary line.

For the sole purpose of equalizing areas, the axis of the rectified channel shall be the international boundary line. The parcels of land that, as a result of these cuts or of merely taking the new axis of the-channel as the boundary line, shall remain on the American side of the axis of the rectified channel shall be the territory and property of the United States of America, and the territory and property of the United Mexican States those on the opposite side, each Government mutually surrendering in favor of the other the acquired rights over such parcels.

In the completed rectified river channel—both in its normal and constructed sections—and in any completed portion thereof, the permanent international boundary shall be the middle of the deepest channel of the river within such rectified river channel.

VI.

Unicamente con el objeto de compensar las áreas traspasadas, el eje del cauce rectificado, será considerado como la línea divisoria internacional.

Las porciones de tierra que como resultado de los cortes o simplemente de la adopción del eje del canal como línea divisoria, queden del lado americano, serán territorio y propiedad de los Estados Unidos de América, y territorio y propiedad de los Estados Unidos Mexicanos las del lado opuesto, renunciando recíprocamente cada Gobierno a favor del otro los derechos adquiridos sobre dichas porciones de tierra.

En el cauce ya rectificado del río—tanto en los tramos normales como en los construídos—y en cualquier parte de dicho cauce que haya sido terminado, la línea divisoria internacional permanente será el centro del cauce más profundo del río dentro de dicho cauce rectificado del río.

VII.

Ownership of lands.

Lands within the rectified channel, as well as those which, upon segregation, pass from the territory of one country to that of the other, shall be acquired in full ownership by the Government in whose territory said lands are at the present time; and the lands passing as provided in Article V hereof, from one country to the

VII.

Los terrenos que ocupe el cauce rectificado, así como los que al ser segregados pasen del territorio de un país al del otro, deberán ser adquiridos en pleno dominio por el Gobierno en cuyo territorio se encuentren en la actualidad dichos terrenos; de acuerdo con lo previsto en el artículo V de esta Convención,

other, shall pass to each Government respectively in absolute sovereignty and ownership, and without encumbrance of any kind, and without private national titles.

los terrenos que pasen de un país al otro, lo harán a cada Gobierno respectivamente en absoluta soberanía y propiedad, sin gravamen de ningún género, y sin títulos de propiedad privada nacionales.

VIII.

VIII.

The construction of works shall not confer on the contracting parties any property rights in or any jurisdiction over the territory of the other. The completed work shall constitute part of the territory and shall be the property of the country within which it lies.

Property and jurisdictional rights.

La construcción de las obras no confiere a las partes contratantes derecho de propiedad ni jurisdicción en territorio de la otra. La obra construída constituirá parte del territorio y propiedad de la nación en que está ubicada.

Each Government shall respectively secure title, control, and jurisdiction of its half of the flood channel, from the axis of that channel to the outer edge of the acquired right of way on its own side, as this channel is described and mapped in the International Boundary Commission Minute number 129, and the maps, plans, and specifications attached thereto, which Minute, maps, plans, and specifications are attached hereto and made a part of this Convention. Each Government shall permanently retain full title, control, and jurisdiction of that part of the flood channel constructed as described, from the deepest channel of the running water in the rectified channel to the outer edge of such acquired right of way.

Cada Gobierno, respectivamente, obtendrá el título, el control y la jurisdicción de la mitad del cauce mayor del Río que le corresponde desde el eje de tal cauce al límite exterior del derecho de vía que haya adquirido en su propio lado, tal como el cauce es descrito y delineado en el Acta 129 de la Comisión Internacional de Límites y en los planos, proyectos y especificaciones adjuntos a ella; acta, planos, proyectos y especificaciones que se anexan a esta Convención y forman parte de ella. Cada Gobierno conservará permanentemente el título completo, el control y la jurisdicción de la parte del cauce mayor construído, tal como se ha descrito, y comprendida entre el eje del cauce más profundo del agua corriente en el cauce rectificado al límite exterior del derecho de vía adquirido.

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IX.

IX.

Construction shall be suspended upon request of either Government, if it be proved that the works are being constructed outside of the conditions herein stipulated or fixed in the approved plan.

Suspension of construction.

Las obras se suspenderán a petición de cualquiera de los dos Gobiernos, si se comprueba que se están ejecutando fuera de las condiciones estipuladas o de las que establece el proyecto aprobado.

X.

X.

In the event there be presented private or national claims for the construction or maintenance of

Adjustment of claims.

En caso de presentarse reclamaciones privadas o nacionales por la construcción o conserva-

the rectified channel, or for causes connected with the works of rectification, each Government shall assume and adjust such claims as arise within its own territory.

ción del cauce rectificado, o por causas que tengan conexión con las obras de rectificación, cada Gobierno tomará a su cargo para su estimación y arreglo, las que se originen dentro de su propio territorio.

XI.

Maintenance of rectified channel.

The International Boundary Commission is charged hereafter with the maintenance and preservation of the rectified channel. To this end the Commission shall submit, for the approval of both Governments, the regulations that should be issued to make effective said maintenance.

XI.

Queda encomendada en lo futuro a la Comisión Internacional de Límites la conservación de la integridad del cauce rectificado, debiendo someter dicha Comisión, a este efecto, a la aprobación de ambos Gobiernos, los Reglamentos que deben expedirse para hacer efectiva esta conservación.

XII.

Exemption of materials, etc., from import duties.

Both Governments bind themselves to exempt from import duties all materials, implements, equipment, and supplies intended for the works, and passing from one country to the other.

XII.

Ambos Gobiernos se comprometen a eximir del pago de derechos de importación a los materiales, implementos, equipo y provisiones destinados a las obras, y transladados de un país a otro.

XIII.

Languages of Convention.

The present Convention is drawn up both in the English and Spanish languages.

XIII.

La presente Convención está redactada en cada una de las lenguas inglesa y española.

XIV.

Ratification.

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective laws, and the ratifications shall be exchanged in the City of Washington as soon as possible. This Convention will come into force from the date of the exchange of ratifications.

Effective date.

In witness whereof the Plenipotentiaries mentioned above have signed this Convention and have affixed their respective seals.

Done in duplicate at the City of Mexico this first day of February one thousand nine hundred and thirty-three.

XIV.

La presente Convención será ratificada por las Altas Partes Contratantes de acuerdo con sus leyes respectivas, canjeándose las ratificaciones en la ciudad de Washington tan pronto como sea posible. Esta Convención entrará en vigor desde la fecha del canje de ratificaciones.

En testimonio de lo cual los plenipotenciarios arriba mencionados han firmado esta Convención fijando sus sellos respectivos.

Hecho por duplicado en la ciudad de México al primer día del mes de febrero de mil novecientos treinta y tres.

Signatures.

[SEAL] J. REUBEN CLARK JR.

[SEAL] PUIG

ANNEXES

Minute 129 of the International Boundary Commission dated july 31 1930, and annexes thereto, referred to in article I of this Convention.

ANEXOS

Acta 129 de la Comisión Internacional de Límites de 31 de julio de 1930 e informe anexo a que se refiere el artículo I de esta Convención.

86637°—34—PT 2——22

Minute No. 129 of International Boundary Commission.

INTERNATIONAL BOUNDARY COMMISSION UNITED STATES AND MEXICO.

Mexico City
July 31, 1930.

MINUTE NO. 129.

Subject: Report on Rio Grande Rectification.

The Commission met in the conference room at the Department of Foreign Relations, Mexico City, at ten o'clock a.m. July 31, 1930, in accordance with Minute No. 128, to complete its action in reporting and recommending a plan for Rio Grande rectification.

(1) Each section of the International Boundary Commission has been requested by the Foreign Relations Department of its Government to study and develop an international plan for the removal of the flood menace of the Rio Grande from the El Paso-Juarez Valley. Studies and investigations have now reached the point where it is possible to report to the two Governments a definite plan with estimates of cost; and the following is the report of the International Boundary Commissioners, together with a joint report prepared by the consulting engineers and technical advisers. Minute No. 111 of the Joint Commission, dated December 21, 1928, outlined in a general way the necessities for international action and gave a general description of the areas involved, a preliminary summary of the proposed plan and recommended proceeding with the development of the final details of the plans and estimates. During the past few months a most important step taken by the Commission consisted in rendering decisions determining the national jurisdiction and dominion of a number of

COMISION INTERNACIONAL DE LIMITES ENTRE MEXICO Y LOS ESTADOS UNIDOS

México, D.F.
31 de julio de 1930.

ACTA NUMERO 129.

Asunto: Informe sobre Rectificación del Río Bravo.

La Comisión se reunió en la Sala de Conferencias de la Secretaría de Relaciones Exteriores en la Ciudad de México, a las 10 horas del día 31 de julio de 1930, de acuerdo con lo convenido en el Acta No. 128, para formalizar por medio de esta Acta su informe y recomendaciones a los dos Gobiernos sobre el proyecto de Rectificación del Río Bravo.

(1) Cada una de las Secciones de la Comisión Internacional de Límites ha recibido instrucciones de la Secretaría de Relaciones Exteriores de su respectivo Gobierno para estudiar y preparar un proyecto de carácter internacional a fin de conjurar el peligro de inundación por aguas del Río Bravo, que se cierne sobre el Valle de Juárez-El Paso. Los estudios y las investigaciones han llegado a un punto tal que permiten presentar a los dos Gobiernos un proyecto definido y un presupuesto de costos, y a continuación aparece el Informe de los Comisionados de la Comisión Internacional de Límites, acompañado de un informe común preparado por los Ingenieros Consultores y los Asesores Técnicos. En el Acta No. 111 de la Comisión Unida, de fecha 21 de Diciembre de 1928 se delineó, en términos generales, la necesidad de tomar medidas de carácter internacional y se hizo una descripción general de los terrenos afectados y un resumen preliminar del proyecto y se recomendó que se elaborara éste hasta sus detalles finales y costos. Durante los últimos meses la Comisión ha dado un

banco cases in the area under consideration.

(2) The plan prepared and developed by the Joint Commission is attached hereto as an exhibit to this minute. In transmitting it to the two Goverments[1] the Commissioners offer it as being both practical and feasible as an engineering and economic project. In general the plan consists of straightening the present river channel, effecting decrease in length from one hundred fifty-five (155) miles to eighty-eight (88) miles, and confining this channel between two parallel levees. In addition to this channel the plan includes the construction of a flood retention dam at the only available site, twenty-two (22) miles below Elephant Butte on the Rio Grande, creating reservoir storage of one hundred thousand (100,000) acre feet. Careful studies based on actual past flood performance show the advantage of reducing the flood flow reaching El Paso-Juarez by storage in the proposed reservoir. The reduction in flood flow thru the El Paso-Juarez Valley accomplished by such storage of flood waters effects a saving of a quarter of a million dollars in the works required thru the valley by decreasing the size of the channel and reducing the area required for right-of-way, and amount of yardage in levees.

(3) The meandering and uncontrolled Rio Grande below El Paso-Juarez has in recent years become a very serious menace to adjacent lands on both sides. Authorities of both countries have unsuccessfully attempted the protection of the improvements in the El Paso-Juarez Valley and the two cities. Considering the fu-

[1] So in original.

paso muy importante al dictar sus decisiones determinando el dominio y jurisdicción nacionales correspondientes a varios bancos en la zona de que se trata.

(2) El proyecto elaborado por la Comisión Unida va agregado como un anexo a la presente Acta, y al enviarlo a los dos Gobiernos, los Comisionados lo presentan como un proyecto viable y práctico desde los puntos de vista económico y de ingeniería. En términos generales, el proyecto consiste en enderezar el cauce actual del Río y disminuir su longitud de 247 kilómetros (155 millas) a 141 kilómetros (88 millas), y confinar este cauce entre dos diques paralelos. El proyecto comprende, además de este cauce, la construcción de una Presa de retención de avenidas en el único lugar adecuado, que queda sobre el Río Grande a 35 kilómetros (22 millas) abajo de la Presa del Elefante, para formar un vaso de almacenamiento de 123.350.000 metros cúbicos (100.000 acres pies). El estudio cuidadoso de las crecientes e inundaciones pasadas aconseja la conveniencia de disminuir el gasto de creciente que llegue a Juafez-El Paso mediante el almacenamiento que se propone. La reducción en el gasto de crecientes en el Valle de El Paso-Juárez que se obtiene mediante este almacenamiento se traduce en un ahorro de cerca de $250,000.00 dólares en las obras en el Valle, pues permite disminuir las dimensiones del cauce, la extensión necesaria para el derecho de vía y el volumen de terracerías de los diques.

(3) El Río Bravo, por la falta de control y por su carácter divagante abajo de Juárez-El Paso, ha llegado a constituir en los últimos años una seria amenaza para los terrenos ribereños en ambos lados. Las autoridades de ambos Países han tratado de proteger las mejoras materiales que existen en ambas ciudades y en el

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tility of providing adequate and proper protection on the present meandering river location, the two affected communities have expended the limit of a reasonable and justifiable amount in local flood protection works. A proper and sound plan for accomplishing desired results lies in a coordinated international project.

(4) Existing treaties provide for the center of the Rio Grande, except in isolated cases, being the International Boundary line. The present river channel, with excessive length, was produced by natural conditions which no longer exist. Increase in settlement, cultivation and values justify both Governments in considering means of removing the flood menace and providing an adequate flood channel.

(5) Actual field surveys were continued in the location on the ground of a rectified channel subject, of course, to some later slight modification, but generally sufficiently definite to permit estimates of right-of-way and construction costs. With office and field location of this channel line which generally follows and straightens the present meandering river, it has been possible to estimate acreages and values of the relatively small areas that would be detached from one country and attached to the other—so balanced in area that neither country would gain nor lose national territory.

(6) At the present time the bed of the Rio Grande between El Paso and Juarez is at a higher elevation than some of the streets and other properties of the two cities. Accumulations of sedi-

Valle, sin conseguirlo, y ambas comunidades han gastado una suma que consideran como el máximo razonable y justificado en obras de defensa de carácter local, pues reconocen la futilidad de pretender dar protección adecuada y completa siguiendo el actual cauce divagante del Río. Para alcanzar el resultado deseado la solución más adecuada requiere un programa coordinado de carácter internacional.

(4) De acuerdo con los Tratados en vigor, la Línea Divisoria Internacional es el centro del Río Bravo, con excepción de algunos casos aislados. La longitud excesiva del cauce actual del Río se produjo por condiciones naturales que ya no existen. Los aumentos en la población, en el cultivo y en el valor de la propiedad, justifican que ambos Gobiernos busquen los medios de conjurar el peligro de inundación y de crear un cauce adecuado para las crecientes.

(5) Se han continuado los trabajos en el campo para la localización sobre el terreno de un cauce rectificado que, como es natural, podrá ser modificada ligeramente, pero que en general está suficientemente definida para poder hacer estimaciones de costos de derecho de vía y de construcción. Estos trabajos de campo y de gabinete han tenido por objeto hacer una localización del cauce proyectado, que en general sigue y rectifica el actual cauce divagante del Río, y han permitido hacer estimaciones de las áreas y de los valores de las parcelas (relativamente pequeñas) que resultarán segregadas de un País y adheridas al otro. La localización se ha hecho de modo que sean iguales las áreas de las parcelas cortadas de cada País, a fin de que ninguno pierda ni gane territorio.

(6) En la actualidad el lecho del Río Bravo frente a las Ciudades de Juárez y El Paso está más alto que algunas de las calles y edificios de dichas poblaciones. La acumulación continua de

ment are continuing to aggravate this situation, and until proper grades and hydraulic conditions are introduced by artificial works, there are no means for carrying off these deposits which are encroaching upon the carrying capacity of the channel. The consensus of opinion of engineers who have studied the situation is that the correction lies in the plan proposed of straightening and confining the channel. One of the principal requirements to permit such artificial rectification is the equitable adjustment of the areas which would be necessarily detached from one side of the river and attached to the other in the straightening process. The plan evolved, of having each Government acquire the private titles to these equal areas for later exchange, provides a feasible solution. These areas to be acquired are generally seeped and waterlogged, and so shaped and situated as to be unsusceptible of proper irrigation and drainage.

(7) The benefits to be derived from the straightened and rectified channel plans are mutual to the two Governments in affording flood protection and in permitting cultivation, improvement and settlement of even larger areas adjoining the Rio Grande than are now possible under the meandering river conditions. It is of utmost importance that the Governments own and control the flood channel in order that private encroachments be definitely prevented and eliminated. Such ownership and control will also be of great assistance in the enforcement of national immigration and customs laws of both countries.

(8) In giving consideration to the determination of proper and justifiable proration of costs between the two countries, conditions other than gross and irrigated areas are necessarily in-

azolve sigue agravando la situación, y no es posible lograr el acarreo de estos depósitos que reducen notablemente la capacidad del cauce, sino hasta que se modifiquen las condiciones hidráulicas y las pendientes en forma adecuada, mediante obras arificiales. En opinión general de los Ingenieros que han estudiado el problema, la solución consiste en rectificar y canalizar el cauce, que es lo que se propone hacer. Uno de los requisitos principales para realizar esta rectificación artificial es el de hacer un ajuste equitativo sobre las parcelas que forzosamente tienen que segregarse de un lado del Río y pasarse al otro lado al hacer la rectificación. Esto se logra mediante la adquisición por cada Gobierno de los títulos de propiedad particular sobre los terrenos por segregar, que son iguales en extensión, y que se canjearán al hacer las obras. Estas parcelas son terrenos ensalitrados y pantanosos, y por su forma y situación no pueden regarse ni drenarse debidamente.

(7) Ambos Países se beneficiarán por las ventajas que resultarán al rectificar y canalizar el Río, pues así se defiende la región de las inundaciones, se aumentan las extensiones cultivadas, las mejoras materiales y las posibilidades de colonización en las orillas del Río, lo que no es posible en las actuales condiciones divagantes de la corriente. Es de capital importancia que los Gobiernos sean dueños del cauce mayor del Río y tengan control sobre él a fin de evitar definitivamente su obstrucción u ocupación por intereses privados. Siendo los Gobiernos dueños del cauce, se facilitará la vigilancia de la frontera y el cumplimiento de las leyes aduanales y de migración de ambos Países.

(8) Al analizar la forma de repartir los costos entre los dos Países en condiciones equitativas hay que tomar en cuenta forzosamente, además de las extensiones brutas de terrenos y de las ex-

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cluded. Economic features and values in the two countries are distinct and different. While the use of areas may be entirely proper in a distribution of costs for irrigation development, this unit of proration for an international flood control plan is unsuitable and produces serious irregularities. The Commission has taken into consideration the benefits that each country would receive according to the areas and their values to be protected rather than the benefits each would receive on the sole acreage basis. On the American side of the valley there are about fifty-three thousand (53,000) acres of land under the Rio Grande Federal Irrigation Project with water rights assured; the greater part of which is in full cultivation, and about seventeen thousand (17,000) acres in the lower portion of the valley below the project limits which are irrigated with project surplus water. The total irrigated area is seventy thousand (70,000) acres. This area is served with irrigation and drainage works, and first-class roads. Finance companies facilitate the financing of the production and distribution of agricultural products.

(9) On the Mexican side of the valley there are about thirty-five thousand (35,000) acres of land in cultivation, of which twenty thousand (20,000) acres have assured water rights under the Rio Grande Federal Irrigation Project, provided for by the Water Treaty of 1906. Practically no drainage works have been constructed and the irrigation works are largely insufficient. The productiveness of the lands on the Mexican side is under these circumstances much less than the corresponding lands on the north side of the river, and there are large areas with insignificant or no production. No

tensiones regadas, algunas otras circunstancias. Las condiciones económicas y el valor de la propiedad son muy diferentes en los dos Países. Si bien es cierto que en la distribución del costo de un sistema de irrigación sería adecuado tomar como base las extensiones de terreno, si se adoptara esta misma base para el reparto del costo del proyecto internacional de obras de defensa se llegaría a conclusiones injustificadas e inaceptables. La Comisión ha tomado en cuenta al estimar los beneficios que cada País recibiría no solamente la proporción entre las superficies de los terrenos protegidos en cada margen sino el verdadero valor de ellos. En el lado americano del Valle hay 21.200 hectáras (53.000 acres) con derechos de agua asegurados dentro del Sistema Federal de Irrigación "Río Grande", estando la mayor parte de esta extensión bajo cultivo; hay también 6.800 hectáras (17.000 acres) en la región inferior del Valle, y fuera de los límites del Sistema, que se riegan con las aguas sobrantes del mismo. El área total regada es de 28.000 hectáras (70.000 acres), que tienen obras de riego y de drenaje y caminos de primera clase. Existen además Compañías Refaccionarias que facilitan la producción agrícola y la distribución de los productos.

(9) En el lado mexicano del Valle hay aproximadamente 14.000 hectáras (35.000 acres) bajo cultivo, de las cuales 8.000 hectáras (20.000 acres) tienen derechos de agua seguros en el Sistema de Irrigación Federal "Río Grande", según el Tratado de Aguas de 1906. Prácticamente no existen obras de drenaje y las de riego son inadecuadas. En estas circunstancias, la productividad de las tierras del lado mexicano es muy inferior a la correspondiente a las tierras de la margen Norte del Río, y hay grandes extensiones en que la producción es prácticamente nula. No existen buenos caminos y las Compañías Refaccionadoras

major road improvements exist, and the finance companies organized to serve Mexican farmers are very limited in number and resources. The industrial plants and means for handling agricultural products are in very small proportion when compared with those in the valley in the United States.

(10) The estimated value of agricultural investments in the American part of the valley, according to figures assembled by the Bureau of Reclamation, including purchase of land and its preparation, farm improvements, equipment and live stock, is seventeen million dollars ($17.-000,000) or thirty-four million gold pesos. The value of agricultural improvements on the Mexican side as estimated by Engineer Salvador Arroyo, Chief of the Flood Protection Work, is five million four hundred thousand ($5,400,000) gold pesos. Comparing these agricultural values in one part of the valley with those in the other it is seen that the Mexican side represents thirteen per cent of the total and the American eighty-seven per cent. Valley lands on either side of the river without water rights and assured irrigation service have very nominal value as compared with the lands obtaining water service from project sources; a comparison of such areas on this basis results in twenty-seven per cent for Mexico and seventy-three per cent for the United States.

(11) As the cities and suburbs of El Paso and Juarez not only are included in the flood protection plan, but either directly or indirectly would receive a large part of the benefits of the rectification of the channel, the Commission has considered the proration of values which each city bears to the other and giving proper weights to various percentages, believes the justifiable proration to be twelve (12) per cent

organizadas para servir a los agricultores mexicanos son en número limitado y de escasos recursos. Las plantas industriales y los medios para la distribución de los productos agrícolas son inferiores a los que hay del lado de los Estados Unidos en este Valle.

(10) De acuerdo con los datos recopilados por el "Bureau of Reclamation", se estima en $17,-000.000.00 de dólares ($34.000.-000.00 de pesos oro nacional) el valor de las inversiones agrícolas en la parte americana del Valle, incluyendo precio de la tierra, su preparación, las mejoras materiales y edificios de los ranchos, los implementos y semovientes. El valor de las inversiones agrícolas en el lado mexicano es de $5.400.000 oro nacional según el avalúo hecho por el Ingeniero Salvador Arroyo, Jefe de la Comisión de Obras de Defensa contra Inundaciones. Si se comparan las inversiones agrícolas en un lado del Valle con las del otro, puede verse que el lado mexicano representa el 13% del total, y el lado americano el 87%. Los terrenos en cada lado del Río que no tienen derechos de agua asegurados ni servicio de riego permanente, tienen un valor insignificante comparados con los terrenos que se surten de agua del Sistema de Riego, y al comparar las extensiones correspondientes a terrenos de esta categoría, resulta el 27% de ellos en México y el 73% en los Estados Unidos.

(11) Puesto que las ciudades y los suburbios de Juárez y El Paso, además de quedar cubiertos por el Proyecto de Obras de Defensa contra las Inundaciones, reciben directa o indirectamente una gran parte de los beneficios de la rectificación del cauce, la Comisión ha tomado en cuenta los valores relativos de una y otra ciudad, y después de asignar a los varios porcentajes los pesos debidos, considera que el reparto equita-

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for Mexico and eighty-eight (88) per cent for the United States.

(12) With reference to the estimates (exhibit number five of the engineers' report) the grand total of six million one hundred six thousand five hundred dollars ($6.106,500) includes certain items in which the Commissioners concur as being non-proratable and properly and practically chargeable to each Government separately. These are: rights-of-way four hundred twelve thousand five hundred dollars ($412,-500), for purchase of private channel rights above Cordova seventy-five thousand dollars ($75,000), segregated tracts two hundred sixty-six thousand dollars ($266,000), changes in irrigation works two hundred twenty-five thousand dollars ($225,000). The total of these items, with twenty per cent overhead and contingencies is one million one hundred seventy-four thousand two hundred dollars ($1.174,200). This amount subtracted from the grand total leaves a proratable total of four million nine hundred thirty-two thousand three hundred dollars ($4,932.300). Using twelve per cent (12%) and eighty eight per cent (88%) as the basis of proration Mexico's share of the cost of the project would be five hundred ninety-one thousand eight hundred seventy-six dollars ($591,876) and that of the United States four million three hundred forty thousand four hundred twenty-four dollars ($4.340,424).

(13) On the basis that this report and the engineers' statement have been prepared and submitted with the view of generally straightening the present river location between the International Dam above El Paso-Juarez and the Box Canyon below Fort Quitman, the question of using the present river at Fabens or following the boundary route on the south of the San Elizario area is left for later determination. From the data

tivo de los costos puede hacerse a razón de 12% para México y 88% para los Estados Unidos.

(12) En cuanto al presupuesto contenido en el anexo No. 5 del informe de los Ingenieros, los Comisionados juzgan que del total de $6.106,500.00 dólares, algunos gastos no deben repartirse a "pro-rata", sino cargarse a cada Gobierno separadamente, por razones de conveniencia práctica. Estas partidas son: Derecho de vía $412,500.00 dólares; compra de propiedades particulares dentro del cauce del Río arriba de Córdova $75.000.00 dólares; terrenos segregados, $266.000.00 dólares y cambios en las obras de riego, $225.000.00 dólares. El total de estas partidas, aumentado en un 20% por gastos de administración e imprevistos, es de $1.174,200.00 dólares, que, deducido del gran total, arroja un total de $4.932,300.00 dólares que repartido en la proporción de 12% y de 88%, resulta que correspondería a México como participación en este proyecto, la cantidad de $591.876.00 dólares y a los Estados Unidos $4.340,424.00 dólares.

(13) Partiendo de la base de que el presente informe y el estudio de los Ingenieros se han preparado y se presentan con la idea de rectificar en general el cauce actual del Río entre la Presa Internacional arriba de Juárez-El Paso y el Cañón de Cajoncitos abajo de Fort Quitman, se ha dejado para decidirse en el futuro la elección entre los dos trazos en la Isla de San Elizario, es decir, si debe seguirse el cauce actual del Río que pasa por Fabens o si debe llevarse por

at hand, apparently there is argument in favor of both routes. Following either the present river or the boundary line route requires adjustment of detached areas, and the proposed channel below this section can be so located as to compensate for any inequalities of such areas.

(14) The following are the recommendations of the Commission:

(a) The Commissioners recommend that the two Governments approve the plan for river rectification as outlined in the attached engineering report, including the feature of the flood retention dam, the general straightening of the present river location and the establishment of a flood channel which generally will follow and straighten the present river from International Dam to the Box Canyon below Fort Quitman.

(b) That both countries in view of the serious situation proceed to an agreement, without delay, which will carry into effect the engineering and construction features as outlined in the attached report.

(c) That the International Boundary Commission be authorized to prepare detail plans, and to direct and supervise the construction and all other engineering operations, utilizing such established governmental agencies as each government may deem proper.

(d) That each section of the International Boundary Commission be authorized to acquire for its country the necessary rights-of-way and detached areas located within its territorial limits, thru the proper governmental agencies.

el actual Límite Internacional al Sur de la Isla. Con los datos de que se dispone hay razones en apoyo de cada uno de los trazos. Ya sea que se siga el trazo por el cauce actual del Río o el trazo por el Límite Internacional, es requisito esencial que se igual en las áreas segregadas, y con este objeto puede desalojarse el trazo proyectado abajo de la Isla de manera que haya compensación en dichas áreas.

(14) RECOMENDACIONES.—A continuación constan las recomendaciones de la Comisión:

(a).–Los Comisionados recomiendan que los dos Gobiernos aprueben el proyecto de Rectificación del Río descrito en el informe de los Ingenieros que se acompaña, y que comprende la construcción de una Presa de retención, la rectificación general del cauce actual del Río y la creación de un cauce mayor o de avenidas que, en general, siga y rectifique el Río actual desde la Presa Internacional hasta el Cañón de Cajoncitos abajo de Fort Quitman.

(b).–Que en vista de la seriedad de la situación, ambos países celebren sin demora un arreglo para ejecutar el proyecto de ingeniería y de construcción descrito en el informe adjunto.

(c).–Que se autorice a la Comisión Internacional de Límites para preparar los planos de detalle, y para dirigir e inspeccionar la construcción y todas las otras operaciones de ingeniería, utilizando las dependencias que cada Gobierno juzgue adecuadas.

(d).–Que se autorice a cada una de las Secciones de la Comisión Internacional de Límites para que, por los conductos debidos, adquiera dentro de su propio territorio y a nombre de su País los terrenos necesarios para el derecho de vía y porciones segregadas.

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(e) That agreement between the two Governments provide for the exchange of one-half of the area required for right-of-way and the total area of detached tracts of each country.

(f) That the total proratable cost of four million nine hundred thirty two thousand three hundred dollars ($4.932,300) be divided between Mexico and the United States on the basis of twelve per cent (12%) and eighty-eight per cent (88%) respectively, and that each Government provide annually such required appropriations as will complete the work in four or five years.

(g) That the agreement between the two countries provide for the jurisdiction of the International Boundary Commission over all matters concerning the rectified channel.

(h) That this Commission be authorized to adopt such rules and regulations as it may deem necessary to the end that the preservation of the rectified channel may be perpetuated.

(i) That each country hold the other immune from all private or national claims arising from the construction and maintenance of the rectified channel or any other cause whatsoever in connection with this project.

Respectfully submitted.

The Commission adjourned to meet again at the call of either of the Commissioners.

(Sgd.) L. M. LAWSON
Commissioner for the United States.

(Sgd.) GUSTAVO P. SERRANO
Commissioner for Mexico.

(Sgd.) MERVIN B. MOORE
Acting Secretary of the United States Section.

(Sgd.) JOSÉ HERNÁNDEZ OJEDA.
Secretary of the Mexican Section.

(e).—Que el arreglo entre los dos Gobiernos estipule el canje entre los dos Países de la mitad del terreno ocupado por el derecho de vía y el de la totalidad de las parcelas segregadas de cada País.

(f).—Que el costo por repartir a "prorata" del proyecto, que es en total de $4.932,300.00 dólares se distribuya entre México y los Estados Unidos en la proporción de doce por ciento y ochenta y ocho por ciento respectivamente, y que cada Gobierno proporcione cada año fondos suficientes para completar los trabajos en cuatro o cinco años.

(g).—Que el arreglo entre los dos Países otorgue jurisdicción a la Comisión Internacional de Límites sobre todos los asuntos relativos al cauce rectificado.

(h).—Que la Comisión quede autorizada para promulgar reglas y reglamentos adecuados y necesarios para la conservación a perpetuidad del cauce rectificado.

(i).—Que cada País otorgue indemnidad al otro contra toda reclamación privada o nacional que pueda resultar por la construcción y conservación del cauce rectificado, o por cualesquiera otras causas relacionadas con este proyecto.

Con todo respeto.

Se levantó la sesión para volver a reunirse a llamado de cualquiera de los Comisionados.

(F) GUSTAVO P. SERRANO.
Comisionado de México.

(F) L. M. LAWSON.
Comisionado de los Estados Unidos.

(F) JOSÉ HERNÁNDEZ OJEDA.
Secretario de la Sección Mexicana.

(F) MERVIN B. MOORE.
Secretario Auxiliar de la Sección de los Estados Unidos.

JOINT REPORT OF CONSULTING ENGINEERS RIO GRANDE RECTIFICATION EL PASO-JUAREZ VALLEY.

Mexico, D.F.
July 16, 1930.

I.–INTRODUCTION.

1.–*Outline of Proposed Plan.*

(a) It is proposed to reduce materially the flood flow at El Paso-Juarez by the construction of a detention dam with a one hundred thousand (100,000) acre foot–(123,350,000 cubic meter) reservoir at Caballo, and to control this flood flow thru the El Paso-Juarez Valley in a shortened channel by the construction of parallel levees. The proposed artificial channel will follow and rectify, in a general way, the present river from Land Monument Number One to the Box Canyon below Fort Quitman, and is so located as to segregate the same area from each country.

(b) The general engineering features of the project involve: the reduction of river length from one hundred fifty-five (155) miles (247 kilometers) to eighty-eight (88) miles (141 kilometers); the establishment between levees of a floodway five hundred ninety (590) feet (180 meters) wide with a capacity of eleven thousand (11,000) second feet (314 cubic meters per second); and the increasing of the gradient from a slope of .00035 (1.82 feet per mile) to a slope of .00061 (3.20 feet per mile). The levees require the placement of eight million nine hundred eighty-five thousand (8,985,000) cubic yards (6,870,000 cubic meters) of earth, their average height being 7.5 feet (2.25 meters). Four million seven hundred seventy-five thousand (4,775,000) cubic yards (3,650,000 cubic meters) of earth

INFORME COMUN DE LOS INGENIEROS CONSULTORES SOBRE EL PROYECTO DE RECTIFICACION DEL RIO BRAVO, EN EL VALLE DE JUAREZ-EL PASO.

México, D.F.,
Julio 16 de 1930.

I.–INTRODUCCION.

1.–*BOSQUEJO DEL PLAN PROPUESTO.*

(a) Se propone disminuir de manera considerable el gasto de inundación en el Valle de Juafez-El Paso, construyendo al efecto una presa de retención de avenidas, con un vaso de 123.350,000 metros cúbicos (100,000 acres pies) de capacidad en Caballo, y confinar este gasto de crecientes a través del Valle de Juafez-El Paso en un cauce artificial, por medio de la construcción de diques paralelos. El cauce artificial en proyecto seguirá y rectificará, de manera general, el cauce actual del Río desde el monumento Número 1 de la línea divisoria terrestre hasta el cañón de Cajoncitos abajo de Fort Quitman y quedará localizado de manerá de segregar la misma área de cada uno de los dos países.

(b) Las principales características técnicas de este proyecto son: la reducción de la longitud del Río de 247 kilómetros (155 millas) a 141 kilómetros (88 millas); la formación de un cauce de crecientes de 180 metros de ancho (590 pies) con capacidad para 314 metros cúbicos (11.000 pies cúbicos) por segundo, mediante la construcción de diques paralelos; el incremento de la pendiente del Río de 0.00035 (1.82 pies por milla) a 0.00061 (3.20 pies por milla). La formación de los diques requiere la colocación de 6.870.000 metros cúbicos (8.985.000 yardas cúbicas) de tierra, siendo su altura media de 2.25 metros (7.5 pies). La formación del cauce artificial exige la exacavación de 3.650,000 metros cúbicos (4.775,000 yardas cúbicas) de tierra. Para el derecho de vía de este cauce, son necesarias

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are required to be excavated to provide artificial channel. The areas required for right-of-way for this channel are four thousand seventy-five (4,075) acres (1650 hectares) from the United States and also four thousand seventy-five (4,075) acres (1650 hectares) from Mexico.

(c) The tentative proposed location of the rectified channel segregates three thousand four hundred sixty (3460) acres (1400 hectares) from the United States and also three thousand four hundred sixty (3460) acres (1400 hectares) from Mexico.

(d) The estimated cost of the project, including Caballo Dam, is about six million (6,000,000) dollars.

(e) This project will eliminate the flood menace throughout the El Paso-Juarez Valley in both the United States and Mexico, will prevent channel changes and detachment of areas from one country to the other, and will permit the reclaiming of low-lying areas.

2.–*Present Conditions.*

(a) The Rio Grande forms generally the International Boundary between the United States and Mexico from Land Monument Number One to the Box Canyon below Fort Quitman in the El Paso-Juarez Valley, and is a meandering stream subject to changes, creating detached areas from one country to the other.

(b) The gross area of valley land in both the The United States and Mexico, between El Paso-Juarez and the Box Canyon, is one hundred sixty-five thousand (165,000) acres (66,000 hectares) of which ninety six thousand (96,000) acres (38,400 hectares) are in the United States and sixty-nine thousand (69,000) acres (27,600 hectares are in Mexico. Estimated values existing in the cities of El Paso and Juarez and their valleys, including irrigation and drainage works and improved roads, are in excess of one hundred million dollars ($100,000,000).

1650 hectáras (4075 acres) en México y 1650 hectaras (4075) cuatro mil setenta y cinco acres en Estados Unidos.

(c) La localización proyectada para el cauce rectificado corta 1400 hectáras (3.460 acres) de México y también 1400 hectáras (3460 acres) de Estados Unidos.

(d) El costo del proyecto, incluyendo la presa en Caballo, es aproximadamente de Dls. 6.000.000.00.

(e) Este proyecto suprimirá la amenaza de inundaciones en el Valle de Juárez-El Paso, tanto en México como en Estados Unidos; evitará cambios de cauce y segregación de terrenos de un país al otro; y permitirá ganar para el cultivo muchas de las tierras bajas ribereñas.

2.–*Condiciones Actuales.*

(a) El Río Bravo (Grande) forma, en general, el Límite Internacional entre México y los Estados Unidos desde el monumento Número 1 al Cañón de Cajoncitos abajo de Fort Quitman en el Valle de Juárez-El Paso; es una corriente divagante cuyos cambios de cauce segregan terre nos de un país a otro.

(b) El área total de terrenos en las vegas, tanto en México como en Estados Unidos, entre Juárez-El Paso y el Cañón de Cajoncitos es de 66,000 hectáras (165,000 acres), de las cuales 38,400 hectáras (96,000 acres) están en Estados Unidos y 27,600 hectáras (69,000 acres) están en México. El valor en que se estiman las ciudades de Juárez y El Paso y sus Valles, incluyendo las obras de riego, de drenaje y caminos, excede de Dls. 100.000.000.00.

(c) Notwithstanding tha [1] fact that the present total amount of sediment annually carried thru this valley by the Rio Grande is only a very small percentage of that carried previous to the construction of the Elephant Butte Dam, the absence of the former large scouring floods has resulted in the silting up of the river channel to a point where rainfall discharges from arroyos entering the river between Elephant Butte and El Paso-Juarez menace the improved and developed properties of both cities and valley lands. Only large floods of destructive proportions are capable of eroding accumulations of sediment as they now occur in the meandering channel.

(d) The Mexican Department of Communications and Public Works and the city and county of El Paso have expended in the last few years over seven hundred fifty thousand dollars ($750,000) to protect the cities of El Paso-Juarez and the Valley lands from floods. These works consist largely of levees built along the banks of the meandering channel, and require constant strengthening and repair on account of the raising of the river bed. A more substantial and effective plan must be adopted to secure permanent and efficient protection.

II.–DETAIL REPORT.

Since the joint preliminary report, dated December 1928, was submitted to the Commission, location surveys covering the entire lenght [1] of river from the cities of El Paso and Juarez to Quitman Canyon have been completed. These surveys have furnished additional data, and form in a large measure the basis for the report which follows.

[1] So in original.

(c) A pesar de que la cantidad total de sedimento que al año acarrea actualmente el Río Bravo en este Valle, es sólo un tanto por ciento pequeño de la que acarreaba antes de la construcción de la Presa del Elefante, la carencia de fuertes crecientes de carácter erosivo ha determinado el depósito de sedimentos en el cauce del Río a un grado tal que las avenidas producidas por las lluvias en las cuencas de los arroyos que desembocan en el Río entre la Presa del Elefante y Juárez-El Paso, constituyen una amenaza para ambas ciudades, así como para las mejoras y terrenos en ambas márgenes. La erosión y arrastre de los sedimentos acumulados actualmente en el cauce divagante del Río, es posible solamente por grandes crecientes de carácter destructivo.

(d) Tanto la Secretaría de Comunicaciones y Obras Públicas de México como la Ciudad y el Condado de El Paso, han gastado en unos cuantos años más de Dls. 750.000.00 para proteger contra inundaciones las ciudades de Juárez y El Paso, así como sus respectivos Valles. Estas obras de protección consisten en su mayor parte de diques construidos siguiendo las márgenes del cauce divagante, los cuales deben ser continuamente reforzados y reparados como consecuencia del ascenso del cauce del Río; siendo necesario adoptar un programa de trabajos coordinado y eficaz a fin de lograr una protección efectiva y permanente.

II.–INFORME DETALLADO.

Después de que fué sometido a la Comisión el informe preliminar unido fechado en diciembre de 1928, se han efectuado los trabajos de localización del tramo del Río comprendido entre las Ciudades de Juárez-El Paso y el Cañón de Cajoncitos. Estos trabajos han proporcionado datos topográficos adicionales que, en gran parte, sirven de base al presente informe.

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1.—DESCRIPTION.

(a) The Rio Grande is a sediment bearing stream and as such is constantly building up its bed, and would from this cause, in time of flood, change its channel to a lower location where it would again start building up its bed and repeat. the cycle at some future flood stage. This phase of changing channel has been largely prevented thru El Paso-Juarez Valley by the construction of artificial works, such as railroad and road grades, canal and drain banks, and in late years, levees. Under these conditions the river bed has been continuously elevated. The Elephant Butte Dam was completed in the year 1916, and as a result of its function of providing an irrigation supply during years of low run-off, it stores the floods, which previous to its construction had passed on down the river. The action of these floods was to scour out the river channel, partly by carrying deposits on thru the valleys and partly by making deposits upon the valley floor whenever bank overflow stage was reached. The absence, since the completion of Elephant Butte Dam, of large scouring floods has changed the characteristics of the river channel thru the El Paso-Juarez Valley. Although large floods have been controlled behind the Elephant Butte Dam, smaller floods from the run-off area lying between Elephant Butte and El Paso-Juarez are of annual occurrence. These usually occur during the rainy season, that is, in August and September, and are generally flashy in character, the peak lasting only a few hours, and would pass harmlessly thru the valley were it not for the elevated bed.

1.—DESCRIPCION.

(a) El Río Bravo (Grande), es una corriente de carácter sedimentario y por lo tanto sobre-eleva continuamente su lecho, lo que da lugar a que en épocas de crecientes cambie de cauce pasando a localizaciones más bajas, donde vuelve a sobre-elevar su lecho, repitiéndose indefinidamente este proceso. Esta fase de cambios de cauce, ha sido en gran parte prevenida, a través del Valle de Juárez-El Paso, por la construcción de obras artificiales como terraplenes de ferrocarriles y de caminos, bordos de canales de riego y drenaje y, en los últimos años, diques de protección contra inundaciones. En estas circunstancias el lecho del Río ha continuado sobre-elevándose. La Presa del Elefante terminada el año de 1916, al llenar su objeto, que consiste en asegurar una dotación permanente para el riego de terrenos durante los años de poca precipitación, almacena las crecientes que, antes de su construcción, pasaban Río abajo. El efecto de estas crecientes era socavar el cauce del Río, arrastrando parte de los azolves y depositando otra parte sobre los terrenos adyacentes al desbordarse la corriente. La carencia de fuertes crecientes erosivas después de la terminación de la Presa del Elefante, marcó el cambio del régimen de la corriente en el Valle de Juárez-El Paso. A pesar de que las grandes avenidas se almacenan en el vaso del Elefante, anualmente ocurren crecientes más pequeñas que provienen de la cuenca tributaria del Río entre el Elefante y Juárez-El Paso. Estas últimas crecientes se presentan durante la estación de lluvias, generalmente en los meses de agosto y septiembre; son repentinas y de poca duración y pasarían a través del Valle sin causar daños si no fuese por la posición elevada del cauce del Río con respecto a los terrenos adyacentes.

(b) With the first release of clear water from Elephant Butte, a limited scouring of the river channel began immediately below the dam. The clear water picked up the finer particles of silt and sand and carried them downstream. This effect has reached some forty miles (64 kilometers) below Elephant Butte, and might eventually reach El Paso-Juarez and degrade the river thru the El Paso-Juarez Valley, were it not for the annual increment of sand, gravel and silt brought into the river channel from the many side arroyos which debouch into the stream along its course between the dam and El Paso-Juarez. Even this annual increment of sand might be carried on were it not for the need of diverting the flow onto lands for irrigation. Three diversions are made above El Paso, one each at Percha, the Leasburg, and the Mesilla Dams. The main diversions in the El Paso Valley are at the International Dam, where lands of both countries are served, and at the Riverside and Tornillo headings, where supplementary diversions to American lands are made. At each of these diversions sand skimming and canal sluicing devices are used so that a great percentage of the sand and silt is returned to the river bed, while a great percentage of the water is diverted for the irrigation of the lands. This process continuously returns the sand to the river bed while also continuously depleting the volume, and hence the carrying capacity.

(b) Al salir por primera vez de la Presa del Elefante una corriente de agua limpia se inició una socavación restringida del cauce del Río inmediatamente abajo de la Presa. El agua limpia arrastró consigo las partículas más finas de arena y sedimento. Este efecto se ha hecho sentir aproximadamente hasta a 64 kilómetros (40 millas) abajo de la Presa del Elefante y quizás hubiera llegado hasta Juárez y socavado el Río a través del Valle de Juárez-El Paso, si no fuese por el incremento anual de arena, grava y sedimento descargado en el Río por los numerosos arroyos que desembocan en el tramo de su recorrido entre el Elefante y Juárez-El Paso. Quizás hubiese sido posible el acarreo de este incremento de arena, si no existiese la necesidad de derivar para riego una parte del gasto de estiaje. Aguas arriba de El Paso se hacen tres derivaciones, en cada una de las Presas de Percha, Leasburg y Mesilla. Las principales derivaciones en el Valle de Juárez-El Paso, se hacen: en la Presa Internacional, para regar terrenos en ambos países; y en las bocatomas de los canales Riverside y Tornillo para completar el riego de terrenos en Territorio Americano. En las obras de toma de los canales, en cada una de estas derivaciones, se usan dispositivos para desarenarlas y limpiarlas volviéndose al Río una gran parte de la arena y limo depositados en ellas, a la vez que un volumen considerable de agua se deriva para riego de terrenos. Este proceso continuamente devuelve la arena al lecho del Río y disminuye continuamente el gasto de estiaje y, por lo tanto, la capacidad de transporte de la corriente.

2.—CABALLO DAM AND RESERVOIR

(a) The uncontrolled drainage areas which lie between Elephant Butte and El Paso-Juarez total about eight thousand (8,000) square miles (20,700 square kilometers). Large parts of this area

2.—PRESA Y VASO DE CABALLO.

(a) La superficie no controlada de la cuenca del Río entre el Elefante y Juárez-El Paso, tiene aproximadamente 20.700 kilómetros cuadrados (8.000 millas cuadradas). Una gran parte de

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have dead drainage with no direct outlet into the Rio Grande. About two thousand three hundred (2300) square miles (6,000 square kilometers) drain directly into the river, of which some one thousand two hundred (1200) square miles (3100 square kilometers) are above and would be controlled by a dam constructed at the Caballo site.

(b) This damsite is located in Sierra County, New Mexico on the Rio Grande about twenty-two (22) miles (35 kilometers) below Elephant Butte Dam. Studies of the Caballo Dam and the resulting reservoir have been made by the Bureau of Reclamation, Department of the Interior, United States Government, in conjunction with the proposed water power development at Elephant Butte. These studies were begun in the year 1924 and included the surveying of the site, the testing of the foundation, the design and cost estimates of structures of various heights, and the effect on water supply and flood control. Two reports were written by the United States Bureau of Reclamation engineers, covering this dam and related features, one dated December 15, 1924, and the other April 1925.

3.—RIVER DISCHARGE AT EL PASO-JUAREZ

(a) Floods at El Paso-Juarez occurring since the completion of Elephant Butte Dam have been built up from the run-off of the area between Elephant Butte and El Paso-Juarez, supplemented by the concurrent irrigation discharge from the reservoir. There is a possibility that such floods would be increased at such times when the reservoir was full and water passing over the spillway.

esta área la forman cuencas cerradas que carecen de salida directa al Río Bravo (Grande).—De los 6000 kilómetros cuadrados (2300 millas cuadradas) que aproximadamente son tributarios directos del Río, 3.100 kilómetros cuadrados (1.200 millas cuadradas), quedan arriba del lugar denominado Caballo y el escurrimiento de esta última área podría controlarse por una presa que se construyera en dicho sitio.

(b) La boquilla de "Caballo" está en el Río Grande, en el Condado de Sierra, del Estado de Nuevo México, aproximadamente a 35 kilómetros (22 millas) abajo de la Presa del Elefante. Como parte del estudio del proyecto de desarrollo de fuerza motriz en la Presa del Elefante, el "Bureau of Reclamation", dependiente del Departamento del Interior de los Estados Unidos, hizo los estudios de la Presa y Vaso de Caballo. Estos estudios se iniciaron el año de 1924 e incluyeron los trabajos de topografía del vaso, los experimentos del terreno de cimentación, y proyectos y presupuestos para estructuras de diversas alturas, considerando sus efectos sobre el abastecimiento de agua y retención de la misma para fines de protección contra inundaciones. Los Ingenieros de la Oficina del "Reclamation" prepararon dos informes acerca del proyecto de esta Presa, fechados, uno el 15 de diciembre de 1924 y el otro en abril de 1925.

3.—GASTOS DEL RIO EN JUAREZ-EL PASO

(a) Las crecientes que han pasado enfrente de Juárez-El paso, después de la construcción de la Presa del Elefante, han provenido de precipitaciones en la cuenca tributaria del Río Grande entre el Elefante y El Paso, que se han sumado a la dotación para riego que proviene del vaso del Elefante. Estas crecientes hubieran sido mayores si el receptáculo se hubiera encontrado lleno y el agua estuviera derramándose por el Vertedor de Demasías.

4.—PROBABLE SPILL AT ELEPHANT BUTTE DAM.

(a) An estimate of the probable spill at Elephant Butte Dam has been made from a study of the spills as shown in the report of the Denver office of the Bureau of Reclamation, dated March 10, 1928 and entitled "Review of Quinton, Code and Hill Reports on Elephant Butte Power Development of July 2, 1927 and September 30, 1927". This review sets up the following assumptions:

1.—Irrigation storage is to be carried to elevation 4401, leaving six feet (1.83 meters), or the elevation 4407, for flood control storage. This six feet (1.83 meters) will store two hundred thirty-nine thousand (239,000) acre feet (294.806,000 cubic meters). Additional flood control storage of about one hundred thousand (100,000) acre feet (123.350,000 cubic meters) is available to elevation 4410, at which height a discharge of about four thousand five hundred (4,500) second feet (128 cubic meters per second) will be passing over the spillway crest.

2.—Irrigation demand is to be limited to seven hundred thousand (700,000) acre feet (863.450.000 cubic meters) annually when on June 30th of any year the reservoir content is less than one million five hundred thousand (1.500,000) acre feet (1.850,250,000 cubic meters). Irrigation demand is to be limited to seven hundred eighty-seven thousand (787,000) acre feet (970.764,000 cubic meters) annually when on June 30th of any year the reservoir content is more than one million five hundred thousand (1.500,000) acre feet (1.850,250,000 cubic meters).

3.—Reservoir capacity depletion thru silt deposit is at the average rate of twenty thousand (20,000) acre feet (26.670,000 cubic meters) per year.

4.—PROBABLES DEMASIAS DE LA PRESA DEL ELEFANTE.

(a) En un estudio hecho por la Oficina de Denver del "Bureau of Reclamation" fechado el 10 de marzo de 1928 y titulado "Review of Quinton, Code and Hill Reports on Elephant Power Development of July 2, 1927 and September 30, 1927" se hace la estimación de las probables Demasías de la Presa del Elefante. Este estudio establece los siguientes supuestos:

1.—El almacenamiento para riego debe limitarse hasta la cota 4401, dejando 1.83 Mts. (6 pies), o hasta la cota 4407, para almacenamiento de protección contra inundaciones. En esta altura de 1.83 Mts. (6 pies) se almacenará un volumen de 294.806,000 metros cúbicos (239,000 acres pies). Puede obtenerse un almacenamiento adicional para protección contra inundaciones con volumen aproximado de 123.350,000 metros cúbicos (100,000 acres pies) hasta la cota 4410, altura a la cual escurrirá sobre la Cresta del Vertedor de Demasías un gasto de 128 metros cúbicos por segundo (4500 pies cúbicos por segundo).

2.—El volumen necesario para cubrir las necesidades del riego debe limitarse a 863.450,000 metros cúbicos (700,000 acres pies) anualmente, cuando el contenido del receptáculo el 30 de junio de un año cualquiera sea menor de 1.850,250,000 metros cúbicos, (1.500,000 acres pies). El volumen para riego debe limitarse a 970.764,000 metros cúbicos (787,000 acres pies) anuales, cuando el contenido del receptáculo el 30 de junio de un año cualquiera, exceda de 1.850.250,000 metros cúbicos (1.500,000 acres pies).

3.—La diminución de la capacidad del vaso por azolve se estima a razón de 24.670,000 metros cúbicos (20,000 acres pies) al año.

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4.–San Marcial, New Mexico inflow records are corrected for changed conditions above.

5.–The cycle of inflow, with the corrections, will repeat using the year 1898 as equal to 1930; the reservoir was full on January 1, 1898, and the irrigation storage capacity had been depleted by silt inflow to two million one hundred thousand (2.100,000) acre feet, (2.580,350,000 cubic meters) on that date.

(b) These assumed conditions required the theoretical use of flood storage in the years 1930, 1937, 1944, 1948, 1953, 1954, and 1956, with the maximum requirements coming in 1956. If a flow of four thousand five hundred (4500) second feet (128 cubic meters per second) was started in 1956 at the time the water reached elevation 4401 or the limit of irrigation storage a flow over the spillway of 4500 second feet (128 cubic meters) would have been just reached at the end of the flood. This condition occurs but once in the assumed cycle of thirty years and spill has not been necessary during the fifteen years of actual reservoir operation 1915–1930. Therefore, it seems safe to assume that the probable spill from Elephant Butte Dam will not at any time be more than six thousand (6,000) second feet (171 cubic meters per second).

4.–Los registros de gastos de entrada en San Marcial, Nuevo México, han sido corregidos de acuerdo con el cambio de las condiciones arriba de este punto.

5.–El ciclo de gasto de entrada, con sus correciones, se repetirá considerando el año de 1898 igual al de 1930; considerando el vaso lleno en el primero de enero de 1898, y su capacidad de almacenamiento en esa fecha, reducida por causa del azolve, a 2.580.350,-000 metros cúbicos (2.100,000 acres pies).

(b) Estas condiciones que se han supuesto, exigieron el uso teórico del almacenamiento de protección contra inundaciones, en los años de 1930, 1937, 1944, 1948, 1953, 1954 y 1956, correspondiendo las exigencias máximas al año de 1956. En este año de 1956 el máximo de demasías al final de una creciente cualquiera no excederá de 128 metros cúbicos (4500 pies cúbicos) por segundo, siempre que desde que el almacenamiento para riegos llegue a su altura máxima, cota 4401, se deje salir por las compuertas de la Presa un gasto de 128 metros cúbicos (4500 pies) por segundo y éste se regule hasta suprimirlo cuando el derrame por el vertedor de demasías llegue a su máximo de 128 metros cúbicos (4.500 pies) cúbicos por segundo. Esto no ocurre sino una vez en el ciclo de 30 años considerado; y durante los 15 años de funcionamiento del vaso, de 1915 a 1930, no ha habido derrames por el vertedor de demasías. En consecuencia, se cree quedar del lado de la seguridad, suponiendo un gasto probable de Demasías de la Presa del Elefante de 170 metros cúbicos (6.000 pies cúbicos) por segundo.

5.–PROBABLE FLOODS AT EL PASO-JUAREZ.

(a) The largest flood at El Paso-Juarez since the building of Elephant Butte Dam occured[1] on September 1, 1925 when a peak of thirteen thousand five hundred

5.–GASTO PROBABLE DE CRECIENTES FRENTE DE JUAREZ-EL PASO.

(a) La mayor creciente frente a Juárez-El Paso, después de la construcción de la Presa del Elefante, se presentó el 1o. de Septiembre de 1925, habiendo alcan-

[1] So in original.

(13,500) second feet (382 cubic meters per second) passed the gaging station at Courchesne. This flood resulted from heavy rainfall in the Black Range between Elephant Butte and Leasburg, on top of a flow of two thousand (2000) second feet (57 cubic meters per second) already released from the reservoir. If a spill of six thousand (6000) second feet (170 cubic meters per second) was occuring[1] at the time of this flood, a peak of about eighteen thousand (18,000) second feet (510 cubic meters per second) would have occurred at El Paso-Juarez. If the Caballo Dam and reservoir had been available at the time of this flood, and if the six thousand (6000) second feet (170 cubic meters per second of spill was occurring at Elephant Butte, prior information of rain on the tributaries would have permitted the closing of the Caballo gates before the flow of the tributaries could have reached the Rio Grande, and the resulting peak at El Paso-Juarez could have been reduced to between ten thousand (10,000) and eleven thousand (11,000) second feet (283 and 314 cubic meters per second). The Caballo reservoir, by controlling one-half of the direct drainage area, and by acting as a temporary check on the spills from Elephant Butte Dam will reduce by almost one-half the probable peak at El Paso-Juarez.

6.—DRAINAGE AREA IN EL PASO-JUAREZ VALLEY.

At El Paso-Juarez

(a) The Arroyo Colorado empties into the river immediately above the city of Juarez, Chihuahua, Mexico. This arroyo has been estimated to have had a peak flood of some three thousand (3,000) second feet (85 cubic

[1] So in original.

zado un gasto máximo de 382 metros cúbicos (13.500 pies cúbicos) por segundo en la Estación de Aforos de Courchesne. Esta creciente fué el resultado de fuertes precipitaciones en la región de "Black Range" entre el Elefante y Leasburg que llegaron al Río cuando éste llevaba un gasto de 57 metros cúbicos (2000 pies cúbicos) por segundo que habían salido del vaso del Elefante. Si al llegar esta creciente hubiese estado pasando por el vertedor de demasías de la Presa un gasto de 170 metros cúbicos (6.000 pies cúbicos) por segundo, la creciente frente a Juárez-El Paso habría llegado a un máximo de 510 metros cúbicos (18.000 pies cúbicos) por segundo. Si en la época de esta creciente hubieran existido la presa y el vaso de Caballo, y si a la vez hubiesen estado derramando los 170 metros cúbicos (6.000 pies cúbicos) por segundo de Demasías de la Presa del Elefante, el aviso previo de lluvias sobre los arroyos tributarios, habría permitido cerrar las compuertas en Caballo antes de que la creciente de los arroyos llegara al Río Grande; lo que habría permitido reducir el máximo de creciente en Juárez-El Paso hasta un gasto entre 283 y 314 metros cúbicos (10.000 y 11.000 pies cúbicos) por segundo. Como el vaso de Caballo controlará la mitad del área directamente tributaria del Río Grande abajo del Elefante, al retener temporalmente el volumen de Demasías de dicha Presa del Elefante, reducirá casi a la mitad el máximo de crecientes frente a Juárez-El Paso.

6.—AREA TRIBUTARIA DEL RIO EN EL VALLE DE JUAREZ-EL PASO.

(a) *Frente a Juárez-El Paso.*

El Arroyo Colorado desemboca en el Río inmediatamente arriba de Ciudad Juárez, Chihuahua, México. Se considera que las crecientes de este arroyo han llegado a 85 metros cúbicos (3.000 pies cúbicos) por segundo. Hay

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meters per second). Other smaller arroyos empty into the river directly above the International Dam. Their drainage areas are small, and their discharge, together with that of the Arroyo Colorado, cannot increase the peak floods in the Rio Grande except in the improbable event of their occurrence simultaneously with the peak flow past El Paso-Juarez. Additional freeboard has been allowed in the design to take care of this improbable occurrence.

Below El Paso-Juarez

(b) Practically no direct discharge of side drainage occurs below El Paso-Juarez until the Arroyo Alamo in Hudspeth County is reached. Below this point three large arroyos and many small ones empty directly into the river. The total drainage area on the American side between the Arroyo Alamo and Quitman Canyon is six hundred eighty (680) square miles (1760 square kilometers), of which four hundred ninety (490) square miles (1270 square kilometers) have direct discharge into the river and one hundred ninety (190) square miles (490 square kilometers) are indirectly discharged into the river. The drainage area on the Mexican side is considerably less, although, due to the absence of maps, little detail knowledge is available. However, no arroyos empty directly into the river from the south until considerably below the town of McNary, Texas, and observations of the arroyo channels below this point show that their drainage areas are probably limited and their discharges small.

(c) The three largest arroyos on the American side are: the Alamo, with a drainage area of one hundred forty-five (145) square miles (375 square kilometers); the Diablo, with a drainage area of sixty-two (62) square miles (160 square kilometers); and the Guayuco, with a drainage

otros pequeños arroyos que desembocan en el Río inmediatamente aguas arriba de la Presa Internacional. Sus áreas de drenaje son pequeñas y sus gastos, unidos al del Arroyo Colorado, no pueden aumentar el máximo de crecientes del Río Bravo, sino en el caso improbable de que se presenten simultáneamente con la cresta de las crecientes en frente de Juárez-El Paso. Para tomar en consideración esta simultaneidad poco probable, se ha dado una sobreelevación de seguridad a la corona de los bordos.

(b) *Abajo de Juárez-El Paso.*

Puede decirse que no hay ningún desagüe de arroyos abajo de Juárez-El Paso, sino hasta llegar al Arroyo del Alamo en el Condado de Hudspeth. Abajo de este punto desembocan directamente en el Río tres arroyos grandes y otros muchos pequeños. El área total de drenaje en el lado Americano entre el Arroyo del Alamo y el Cañón de Quitman, es de 1760 kilómetros cuadrados (680 millas cuadradas), de los cuales 1270 kilómetros cuadrados (490 millas cuadradas), descargan directamente en el Río y 490 kilómetros (190 millas) cuadrados descargan indirectamente en la corriente. El área de drenaje en el lado Mexicano es mucho menor, sin que se conozca en detalle por la carencia de planos de esta región. Sin embargo, no hay arroyos que, del Sur, entren directamente al Río, sino hasta muy abajo de la población de McNary, Texas, pudiendo deducirse de la inspección de los cauces de los arroyos abajo de este lugar, que sus áreas de drenaje son probablemente limitadas y sus gastos pequeños.

(c) Los tres arroyos más grandes en el lado Americano, son: el del Alamo, con una área de drenaje de 375 kilómetros cuadrados (145 millas cuadradas); el del Diablo, con una área de drenaje de 160 kilómetros cuadrados (62 millas cuadradas); y el del Guayuco, con una área de drenaje de

area of one hundred sixty-five (165) square miles (427 square kilometers). The Alamo and the Guayuco have been known to discharge in excess of five thousand (5,000) second feet (142 cubic meters per second), and hearsay information gives probable peaks of twice that amount. If such flows should occur at the time the peak of a flood from upper river sources was passing, doubtless the designed channel would be overtaxed. Some additional safety has been provided by increasing the freeboard a short distance above and below these arroyos. However, as these arroyos empty into the river channel well below most of the area to be protected, it will be uneconomical to make any large expenditures against unlikely possibilities.

(d) The discharge from these arroyos must be taken into the channel and the location has been made at some distance from the present arroyo mouths to permit, in a measure, the deposit of detritus before the flows reach the channel.

7.—THE RIVER ABOVE EL PASO-JUAREZ

(a) The distance by the river between Elephant Butte and El Paso-Juarez is about one hundred fifty (150) miles (241 kilometers), and the valley axial distance is about one hundred twenty (120) miles (193 kilometers). Immediately below the dam the river passes thru fifteen miles (24 kilometers) of canyon where the fall varies from .00037 (1.94 feet per mile) to .00080 (4.26 feet per mile) then thru the Palomas Valley for thirteen miles (21 kilometers) with a fall of .00080 (4.26 feet per mile), then thru three miles (5 kilometers) of canyon where the Caballo damsite is located, then thru the Rincon Valley, the first seven miles (11 kilometers) of which have an average fall of .00074 (3.93 feet per mile), and

427 kilómetros cuadrados (165 millas cuadradas). Se sabe que los gastos de los arroyos del Alamo y del Guayuco han excedido de 142 metros cúbicos (5000 pies cúbicos) por segundo y se dice que el máximo puede ser del doble. Si estas crecientes ocurrieran al pasar la cresta de la avenida proveniente de la parte alta del Río, el canal proyectado indudablemente resultaría sobrecargado. Se ha previsto un margen de seguridad adicional, sobre elevando la corona de los bordos en cortos tramos inmediatamente arriba y abajo de estos arroyos. Sin embargo, puesto que los arroyos de que se trata desembocan en el Río bastante abajo de la mayor parte del área por proteger, se considera anti-económico hacer una fuerte erogación para precaverse contra estas contingencias poco probables.

(d) Como la corriente de estos arroyos debe admitirse dentro del cauce del Río, éste se ha localizado a alguna distancia de la desembocadura actual de los arroyos, a fin de permitir en cierto modo el depósito de detritus antes de que la corriente de dichos arroyos llegue al cauce del Río.

7.—EL RIO ARRIBA DE JUAREZ-EL PASO.

(a) La distancia entre la Presa del Elefante y Juárez-El Paso es de cerca de 241 kilómetros (150 millas) a lo largo del Río, mientras que la distancia por el eje de los Valles es de 193 kilómetros (120 millas). Inmediatamente abajo de la Presa, el Río pasa por un cañón de 24 kilómetros (15 millas) de longitud, con una pendiente que varía entre 0.00037 y 0.00080 (de 1.94 a 4.26 pies por milla); recorre después el Valle de Palomas, con un desarrollo de 21 kilómetros (13 millas) y una pendiente de 0.00080 (4.26 pies por milla); sigue por un cañón de 5 kilómetros de longitud (3 millas) en el que está situada la Boquilla de Caballo; y pasa el Valle de Rincón, en el que la pendiente es de 0.00074, (3.93 pies por milla)

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the last fourteen miles (22 kilometers) a fall of .00064 (3.40 feet per mile). The river then traverses seven miles (11 kilometers) known as the Selden Canyon, where the average fall is .00064 (3.4 feet per mile), and then reaches the Leasburg Dam which is at the head of the Mesilla Valley. From Leasburg Dam to Mesilla Dam, a distance of twenty four miles (39 kilometers), the river has a fall of .00073 (3.84 feet per mile). From Mesilla Dam to Canutillo Bridge, a distance of twenty-eight miles (45 kilometers) the river has a fall of .00070 (3.67 feet per mile), and from the Canutillo Bridge to the International Dam, some nineteen miles (30 kilometers) the river has a fall of .00048 (2.53 feet per mile).

(b) As previously stated, the effect of the release of clear water from Elephant Butte Dam has been to degrade the river bed in the upper reaches immediately below the dam, and to build it up thru the El Paso-Juarez Valley. There is necessarily a stretch of river between these two actions which is quiescent, where neither degradation nor building up is going on. Studies of river sections indicate that the river bed thru the lower Mesilla Valley rests in this state.

8.—THE RIVER BELOW EL PASO-JUAREZ

(a) The length of the channel of the river between El Paso-Juarez and the Quitman Canyon is about one hundred fifity[1]-five (155) miles (250 kilometers) while the length measured along the valley axis is eighty-five (85) miles (137 kilometers). The fall of the river is about .00034 (1.82 feet per mile) while the fall of the valley is .00061 (3.20 feet per mile). It is thus seen that if the alignment of the river can be straightened a fall of approximately .00061 (3.2 feet per mile)

[1]So in original.

en los primeros once kilómetros (7 millas) y de 0.00064 (3.40 pies por milla) en los últimos 22 kilómetros (14 millas). El Río atraviesa en seguida el cañón Selden de 11 kilómetros de longitud (7 millas) con una pendiente media de 0.00064 (3.40 pies por milla) y llega a la presa de Leasburg, situada en la parte alta del Valle de Mesilla. Desde la Presa de Leasburg hasta la de Mesilla, el Río tiene 39 kilómetros de longitud (24 millas) con una pendiente de 0.00073 (3.84 pies por milla). Desde la Presa de Mesilla hasta el Puente de Canutillo, la longitud del Río es de 45 kilómetros (28 millas) con una pendiente de 0.00070 (3.67 pies por milla), y desde el Puente de Canutillo hasta la Presa Internacional, la longitud es de 30 kilómetros (19 millas) y la pendiente de 0.00048 (2.53 pies por milla).

(b) Como se ha dicho antes, el efecto de la salida de agua clara de la Presa del Elefante ha sido el de socavar el lecho del Río en la región inmediatamente abajo de la Presa, y azolvarlo en el Valle de Juárez-El Paso. Debe existir forzosamente un tramo del Río en el que estas dos acciones se equilibran, y en el que, por lo tanto, no se verifica ni socavación ni azolve. Estas condiciones existen en la parte baja del Valle de Mesilla, según lo demuestra el estudio de las secciones del Río.

8.—EL RIO ABAJO DE JUAREZ-EL PASO.

(a) La longitud aproximada del cauce del Río entre Juárez-El Paso y el cañón de Quitman es de 250 kilómetros (155 millas), mientras que la distancia medida a lo largo del eje del Valle es de 137 kilómetros (85 millas). La pendiente del Río es aproximadamente de 0.00034 (1.82 pies por milla), en tanto que la pendiente del Valle es de 0.00061 (3.20 pies por milla). Por lo tanto se ve que si se endereza el alineamiento del Río, puede obtenerse una pendiente aproximada de 0.00061,

can be obtained. It will be noted that this fall is in excess of that in the last stretch of the Mesilla Valley, or between Canutillo Bridge and the International Dam, where a fall of .00048 (2.53 feet per mile) was indicated and that this fall of .00061 (3.2 feet per mile) is somewhat under that of .00070 (3.67 feet per mile) for the upper part of the Mesilla Valley. If the lower stretch of the river in the Mesilla Valley is in equilibrium, that is, shows neither scour nor fill, with a gradient of .00048 (2.53 feet per mile) the river thru the El Paso-Juarez Valley must have a greater gradient to reach the same state of equilibrium since the quantities of water normally carried are greatly reduced at the International Dam

III.–PROPOSED PLAN

(a) The treatment to be given the river thru the valley to increase the fall from .00034 (1.82 feet per mile) to .00061 (3.2 feet per mile), in order to accelerate the velocity and to let the current of the river carry along the burden of sand and sediment, which has caused the rapid river bottom rising, so marked since the construction of the Elephant Butte Dam, consists of a general straightening following the present channel of the river wherever possible, and cutting across the bends where necessary to decrease length. Along each side of the new channel, and also along each side of the present river where followed, levees will be built of sufficient height and far enough apart to pass the floods. The channel thus created will always be kept clear of brush and other obstructions which might retard the flow. In the alignment, due consideration has been given to the general principle of the compensation of the artificially segregated areas, in order to equalize

(3.20 pies por milla). Esta pendiente es mayor que la del tramo inferior del Valle de Mesilla y que la del tramo entre el Puente de Canutillo y la Presa Internacional, puesto que la pendiente en este ultimo tramo es de 0.00048 (2.53 pies por milla); en cambio, dicha pendiente de 0.00061 (3.20 pies por milla) es ligeramente inferior a la pendiente del tramo superior del Valle de Mesilla, que es de 0.00070 (3.67 pies por milla). Ahora bien, si con una pendiente de 0.00048 (2.53 pies por milla) el Río está en equilibrio en el tramo inferior del Valle de Mesilla, puesto que no hay ni socavación ni azolve, debe darse al Río mayor pendiente en el Valle de Juárez-El Paso para llegar a alcanzar el mismo estado de equilibrio, ya que la cantidad de agua que escurre normalmente se reduce mucho en la Presa Internacional.

III.–PROYECTO

(a) A fin de aumentar la pendiente del Río en el Valle de Juárez-El Paso de 0.00034 (1.82 pies por milla) a 0.00061 (3.20 pies por milla) y acelerar la velocidad de la corriente de modo que ésta pueda acarrear el azolve que ha determinado el ascenso rápido del fondo del Río, tan marcado desde la construcción de la Presa del Elefante, se proyecta modificar el Río enderezándolo en lo general, siguiendo el cauce actual en donde sea posible, y cortando las vueltas cuando sea necesario, a fin de disminuir la longitud. A cada lado del cauce nuevo y a los lados del cauce actual del Río en donde se siga éste, se construirán diques de altura suficiente y a distancia conveniente para permitir el paso de las avenidas. El cauce así formado se conservará siempre libre de yerbas y obstrucciones que pudieran retardar el escurrimiento. Al hacer el trazo se ha atendido como principio fundamental a igualar las áreas que se segreguen artificialmente, a fin de que la extensión total que

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the areas which will be cut from one country with those which will be cut from the other.

(b) This treatment brings about the result that the right-of-way to be acquired by each nation will balance practically in area. In general, the water-way proposed will consist of a normal channel of similar size and capacity to the present river bed, with levees set back with a total distance of about five hundred ninety (590) feet (180 meters) between them. Levees will be wide enough on top to permit travel for inspection and repair. The alignment has been so chosen as to avoid as far as possible all highly improved and cultivated areas, but at many places this was impracticable due to the meanderings of the river channel.

(c) The above plan of shortening the river by cut-offs is feasible in this case because Elephant Butte Dam, in conjunction with the proposed Caballo Dam and reservoir, will give practically complete control of the floods. Consequently the river thru the El Paso-Juarez Valley will take on more the nature of a large central drain or canal than a river.

IV.–BASIS OF ESTIMATE.

1.–*Cost of Caballo Reservoir*

(a) The cost of the Caballo Dam, including the purchase of the lands to be submerged, has been estimated by the Bureau of Reclamation at about one million two hundred fifty thousand dollars ($1,250.000) for the one hundred thousand (100,000) acre feet (123,350,000 cubic meters) capacity.

(b) The volume of water passing the Caballo Damsite during the flood of September 1925 was in the neighborhood of twenty-five thousand (25,000) acre feet (30,837,000 cubic meters). Storage in excess of this amount must be

se corte de un país, sea igual a la que se corte del otro.

(b) El trazo hecho de acuerdo con este principio, dá lugar a que las zonas de derecho de vía que debe adquirir cada nación sean prácticamente iguales en extensión. En términos generales, el cauce artificial proyectado consistirá de un cauce de estiaje de dimensiones y capacidad semejantes a las del actual lecho menor del Río y de un cauce mayor limitado en ambos lados por diques distantes como 180 metros (590 pies) uno de otro. Estos diques tendrán un ancho en corona bastante para permitir el tráfico para fines de inspección y reparación. El trazo se ha hecho procurando, en lo posible, no cruzar terrenos cultivados o con mejoras; pero en algunos lugares ésto ha sido impracticable debido a las sinuosidades del Río.

(c) El proyecto de acortamiento del Río por cortes artificiales es factible porque el efecto combinado de las Presas del Elefante y de Caballo, será el de controlar casi por completo las crecientes, y en consecuencia el Río adquirirá más bien los carácteres de un gran canal central en el Valle de Juárez-El Paso.

IV.–BASES PARA EL PRESUPUESTO

1.–*Costo de la Presa de Caballo.*

(a) El costo de la Presa de Caballo, incluyendo la adquisición de los terrenos que resulten inundados, ha sido estimado por el "Bureau of Reclamation" en cerca de un millón doscientos cincuenta mil dólares para un almacenamiento de 123.350,000 metros cúbicos (100.000 acres pies).

(b) El volumen de agua que pasó por el sitio de la Presa de Caballo durante la creciente de Septiembre de 1925 fué alrededor de 30.837,000 metros cúbicos (25.000 acres pies). El vaso debe tener capacidad mayor, pa-

provided to take care of possible larger floods and silt depletion. Provision must also be made to store the probable spill from Elephant Butte during times of flood run-off below the dam. Fifty thousand (50,000) acre feet (61,675,000 cubic meters) are allowed for this item and would probably store three or four days' spill. This would permit the floods entering below Caballo to have receded.

(c) Of the total proposed storage of one hundred thousand (100,000) acre feet (123.350,000 cubic meters) approximately fifty thousand (50,000) acre feet (61,675,000 cubic meters) are allowed for flood storage and silt depletion, and fifty thousand (50,000) acre feet (61,675,000 cubic meters) for the control of spill from Elephant Butte.

2.–*Segregated Tracts.*

(a) In order that neither nation shall sacrifice national area, it is required that the total land to be segregated or cut off from one country shall equal that to be segregated or cut off from the other. On the attached maps these tracts and their total areas have been shown. Fifty-nine (59) separate tracts will be cut from Mexico and sixty-five (65) separate tracts will be cut from the United States. Their areas vary from 0.10 hectares (.25 acre) to 151 hectares (377 acres). The approximate total area to be cut from Mexico is one thousand four hundred (1400) hectares (3460 acres) and the approximate total area to be cut from the United States is one thousand four hundred (1400) hectares (3460 acres).

3.–*San Elizario Island.*

(a) Two alternate routes for the location of the rectified channel along the San Elizario Island are shown on Exhibit No. 2. One

ra recibir azolves y crecientes más grandes que pueden ocurrir. Debe también preverse una capacidad suficiente para retener las demasías probables de la Presa del Elefante durante la época de crecientes abajo de la Presa, habiéndose destinado a este fin un volumen de 61.675,000 metros cúbicos (50.000 acres pies), que corresponde al derrame de la Presa del Elefante durante tres o cuatro días. De esta manera se dará tiempo a que bajen las crecientes abajo de Caballo, antes de que sea necesario dejar salir agua de esta Presa.

(c) Del almacenamiento total proyectado de 123.350,000 metros cúbicos (100.000 acres pies), la mitad aproximadamente, o sean 61.675,000 metros cúbicos (50.000 acres pies) se destinan al almacenamiento de aguas de creciente y al azolve, y la otra mitad, o sean 61.675,000 metros cúbicos (50.000 acres pies) al control de las demasías del Elefante.

2.–*Terrenos por Segregar.*

(a) A fin de que ninguno de los dos países sufra pérdida de territorio Nacional, se ha establecido como requisito fundamental que la extensión total de terreno que se segregue de un país sea igual a la que se segregue del otro. En los planos adjuntos aparecen estos terrenos por segregar y sus áreas totales, figurando 59 parcelas que deberán segregarse de México y 65 parcelas por segregar de los Estados Unidos, con áreas variables desde 0.10 hectáreas (0.25 acres) hasta 151 hectáreas (377 acres). La extensión total aproximada que se segregará de México es de 1400 hectáras (3460 acres) y la extensión total aproximada que se segregará de los Estados Unidos es también de 1400 hectáras (3460 acres).

3.–*Isla de San Elizario.*

(a) En el anexo No. 2 aparecen a lo largo de la Isla de San Elizario dos trazos para el cauce rectificado, de los cuales uno

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route follows in a general way the present river while the other follows in a general way the present boundary. The two routes are almost identical in length, and have practically the same gradient and grade elevation.

(b) The river route, by following the present river, is located entirely in the United States and passes thru areas largely undrained and uncultivated, while the boundary route passes largely thru highly cultivated and valuable areas. Therefore the costs of rights-of-way will be less with the river route and no areas will be segregated in the sense of changed national jurisdiction. The alignment possible with the boundary route is considerably better than that of the river route, especially at the lower end of the Island, where a sharp curve is necessary if the river route is used.

(c) The boundary route makes more feasible the carrying thru of irrigation and drainage works needed by Mexico, as the present boundary in places is located practically against the toe of the mesa. On the other hand, the abandonment of the river requires the building in the United States of a feeder canal to reestablish water deliveries to the Tornillo Canal system.

(d) The boundary route is estimated to cost about seventy-five thousand dollars ($75,000) more than the river route, due largely to the higher value of the lands required for the right-of-way and the segregated areas, and to the disestablishment of some of the irrigation and drainage works now constructed in the United Sates of America with the river in its present location. The equalizing of all the segregated tracts and the estimate submitted herewith both are based on following the boundary route along the San Elizario Island.

sigue en general, el cauce actual del Río, y el otro el actual Límite Internacional. Los dos trazos son prácticamente de las mismas longitud, pendiente y elevación.

(b) Como el trazo por el Río sigue el cauce actual de la corriente, queda enteramente en los Estados Unidos y atraviesa terrenos en su mayor parte incultos y sin drenaje, mientras que el trazo por el Límite Internacional cruza terrenos cultivados y valiosos. Por lo tanto, el costo del derecho de vía será menor si se sigue el trazo por el Río, y no habrá cambios de jurisdicción nacional en los terrenos por segregar. El trazo por el Límite Internacional es notablemente mejor que el trazo por el Río, principalmente en el extremo inferior de la Isla, en donde se requiere una curva pronunciada en caso de seguir el trazo por el Río.

(c) El trazo por el Límite Internacional facilita la ejecución de obras de riego y de drenaje necesarias para México, pues el actual Límite Internacional en varios lugares toca el pie de las lomas. Por otra parte, el abandono del Río, exige la construcción en territorio de Estados Unidos, de un canal para abastecer de agua el actual sistema del canal de Tornillo.

(d) El trazo por el Límite Internacional costará como 75.000 dólares más que el trazo por el Río, principalmente por el mayor valor de los terrenos destinados a derecho de vía y de las parcelas por segregar, y por la inutilización de algunas obras de riego y de drenaje que actualmente existen en esta zona de los Estados Unidos. En el proyecto que se presenta, la compensación de las áreas por segregar y el costo de las obras están estudiados para el trazo por el Límite Internacional en la Isla de San Elizario.

V.-GENERAL.

1.–*Velocities.*

(a) The requirements of the project indicate two important limiting velocities; namely, that the maximum velocity in the flood channel at full flow must not entail expensive bank protection, and that the minimum velocity in the normal flow channel must be high enough to carry the annual increment of sand and silt to prevent channel upbuilding.

(b) The increase in average gradient, which is from .00035 to .00061, or from 1.82 feet per mile to 3.2 feet per mile, and which is brought about by the shortening in the river length, will produce velocities of from five to six feet (1.52 to 1.83 meters) per second at full flow, depending on the cross section and the gradient of the particular section considered.

(c) These velocities can be safely carried in the channel designed for this project where the alignment is reasonably straight and the cross section relatively wide.

(d) The data on normal flow indicates that the low water channel will have a velocity of around three feet (0.91 meters) per second. Experience on the Rio Grande Irrigation Project, in the sluicing of canals in the design of sand skimming devices, has shown that such velocities are capable of carrying the usual sand and silt borne by the Rio Grande.

2.–*Coefficient of Roughness.*

(a) The value of "n" in Kutter's Formula adopted for use on this project is n=.025 for the normal flow channel and n=.030 for the flood channel. These values follow closely those determined on the Miami Conservancy District at Dayton, Ohio, taking such tests as are believed to nearly duplicate the conditions to be encountered on this project. On one particular determination where the channel was covered with weeds, and the flow was

V.-GENERAL.

1.–*Velocidades.*

(a) Las necesidades del proyecto establecen los siguientes límites de velocidad: La velocidad máxima en el cauce mayor a plena capacidad no debe motivar trabajos costosos de protección de los diques, y la velocidad mínima en el cauce de estiaje debe ser suficiente para acarrear el incremento anual de azolve a fin de evitar la elevación del cauce.

(b) El aumento de pendiente media de 0.00035 a 0.00061 (de 1.82 a 3.20 pies por milla), que se obtendrá mediante el acortamiento de la longitud del Río, producirá velocidades a plena capacidad entre 1.52 y 1.83 metros por segundo (5 y 6 pies por segundo), de acuerdo con la sección transversal y la pendiente en el lugar que se considere.

(c) Estas velocidades máximas pueden alcanzarse sin peligro en el cauce que se ha proyectado, en vista de que el trazo está constituido por numerosos tramos rectos y las secciones transversales son relativamente anchas.

(d) Los cálculos hechos para el gasto de estiaje indican que la velocidad en el cauce menor será alrededor de 0.91 metros por segundo (3.0 pies por segundo). Por experiencia se ha visto en el Sistema de Irrigación del Río Grande que esta velocidad tiene capacidad bastante para acarrear los sedimentos que comunmente lleve el Río Bravo.

2.–*Coeficiente de Rugosidad.*

(a) En los cálculos se han adoptado como valores de "n" en la fórmula de Kutter, para el cauce de estiaje n–0.025 y para el cauce mayor n–0.030. Estos valores son semejantes a los que se determinaron experimentalmente en el Distrito de Miami, en Dayton, Ohio, para aquellos casos en que las condiciones eran casi las mismas que las del actual proyecto. En uno de los experimentos, estando el cauce cubierto de yerbas, y siendo el gasto de

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around twenty-three thousand (23,000) second feet (6520 cubic meters per second) the value of "n" was determined to be .0298, whereas the values for the same channel when free from weeds varied from .023 to .0255.

3.–*Cross-sections*

(a) The cross-sections adopted as best suited to the requirements of the project are shown on the attached Exhibit No. 3. It will be noted that two cross-sections are shown. These are identical except in the placement of the normal flow channel. The one to be used from El Paso-Juarez to the lower end of the San Elizario Island places the normal flow channel in the center while the one to be used from the lower end of the San Elizario Island to the mouth of Quitman Canyon places the normal flow channel adjacent to the left levee. This different treatment of the two sections of the river is required because, in the upper part, the land passed thru in the making of cut-offs is generally low ground lying from only slightly above the proposed river grade to, in some cases, slightly below the proposed grade. Thru this section the amount of material to be excavated from the proposed new channel is small and can be wasted adjacent to the normal flow channel without seriously decreasing flood channel capacities. Throughout the lower section deeper cuts are encountered and spoiling into the flood channel is impracticable. This changed condition is met by placing the normal channel adjacent to the left levee where the material excavated can be placed to form the left levee or can be wasted beyond the flood channel.

(b) The proposed cross-section has levees spaced 180 meters (590 feet) apart with levee heights of

cerca de 652 metros cúbicos por segundo (23.000 pies cúbicos por segundo), se obtuvo para "n" el valor de 0.0298, y en el mismo cauce en el tramo en que se encontraba libre de vegetación, los valores de "n" variaron de 0.023 a 0.0255.

3.–*Secciones Transversales.*

(a) Las secciones transversales adoptadas como más adecuadas para las exigencias de este proyecto, se muestran en el anexo No. 3. Podrá observarse que aparecen dos secciones transversales que difieren sólo en la posición del cauce de estiaje. En la Sección para el tramo comprendido entre Juárez-El Paso y el extremo inferior de la Isla de San Elizario, el cauce de estiaje está colocado en el centro, mientras que en la sección correspondiente al tramo comprendido entre el extremo inferior de la Isla de San Elizario y la entrada del Cañón de Quitman, el cauce de estiaje queda situado junto al dique del lado izquierdo. Esta diferencia en las secciones obedece a que en la parte superior, el terreno en que se harán los cortes es en general bajo, queda un poco más alto que la plantilla del cauce proyectado, y en algunos casos ligeramente más abajo. En este tramo el volumen de material que debera excavarse para formar el cauce menor proyectado, es relativamente pequeño y puede depositarse a los lados del cauce de estiaje sin que por ellos disminuya seriamente la capacidad del cauce mayor. En cambio, en el tramo inferior los cortes son más profundos y no puede hacerse dentro del cauce mayor el depósito del material excavado, por lo que se ha pensado colocar el cauce de estiaje adyacente al dique izquierdo y poder así aprovechar el material excavado en la construcción de este dique o moverlo hasta afuera del cauce mayor.

(b) En las secciones transversales proyectadas, los diques distan 180 metros (590 pies) y su

about 2.2 meters (7.2 feet). In actual construction levee heights will vary from nothing, where bench lands are encountered, to four and a half meters (15 feet) where the old river channel is crossed. The levee section proposed has a five meter (16.4 feet) crown with side slopes of two to one. This will permit the use of the top as a road for inspection and repair.

(c) The normal flow channel is designed with a bottom width of twenty meters (66 feet) as this channel width seems to best fit the present channel width of the river. Side slopes are 1:1 except throughout the lower section where 2:1 slope is proposed on the side adjacent to the left levee.

(d) Gradients vary from .00045 (2.38 feet per mile) to .0008 (4.26 feet per mile) and the levee heights have been changed to conform, always adding 0.6 meters (2 feet) as freeboard.

(e) The estimated capacity below the 0.6 meters (2 feet) freeboard varies from ten thousand seven hundred (10,700) second feet (3,030 cubic meters per second) to eleven thousand five hundred (11,500) second feet (3,260 cubic meters per second).

4.–*Right-of-way.*

(a) The total right-of-way required is eight thousand one hundred sixty (8,160) acres (3,300 hectares). This is equally divided between the two countries to Mexico four thousand eighty (4,080) acres (1650 hectares) and to the United States four thousand eighty (4,080) acres (1650 hectares). In addition to the land actually occupied by the works, a strip fifteen meters (49 feet) wide outside the land tow of each levee has been included for use in levee maintenance or possible future levee widening.

altura media es de 2.25 metros (7.2 pies). En la práctica, las alturas de los diques variarán desde cero, en donde haya terreno alto, hasta 4.5 metros (15 pies) en los cruzamientos del cauce viejo del Río. Según el proyecto, la sección de los diques tiene 5 metros en la corona (16.4 pies), con taludes de dos por uno. En estas condiciones se podrán usar las coronas como camino para fines de inspección y reparación.

(c) El cauce de estiaje proyectado tiene un ancho en el fondo de 20 metros (66 pies), que es el que parece concordar mejor con el del cauce actual del Río. Los taludes son de uno por uno, y solamente en el tramo inferior se proyecta un talud de dos por uno en el lado adyacente al dique izquierdo.

(d) Las pendientes varían desde 0.00045 hasta 0.00080 (2.37 a 4.26 pies por milla) y las alturas de los diques se han ajustado a la pendiente del cauce, aumentando siempre una altura de 0.60 metros (2 pies) como margen de seguridad.

(e) La capacidad calculada para el cauce hasta una altura de 0.60 metros (2 pies) abajo de la corona de los diques, varía entre 3030 y 3260 metros cúbicos por segundo (10.700 y 11.500 pies cúbicos por segundo).

4.–*Derecho de Vía.*

(a) La extensión total necesaria de terreno para derecho de vía es de 3.300 hectáras (8160 acres), repartida por mitad entre los dos países, correspondiendo a México 1650 hectáras (4080 acres) y a los Estados Unidos 1650 hectáras (4080 acres). El derecho de vía incluye, además del terreno ocupado por las obras, una faja de 15 metros (49 pies) de ancho contada desde el pie del talud del lado de tierra de cada dique, y que se destina a la conservación o a la ampliación futura de los diques.

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5.–*Clearing.*

(a) The area to be cleared is estimated as seventy per cent of the total area required for the right-of-way. A part of the right-of-way is now cleared and in cultivation, and in addition a considerable part is now occupied by the present river. Unit cost is sixty-two dollars fifty cents per hectare, or about twenty-five dollars per acre. The work to be done consists of brush cutting, some grubbing, and the plowing of the area between the borrow pits and the normal channel.

6.–*Earthwork.*

(a) All earthwork of both channel excavation and levee embankment is planned to be accomplished by machine methods, and the unit cost used in the estimates is eighteen cents per cubic meter which is about that developed on similar work in that locality. The machines best suited to the work are draglines equipped with one hundred foot booms, with buckets from two to three cubic yards in capacity, although on a great part of the levee work smaller equipment can be used economically. Proper provision has been made in the unit cost for full machine upkeep and depreciation, and for the hazards of the work such as untimely high water, soft and marshy ground and unusable soft material.

(b) It is planned to secure material for the levee embankment from the channel excavation in building the left levee from the lower end of San Elizario Island to the mouth of Quitman Canyon. At practically all the other locations the material will be secured from discontinuous borrow pits located on the channel side of the levees. Practically no material will require a second handling.

5.–*Desmonte.*

(a) Se estima necesario desmontar el 70 por ciento de la extensión total del derecho de vía, pues parte de esa faja está actualmente en cultivo y otra parte considerable está ocupada por el cauce actual del Río. Se ha calculado un costo de 62.50 dólares por hectára (25 dólares por acre) para este trabajo, que consistirá en cortar las yerbas desenraizar y arar la parte comprendida entre las zanjas de préstamo y el canal de estiaje.

6.–*Terracerías.*

(a) Todo el trabajo de terracerías, tanto el correspondiente a la excavación del cauce, como a los terraplenes de los diques, se hará empleando excavadoras; habiéndose aceptado un costo unitario en el presupuesto, de 18 centavos de dólar por metro cúbico, costo análogo al obtenido en trabajos semejantes en la localidad. Las máquinas más adecuadas para el trabajo serán palas o dragas mecánicas provistas de plumas de cien pies de longitud y cucharones de dos a tres yardas cúbicas de capacidad, aunque en algunas partes de los diques puede usarse con economía equipo más chico. Al fijar el precio unitario se han incluido partidas correspondientes a reparaciones, depreciación de maquinaria y circunstancias imprevistas, como crecientes extemporáneas, terreno flojo y pantanoso, y material escurridizo e inútil.

(b) En el tramo comprendido desde el extremo inferior de la Isla de San Elizario hasta la entrada del cañón de Quitman, se proyecta emplear el material de excavación del cauce para construir el dique izquierdo. En todos los demás casos, el material se tomará de zanjas de préstamo interrumpidas situadas del lado del Río de los diques. En la práctica no será necesario el doble traspaleo del material.

7.–*Work near El Paso-Juarez.*

(a) The item of one hundred twenty five thousand dollars (125,000) covers contemplated work on the section of river between International Dam and Cordova Island, and includes the extension and straightening of the present levees, the removal of existing obstructions, and purchase of title to all lands lying on the channel side of the present levees.

7.–*Obras cerca de Juárez-El Paso.*

(a) En el presupuesto figura una partida de 125.000 dólares destinada a las obras que se consideran necesarias en el tramo del Río comprendido entre la Presa Internacional y el Corte de Córdova, tales como la prolongación y el refuerzo de los diques actuales y la remoción de las obstrucciones existentes y a la adquisición del título de propiedad sobre todos los terrenos particulares que ahora quedan dentro del cauce entre los diques.

8.–*Changes in Canals and Drains.*

(a) The sum of two hundred twenty five thousand dollars ($225,000) is carried in the estimate to cover the cost of rebuilding all constructed irrigation and drainage works where they will be interfered with by the proposed river work. This work will include the rearrangement of the irrigation systems on both sides of the river, especially in the area below Monument No. 1 of San Elizario Island, and changed drain outlets on the United States side in the same area. The sum of seventy-five thousand dollars has been allocated to Mexico and one hundred fifty thousand dollars to the United States.

8.–*Cambios en los Canales y en los Drenes.*

(a) En el presupuesto aparece la suma de 225.000 dólares para cubrir los gastos de reconstrucción de las obras de riego y drenaje ahora existentes que resulten afectadas con los trabajos de rectificación proyectados. Estas obras incluyen la readaptación de los sistemas de riego en ambos lados del Río, especialmente en la región abajo del monumento No. 1 de la Isla de San Elizario, y los cambios de desagues de los drenes en el lado Americano en la misma región. Se ha asignado a México la suma de 75.000 dólares y a los Estados Unidos 150.000 dólares.

9.–*Bridges.*

(a) Present bridges will either have to be lengthened or moved, depending on how they fit with the new plan and probably several more bridges will have to be built. The estimate of the amount of this item is three hundred thousand dollars. ($300.000).

9.–*Puentes.*

(a) Será necesario alargar o cambiar de sitio varios de los Puentes existentes para adaptarlos al nuevo cauce y además será tal vez necesario construir varios puentes nuevos. Para estos objetos se ha incluido una partida de 300.000 dólares.

10.–*Grade Controls.*

(a) Because the effects of the introduction of steeper gradients in the river channel are problematical, and considerable scour may develop, and because the irrigation supply must be diverted at certain places, there has been set up in the estimate

10.–*Estructuras de Control de la Pendiente.*

(a) Teniendo en cuenta que los efectos del aumento de pendiente del cauce del río no pueden precisarse de antemano, y que pudieran ocurrir socavaciones; y considerando también que debe derivarse agua para riego en determinados lugares, se ha hecho

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an amount of dollars 675.000 to meet the cost of grade control structures. This amount is deemed sufficient to build ten such structures. The immediate construction of three or four is contemplated—located at such places as the need of irrigation diversion dictates. The others will be built if their need becomes apparent.

11.–*Engineering, Contingencies and Overhead.*

(a) An allowance of twenty per cent has been added to cover the cost of the above item. A relatively low engineering cost should result, due to the magnitude of the quantities involved. Contingencies are not serious, as the flow of the river is largely controlled by Elephant Butte Dam, and no long-lasting floods are probable. Overhead should be no higher than on other similar work.

VI.–COST WITHOUT CABALLO DAM.

(a) During December 1928, a report was made on the probable floods at El Paso-Juarez, with and without, the additional flood control of a retention reservoir at Caballo. The data then available indicated a maximum flood of eight thousand (8.000) second feet (226 cubic meters per second) with the Caballo Dam, and a maximum flood of eighteen thousand second feet (510 cubic meters per second) without the Caballo Dam. Since that time additional data has been acquired, and restudies have shown that the assumed maximum flood with the Caballo Dam should be eleven thousand second feet (314 cubic meters per second), and that the assumed maximum flood without the Caballo Dam should be twenty thousand second feet (576 cubic meters per second).

figurar en el presupuesto la suma de 675.000 dólares destinada a la construcción de estructuras que permitan controlar la pendiente, estimándose que dicha suma es suficiente para construir hasta diez estructuras. Por lo pronto se proyecta la construcción inmediata de tres o cuatro estructuras de control en aquellos lugares en que sea necesario derivar agua para riego; las demás se construirán si así lo exigen las necesidades.

11. *Dirección Técnica, Administración e Imprevistos.*

(a) Por estos conceptos se ha aumentado al costo de las obras el 20%. Los gastos por concepto de dirección técnica serán bajos, debido a la magnitud de las obras. Las contingencias no serán muy serias, dado que el Río está regularizado por la Presa del Elefante y no es probable que ocurran crecientes de larga duración. Los gastos de administración no serán mayores que en obras semejantes.

VI.–COSTO SIN LA PRESA DE CABALLO.

(a) En diciembre de 1928 se hizo un estudio comparativo de gastos de crecientes probables frente a Juárez-El Paso considerando dos casos: 1o. Que se construyera el vaso de retención de Caballo y 2o. Que no se construyera este vaso. Los datos entonces disponibles indicaban que en caso de construirse la Presa de Caballo el gasto máximo de crecientes podría ser de 226 metros cúbicos (8.000 pies cúbicos) por segundo; y que en caso de no construirse esa presa el gasto máximo de crecientes podría ser de 510 metros cúbicos (18.000 pies cúbicos) por segundo. Datos recogidos posteriormente y estudios más recientes, han aconsejado tomar como gastos máximos de crecientes, los de 314 metros cúbicos (11.000 pies cúbicos) por segundo, con la presa de Caballo y 576 metros cúbicos (20.000 pies cúbicos) por segundo, sin la presa de Caballo.

(b) In adopting a design for the twenty thousand second feet (576 cubic meters per second) channel it was found necessary to increase the distance between levees from one hundred eighty meters (590 feet) to two hundred ninety meters (950 feet) for the upper part of the valley, or from El Paso-Juarez to Alamo Arroyo. For the lower part, or from Alamo Arroyo to the end it was found necessary to increase the size of the excavated channel from twenty meter (66 foot) base to a thirty meter (99 foot) base, and to raise the levees one meter (3.3 feet).

(c) Estimates show that the works required from Land Monument No. 1 to the mouth of the canyon below Fort Quitman will cost about one million five hundred thousand dollars more when designed for the twenty thousand second foot (576 cubic meters per second) channel than when designed for the eleven thousand second foot (314 cubic meters per second) channel. The principal items of difference are the increase in rights-of-way required due to the widening between levees in the upper part, or from El Paso-Juarez to the Alamo Arroyo; the increase in earthwork, due principally to the larger cross-section needed thru the deep cuts below the Alamo Arroyo, and to the lengthening of the grade control structures and the bridges. There is also an increase in the amount of clearing necessary.

(d) The additional area required for rights-of-way is about eight hundred hectares (2,000 acres) and will cost one hundred thousand dollars. The additional earthwork required is about four million one hundred fifty thousand cubic meters (5,424,000 cubic yards) which at eighteen cents per cubic meter amounts to seven hundred forty-seven thousand

(b) Al hacer los estudios del proyecto para un cauce de 576 metros cúbicos (20.000 pies cúbicos) por segundo, se vió la necesidad de aumentar la distancia entre los diques de 180 metros (590 pies) a 290 metros (950 pies), en la parte alta del Valle comprendida entre Juárez-El Paso y el Arroyo del Alamo. En la parte inferior, es decir, desde el Arroyo del Alamo hasta el final, fué necesario aumentar el ancho del fondo del canal por exceder de 20 metros (66 pies) a 30 metros (99 pies) y aumentar en un metro (3.3 pies) la altura de los diques.

(c) Estimaciones comparativas de costo, hacen ver que las obras necesarias en el tramo desde el monumento número uno de la línea terrestre hasta la entrada del cañón abajo de Fort Quitman implicaría un costo excedente como de 1.500,000 dólares cuando se proveyera un cauce de 576 metros cúbicos (20.000 pies cúbicos) por segundo, sobre el costo correspondiente a un cauce de 314 metros cúbicos (11.000 pies cúbicos) por segundo. Esta diferencia se debe principalmente al aumento en la superficie del terreno destinado a derecho de vía, debido a la mayor distancia entre los diques, en la parte alta, entre Juárez-El Paso y el arroyo El Alamo; al aumento en el volumen de terracerías, debido principalmente a la mayor sección transversal requerida en los cortes profundos abajo del Arroyo del Alamo; y a la mayor longitud de los puentes y de las estructuras de control de la pendiente. También se aumenta el área por desmontar.

(d) El área adicional para derecho de vía es como de 800 hectáras (2000 acres), con un costo de 100.000 dólares. El volumen adicional de terracerías se estima en 4.150,000 metros cúbicos (5.424,000 yardas cúbicas), que, a razón de 0.18 dólares por metro cúbico importaría 747.000 dólares. El aumento de longitud de las estructuras de

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dollars. The lengthening of grade control structures and bridges will cost an additional three hundred fifty thousand dollars. The additional clearing required will cost thirty-five thousand dollars. The total of the above items is one million two hundred thirty-two thousand dollars which, when increased by twenty per cent allowed for engineering, overhead and contingencies, makes a total additional cost of one million four hundred eighty thousand dollars.

(e) Therefore, the cost ($1,250,000) of the Caballo Dam is more than offset by the economies made possible in the works from Land Monument No. 1 to the mouth of Quitman Canyon. Indeed, a saving of two hundred fifty thousand dollars is achieved. This saving is in addition to a reduction of 800 hectares (2,000 acres) in the land used for the channel which would be otherwise irredeemably lost for cultivation, and to an unknown amount annually saved in less expensive maintenance.

VII. RECOMMENDATIONS.

The following recommendations are respectfully submitted:

(a) That the rectified channel be constructed as described and outlined in this report and the attached exhibits.

(b) That a flood detention dam, with a reservoir of not less than one hundred thousand acre feet (123.350.000 cubic meters) capacity be built at Caballo, New Mexico.

(c) That the areas to be detached from each country be brought into balance by such shifting of the river location as the Commission may decide.

(d) That the areas to be detached and those required for right-of-way be acquired by each nation so that all private rights to these lands be extinguished.

control de la pendiente y de los puentes importaría la suma adicional de 350,000 dólares. Por concepto de desmontes se aumentarían 35.000 dólares. El total de las cantidades anteriores es de 1.232.000 dólares, y si a esta cantidad se agrega el 20% por concepto de dirección, administración e imprevistos, el costo total adicional sería de 1.480.000 dólares.

(e) Así pues, se ve que el costo de la Presa de Caballo, que es de 1.250,000 dólares, resulta ampliamente compensado por las economías que pueden hacerse en las obras entre el Monumento No. 1 de la línea terrestre y la entrada del Cañón de Quitman, lográndose un ahorro de 250.000 dólares. Además de este ahorro, se disminuye en 800 hectáras (2000 acres) la extensión de terreno que, por formar parte del cauce, resultaría irremisiblemente perdida para el cultivo y a la vez se ahorra por concepto de gastos de conservación una cantidad anual cuyo monto no puede precisarse.

VII. RECOMENDACIONES.

Con todo respeto se hacen las siguientes recomendaciones:

(a) Que se construya el cauce rectificado de acuerdo con los lineamientos establecidos en este informe y en sus anexos.

(b) Que se construya una presa de retención con un vaso de capacidad no menor de 123.350,000 Mts. cúbicos (100.000 acres pies) en Caballo, Nuevo México, E. U. A.

(c) Que se igualen las áreas por segregar de cada país modificando el trazo del cauce proyectado, en la forma que la Comisión estime conveniente.

(d) Que cada país adquiera la parte que le corresponda de los terrenos—por segregar y de los necesarios para derecho de vía, a fin de extinguir los derechos de propiedad particular sobre dichos terrenos.

(e) That the balanced detached tracts and the acquired rights-of-way be exchanged between the two nations so that each nation will have jurisdiction to the center of the rectified channel where it forms the boundary line.

(f) That the International Boundary Commission have full control over the work during its construction, and over its maintenance when completed.

VIII. EXHIBITS.

Five exhibits are attached, as follows:

EXHIBIT No. 1.–River Gradients.

This shows graphically the present river gradients between Elephant Butte and Quitman Canyon, and the proposed new gradient which the river shortening will bring about.

EXHIBIT No. 2.–Location Map.

This is a map of the El Paso-Juarez Valley on which is shown the located line and the segregated areas in color and in numerical table. Two routes are shown at the San Elizario Island, one following generally the present river, and the other following generally the present boundary.

EXHIBIT No. 3.–Typical Cross-Sections.

This exhibit graphically illustrates the cross-sections proposed for use, and gives the theoretical hydraulic functions.

EXHIBIT No. 4.–Drainage Areas.

This exhibit indicates in colors and in figures the drainage area controlled by Elephant Butte Dam, and that to be controlled by the Caballo Dam.

EXHIBIT No. 5.–Estimate of Cost.

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(e) Que ambos países cambien entre sí las áreas iguales de terrenos segregados, así como la parte respectiva de los terrenos adquiridos para derecho de vía, a fin de que cada país tenga, en el futuro, jurisdicción hasta el centro del cauce rectificado en donde éste constituya el Límite Internacional.

(f) Que la Comisión Internacional de Límites tenga a su cargo los trabajos de construcción de las obras y la conservación de ellas una vez terminadas.

VIII. ANEXOS.

Se acompañan los cinco anexos siguientes:

ANEXO NUMERO 1.–Perfiles del Río.

Muestra gráficamente el perfil actual del Río entre la Presa del Elefante y el Cañón de Quitman y el perfil que se obtendrá al hacer la rectificación del Río.

ANEXO NUMERO 2.–Plano de localización.

En un plano general del Valle de Juárez-El Paso se ha mostrado el trazo preliminar indicándose en colores y en una tabla numérica los terrenos por segregar. En la Isla de San Elizario se muestran dos trazos, uno que sigue en general el cauce actual del Río y otro que sigue en general el actual Límite Internacional.

ANEXO NUMERO 3.–Secciones Transversales tipos.

En este anexo aparecen gráficamente las secciones transversales proyectadas, con sus características hidráulicas.

ANEXO NUMERO 4.–Cuencas de drenaje.

En este anexo se han indicado con colores y con cifras numéricas las cuencas de drenaje controladas por la presa del Elefante y por la proyectada Presa de Caballo.

ANEXO NUMERO 5.–Presupuesto.

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IX.–ACKNOWLEDGMENTS.

In the preparation of this report the Consulting Engineers have been assisted by the technical advisers, Messrs. W. E. Robertson, Chairman of the El Paso Chamber of Commerce River Rectification Committee, and Salvador Arroyo, Chief Engineer of the Juarez Flood Control Commission; and have made use of the wealth of data contained in previous reports on this problem. Acknowledgment is made to the various engineers and agencies who collected this data and made the following reports:

1.–"Report on Rio Grande Rectification", by Special Committee of Engineers, El Paso Chapter, American Association of Engineers, June 5, 1922.

2.–"Report of Conditions of the Rio Grande on the Rio Grande Project", by L. M. Lawson, Engineer, United States Department of the Interior, March 10, 1925.

3.–"Channel Improvement of the Rio Grande below El Paso", by Salvador Arroyo, Mexican Federal Civil Engineer, March 1925.

4.–"Statement to the United States and Mexican Governments and the International Boundary Commission on Rectification of a Portion of the Rio Grande, Juarez and El Paso Valleys", by Salvador Arroyo and L. M. Lawson, April 25, 1925.

5.–"Joint Report on the Preceding Report" (No. 4), by Armando Santacruz, Jr. and Randolph E. Fishburn, Consulting Engineers of the International Boundary Commission, May 12, 1925.

IX.–COLABORACION.

(a) En la preparación de este informe colaboraron con los Ingenieros Consultores de la Comisión, los Asesores Técnicos, Señores, Ingenieros Salvador Arroyo, Jefe de la Comisión de Obras de Defensa del Río Bravo en Juárez, Chih., y W. E. Robertson, Presidente del Comite de Rectificación del Río de la Cámara de Comercio de El Paso; habiéndose aprovechado los datos valiosos contenidos en informes previamente formulados sobre este problema por diversos ingenieros y Oficinas, principalmente los siguientes:

1.–"Informe sobre la Rectificación del Río Bravo", por el Comité especial de Ingenieros del Capítulo de El Paso de la Asociación Americana de Ingenieros. 5 de junio de 1922.

2.–"Informe sobre las condiciones del Río Bravo en el Sistema de Irrigación Río Grande", por L. M. Lawson, Ingeniero del Departamento del Interior de los Estados Unidos. 10 de marzo de 1925.

3.–"Mejoramiento del cauce del Río Bravo abajo de El Paso" por el Ingeniero Salvador Arroyo, del Gobierno de México. Marzo de 1925.

4.–"Memoria presentada a los Gobiernos de México y de los Estados Unidos y a la Comisión Internacional de Límites relativa a la rectificación de un tramo del Río Bravo en el Valle de Juárez-El Paso", por los Ingenieros Salvador Arroyo y L. M. Lawson. 25 de abril de 1925.

5.–Informe común sobre la "Memoria" anterior, por los señores Randolph E. Fishburn y Armando Santacruz Jr., Ingenieros Consultores de la Comisión Internacional de Límites. 12 de mayo de 1925.

6.–"Effect of Rio Grande Storage on River Erosion and Deposition", by L. M. Lawson, Project Superintendent, United States Bureau of Reclamation, El Paso, Texas, May 1928.

7.–"The Present Regimen of the Upper Rio Grande and the Problem the River has Created in the El Paso-Juarez Valley", by Salvador Arroyo, Chief Engineer of Juarez Flood Control Commission, May 1928.

8.–"Statement Regarding Rectification of the Rio Grande", by J. L. Savage, Designing Engineer, United States Bureau of Reclamation, November 28, 1928.

9.–"Report on Preliminary Estimates, Rectification of the Rio Grande El Paso-Juarez to Quitman Canyon", by Salvador Arroyo and C. M. Ainsworth, December 1928.

10.–"Proposed Rectification of the Rio Grande from El Paso-Juarez to Quitman Canyon", by R. M. Priest, Superintendent of the Yuma Project, United States Bureau of Reclamation, May 2, 1929.

Respectfully submitted,
July 16, 1930.

(Sgd.) C. M. AINSWORTH
Consulting Engineer
United States Section.

(Sgd.) ARMANDO SANTACRUZ
Consulting Engineer,
Mexican Section.

To the Honorable Commissioners,
International Boundary Commission, United States and Mexico.

6.–"Efectos del almacenamiento de las aguas del Río Grande sobre la erosión y el azolve de la corriente", por el Ingeniero L. M. Lawson, Superintendente del Sistema, Oficina de Irrigación de los Estados Unidos. El Paso, Texas. Mayo de 1928.

7.–"El régimen actual del Alto Río Grande y el problema a que ha dado lugar en el valle de Juárez-El Paso", por el Ingeniero Salvador Arroyo, Jefe de la Comisión de Obras de Defensa del Río Bravo en C. Juárez, Chih. Mayo de 1928.

8.–"Informe sobre la rectificación del Río Grande" por J. L. Savage, Ingeniero Proyectista en Jefe del "Bureau of Reclamation" de los Estados Unidos. 28 de noviembre de 1928.

9.–"Informe sobre presupuestos preliminares para la rectificación del Río Bravo de Juárez-El Paso al cañón de Quitman", por los Ingenieros Salvador Arroyo y C. M. Ainsworth. Diciembre de 1928.

10.–"Proyecto de rectificación del Río Bravo entre Juárez-El Paso y el Cañón de Quitman", por el Ingeniero R. M. Priest, Superintendente del Sistema de Yuma del "Bureau of Reclamation" de los Estados Unidos. 2. de Mayo de 1929.

Con todo respeto.
México, D.F., julio 16 de 1930.

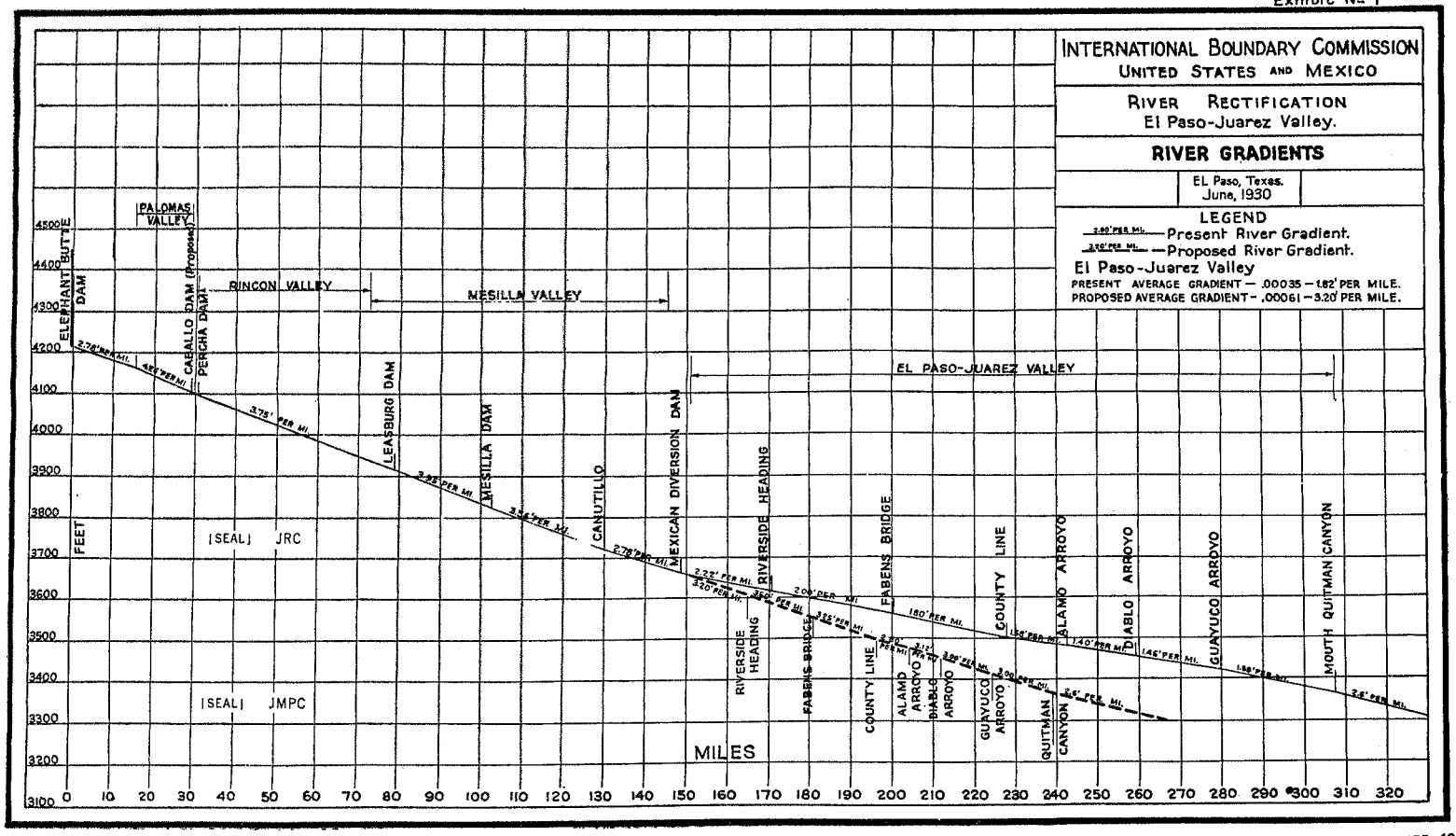
(Fdo.) ARMANDO SANTACRUZ
Ingeniero Consultor–de la
Sección Mexicana.

(Fdo.) C. M. AINSWORTH
Ingeniero Consultor de la
Sección de Estados Unidos.

A los Honorables Comisionados de la Comisión Internacional de Límites entre México y los Estados Unidos.

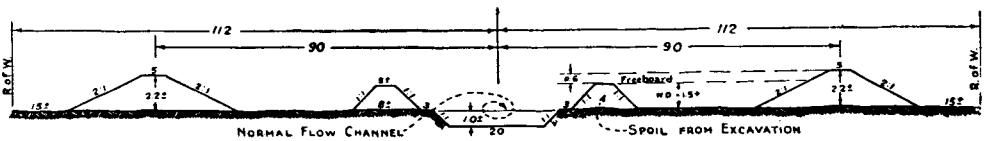
PRESENTES.

Exhibit Nº 1



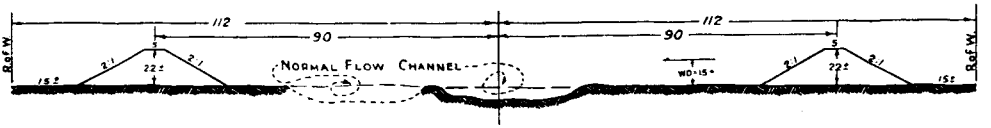
475-42

[Exhibit No. 3]



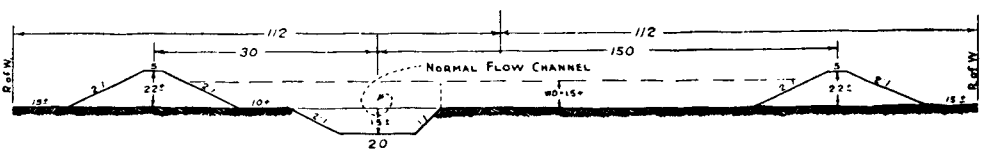
Typical Section above Tornillo-thru Cutoffs (Sec 'A')

[SEAL] JRC

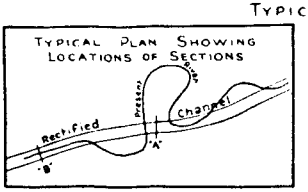


[SEAL] JMPC

Typical Section following Present River (Sec 'B')



Typical Section - below Tornillo-thru Cutoffs (Sec 'A')



HYDRAULIC FUNCTIONS

n = .025 - - NORMAL CHANNEL

n = .030 - - SIDE OR FLOOD CHANNELS

A 254 to 287 W.P. 158 to 174 r 4.7 to 7.5 V 3.2' to 5.7'=1.0^{m} to 1.7^{m}

S=.00045 to .0008 Q= 10700 to 11600 S.F. = 303 to 329 SEC. METERS.

NOTE ALL DIMENSIONS IN METERS

I.B.C.
UNITED STATES & MEXICO
RIVER RECTIFICATION
EL PASO & JUAREZ
TO QUITMAN CANYON
11,000 S.F. CHANNEL
TYPICAL CROSS SECTIONS
EL PASO, TEXAS. 11-19-29

472-L-104

Exhibit No 4

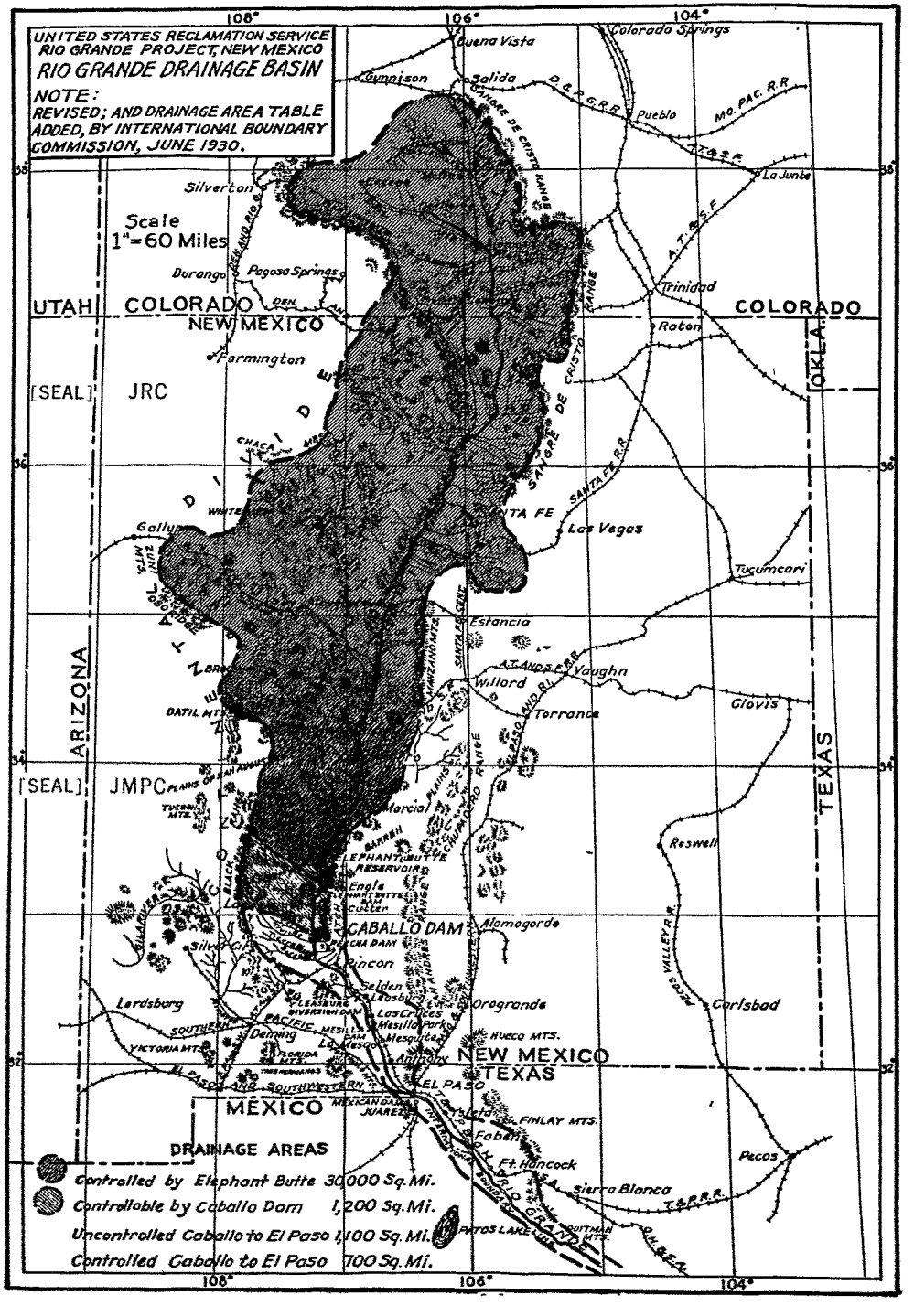

UNITED STATES RECLAMATION SERVICE
RIO GRANDE PROJECT, NEW MEXICO
RIO GRANDE DRAINAGE BASIN
NOTE:
REVISED; AND DRAINAGE AREA TABLE ADDED, BY INTERNATIONAL BOUNDARY COMMISSION, JUNE 1930.
Scale 1"=60 Miles
[SEAL] JRC
[SEAL] JMPC
UTAH
COLORADO
NEW MEXICO
ARIZONA
TEXAS
OKLA.
MEXICO
Buena Vista
Colorado Springs
Gunnison
Salida
Pueblo
La Junta
Silverton
Durango
Pagosa Springs
Trinidad
Raton
Farmington
Las Vegas
Tucumcari
Estancia
Willard
Vaughn
Torrance
Glovis
Roswell
Carlsbad
Alamogordo
Orogrande
Hueco Mts.
Deming
Lordsburg
Silver City
Pincon
Selden
Las Cruces
Mesilla Park
Mesquite
Anthony
El Paso
Juarez
Fabens
Finlay Mts.
Ft. Hancock
Sierra Blanca
Pecos
Engle
Caballo Dam
Elephant Butte Reservoir
Percha Dam
Leasburg Diversion Dam
Leasburg Dam
Mesilla Dam
Tularosa Mts.
Datil Mts.
Victoria Mts.
Florida Mts.
Organ Mts.
Sacramento Mts.
Guadalupe Mts.
Quitman Mts.
Pecos Valley R.R.
Mo. Pac. R.R.
A.T. & S.F.
D. & R.G.R.R.
T. & P. R.R.
Rio Grande
Pecos River
Sangre de Cristo Range
Chama River
Gallinas River
Canadian River
Pecos Lake
DRAINAGE AREAS
Controlled by Elephant Butte 30,000 Sq. Mi.
Controllable by Caballo Dam 1,200 Sq. Mi.
Uncontrolled Caballo to El Paso 1,100 Sq. Mi.
Controlled Caballo to El Paso 700 Sq. Mi.
108°
106°
104°
38
36
34
32

EXHIBIT NO. 5

RIVER RECTIFICATION—EL PASO-JUAREZ TO QUITMAN CANYON
ESTIMATE OF 11,000 SECOND FOOT CHANNEL

Mexico, D.F., July 16, 1930.

Right-of-Way		
Mexico:		
1650 hectares at $50 (Dollars)	$82,500	
(4080 acres at $20 ")		
United States:		
1650 hectares at $200 "	330,000	$412,500
(4080 acres at $81 ")		
Segregated Tracts		
Mexico:		
1400 hectares at $40 (Dollars)	56,000	
(3460 acres at $16 ")		
United States:		
1400 hectares at $150 "	210,000	266,000
(3460 acres at $60 ")		
Earthwork		
3,650,000 cu.mtr. excavation at $0.18	657,000	
(4,775,000 cu.yd. at $0.138)		
6,870,000 cu.mtr. embankment at $0.18	1,236,600	1,893,600
(8,985,000 cu. yd. at $0.138)		
Clearing		
2,400 hectares at $62.50 (6,000 acres at $25.30)		150,000
Miscellaneous		
Work above Cordova:		
Mexico	25,000	
United States	100,000	
Changes in Irrigation Works:		
Mexico	75,000	
United States	150,000	
Grade Controls (6)	675,000	
Bridges (6)	300,000	1,325,000
Sub-Total		$4,047,100
20% engineering, overhead and contingencies		809,400
TOTAL		$4,856,500
Caballo Dam—100,000 acre foot reservoir		1,250,000
GRAND TOTAL		$6,106,500

(Dollars)

Note: The smaller unit price of the segregated tracts as compared with the rights-of-way is predicated on the resale value of those segregated.

ANEXO NO. 5.

PROYECTO DE RECTIFICACION DEL CAUCE DEL RIO BRAVO ENTRE JUAREZ-EL PASO Y EL CAÑÓN DE QUITMAN. PRESUPUESTO PARA UN CAUCE ARTIFICIAL DE 314 MTS. CUBICOS (11.000 pies) POR SEGUNDO.

	Dólares.	
DERECHO DE VIA.		
México.		
1650 hectaras a Dls. 50. (4080 acres a Dls. 20)	$82, 500	
Estados Unidos.		
1650 hectaras a Dls. 200 (4080 acres a Dls. 81)	"330. 000	$412, 500.
AREAS SEGREGADAS.		
México.		
1400 hectaras a Dls. 40. (3460 acres a Dls. 16)	$56. 000	
Estados Unidos.		
1400 hectaras a Dls. 150 (3460 acres a Dls. 60)	"210. 000	$266. 000.
TERRACERIAS.		
3.650.000 Mts. Cúbs.de excavación a Dls. 0.18. (4.775.000 yds.cúbs. a Dls. 0.138)	$657. 000	
6.870.000 Mts. Cúbs. en diques a – – Dls. 0.18. (8.985.000 yds.cúbs. a Dls. 0.138)	1. 236. 600.	1, 893. 600
DESMONTE DEL DERECHO DE VIA.		
2.400. hectaras a Dls. 62.50 (6.000. acres a Dls. 25.30)		150. 000
VARIOS.		
Trabajos arriba del Corte de Córdova.		
México	25. 000	
Estados Unidos	100. 000	
MODIFICACIONES EN LAS OBRAS DE RIEGO Y DRENAJE.		
México	75. 000	
Estados Unidos	150. 000	
Estructuras para controlar la pendiente (10)	675. 000	
Puentes (6)	300. 000.	1, 325. 000
SUB TOTAL.		$4. 047. 100
Gastos de Dirección, Administración e Imprevistos, 20% del subtotal		" 809. 400
TOTAL		$4. 856. 500
PRESA EN CABALLO.		
Vaso con capacidad de 123.350.000 Mts. cúbicos (100.000 acres pies)		$1. 250. 000
GRAN TOTAL		$6. 106. 500

NOTA:
Los valores unitarios menores de los terrenos segregados, en comparación con los que figuran para el derecho de vía, provienen de que se ha supuesto que puede recobrarse una parte del valor de los terrenos segregados, por venta de los mismos después de hechas las obras.

AND WHEREAS the said convention, as amended by the Senate of the United States of America, has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the tenth day of November, one thousand nine hundred and thirty-three;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention to be made public to the end that the same and every article and clause thereof, as amended, may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this thirteenth day of November in the year of our Lord one thousand nine hundred and [SEAL] thirty-three and of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:

WILLIAM PHILLIPS

Acting Secretary of State.

EXCHANGES OF NOTES BETWEEN THE AMERICAN AMBASSADOR AT MEXICO CITY AND THE MEXICAN MINISTER FOR FOREIGN AFFAIRS

The Mexican Minister for Foreign Affairs (Puig) to the American Ambassador (Clark)

1o. de febrero de 1933.

SECRETARIO
DE RELACIONES EXTERIORES
MEXICO

ESTIMADO SEÑOR EMBAJADOR:

Al proceder a la firma de la Convención relativa a la rectificación del cauce del Río Bravo del Norte, en el valle de Juárez-El Paso, ha quedado entendido entre ambos Gobiernos, que los documentos anexos a la Convención, según lo dispuesto en el Artículo VIII de la misma, son copias del Acta No. 129, de 31 de julio de 1930, de la Comisión Internacional de Límites, así como del informe, mapas, planos y especificaciones anexas a dicha Acta, y que en el caso de que hubiere alguna diferencia entre las copias citadas anexas a la Convención y sus originales, los originales serán los que rijan.

Sin otro particular, me repito de usted como siempre su afectísimo, atento y seguro servidor.

PUIG

SEÑOR J. REUBEN CLARK, Jr.,
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América.
Presente.

[Translation]

February 1, 1933.

MINISTER FOR FOREIGN AFFAIRS
MEXICO

DEAR MR. AMBASSADOR:

In proceeding to the signature of the Convention relative to the rectification of the river channel of the Rio Grande in the El Paso-Juárez valley, it is understood by both Governments that the documents annexed to the Convention, as provided in Article VIII thereof, are copies of Minute 129 of July 31, 1930 of the International Boundary Commission, and of the report, maps, plans, and specifications annexed to said Minute, and that in case any difference exists between such copies so annexed to the Convention and their originals, the originals shall control.

There being nothing further to discuss, I again subscribe myself, as always, your affectionate, devoted, and faithful servant.

PUIG

MR. J. REUBEN CLARK, Jr.,
Ambassador Extraordinary and Plenipotentiary,
of the United States of America.
Mexico.

The American Ambassador (Clark) to the Mexican Minister for Foreign Affairs (Puig)

EMBASSY OF THE UNITED STATES OF AMERICA,
MÉXICO, *February 1, 1933.*

MY DEAR MR. MINISTER:

Referring to your note of even date, in which you set out that in proceeding to the signature of the Convention providing for the rectification of the river channel of the Rio Grande in the El Paso-Juárez valley, it is understood that the documents attached to the Convention, as provided in Article VIII thereof, are copies of Minute 129 (July 31, 1930) of the International Boundary Commission, and of the report, maps, plans, and specifications attached to that Minute, and that in case any difference exists between such copies so attached to the Convention and their originals, the originals shall control, I beg hereby to confirm such understanding.

Please accept, Mr. Minister, the renewed assurances of my highest consideration.

J. REUBEN CLARK, Jr.

HIS EXCELLENCY
SEÑOR DOCTOR DON JOSÉ M. PUIG CASAURANC
Minister for Foreign Affairs,
Mexico.

The Mexican Minister for Foreign Affairs (Puig) to the American Ambassador (Daniels)

SECRETARIA DE RELACIONES EXTERIORES
ESTADOS UNIDOS MEXICANOS
MEXICO

MÉXICO, *8 de septiembre de 1933.*

SEÑOR EMBAJADOR:

Para facilitar el pronto canje de ratificaciones de la Convención firmada entre México y los Estados Unidos para la rectificación del Río Bravo (Río Grande) en el Valle de Juárez, de fecha 1o. de febrero de 1933, y a fin de establecer con claridad la inteligencia de ambos Gobiernos por lo que respecta a la cuestión de derecho y uso de aguas

del Río Bravo (Río Grande), en el tramo que comprende dicha Convención, los dos Gobiernos declaran por este cambio de notas que el espíritu y términos de la Convención de febrero 1o. de 1933 no alteran las disposiciones de las Convenciones actualmente vigentes respecto a la utilización de agua del Río Bravo (Río Grande) y que, en consecuencia, estos asuntos permanecen sin ser afectados de modo alguno y exactamente en el mismo status que existía antes de que la Convención de 1o. de febrero de 1933 fuera celebrada.

Aprovecho la oportunidad para renovar a Vuestra Excelencia las seguridades de mi más alta consideración.

PUIG

EXCELENTÍSIMO
SEÑOR JOSEPHUS DANIELS,
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América.
Presente.

[Translation]

MINISTRY FOR FOREIGN AFFAIRS
UNITED MEXICAN STATES
MEXICO

MEXICO, *September 8, 1933.*

MR. AMBASSADOR:

In order to facilitate the early exchange of ratifications of the Convention signed between Mexico and the United States for the rectification of the Rio Bravo (Rio Grande) in the Juarez Valley, dated February 1, 1933, and in order to establish clearly the understanding of both Governments with respect to the question of rights and use of waters of the Rio Bravo (Rio Grande) along the stretch covered by said Convention, the two Governments declare through this exchange of notes that the spirit and terms of the Convention of February 1, 1933, do not alter the provisions of Conventions now in force as regards the utilization of water from the Rio Bravo (Rio Grande) and that, consequently, these matters remain entirely unaffected and in exactly the same status as existed before the Convention of February 1, 1933, was concluded.

I avail myself of this opportunity to renew to Your Excellency the assurances of my high consideration.

PUIG

HIS EXCELLENCY
MR. JOSEPHUS DANIELS,
Ambassador Extraordinary and Plenipotentiary
of the United States of America,
Mexico.

The American Ambassador (Daniels) to the Mexican Minister for Foreign Affairs (Puig)

No. 187 EMBASSY OF THE UNITED STATES OF AMERICA,
MEXICO, *September 8, 1933.*

EXCELLENCY:

In order to facilitate the early exchange of ratifications of the Convention signed between Mexico and the United States for the rectification of the Rio Grande (Rio Bravo) in the Juárez Valley, dated February 1, 1933, and in order to establish clearly the understanding of both Governments with respect to the question of rights and use of waters of the Rio Grande (Rio Bravo) along the stretch covered by said Convention, the two Governments declare through this exchange of notes that the spirit and terms of the Convention of February 1, 1933, do not alter the provisions of Conventions now in force as regards the utilization of water from the Rio Grande (Rio Bravo) and that, consequently, these matters remain entirely unaffected and in exactly the same status as existed before the Convention of February 1, 1933, was concluded.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

JOSEPHUS DANIELS.

HIS EXCELLENCY
SEÑOR DOCTOR DON JOSÉ MANUEL PUIG CASAURANC,
Minister for Foreign Affairs,
Mexico.

Agreement between the United States of America and Denmark for collect-on-delivery parcel-post service. Signed at Copenhagen, October 13, 1933, at Washington, November 11, 1933; approved by the President, November 17, 1933.

October 13, 1933.
November 11, 1933.

Agreement between the United States of America and Denmark for Collect-on-Delivery Service

For the purpose of concluding arrangements for the exchange between the United States of America (including Alaska, Hawaii, Puerto Rico, Guam, Samoa, and the Virgin Islands of the United States) and Denmark (including Faroe Islands and Greenland) of parcels marked for the collection of trade charges, the undersigned, James A. Farley, Postmaster General of the United States of America, and C. I. Mondrup, Director General of Posts of Denmark, by virtue of authority vested in them, have agreed upon the following Articles:

ARTICLE I

1. Parcel post packages admissible for mailing and insurance under the Parcel Post Agreement signed at Copenhagen the ninth day of December 1932, and at Washington the twenty-eighth day of December 1932, and having charges to be collected on delivery, shall be accepted for mailing from Denmark to any money order post office in the United States of America or from the United States of America to any money order office in Denmark.

2. Collect-on-delivery parcels shall be accepted only when insured. Collect-on-delivery parcels and the money orders issued in payment of the charges thereon shall be handled apart from ordinary dispatches of parcel post and from ordinary money orders.

Overenskomst mellem De Forenede Stater i Amerika og Danmark angaaende Postopkrævningsudveksling

Collect-on-delivery postal agreement with Denmark.

Med det Formaal at indføre Udveksling af Pakker med Postopkrævning mellem Forenede Stater i Amerika (med Alaska, Hawaii, Puerto Rico, Guam, Samoa og Virgin Øerne) og Danmark (med Færøerne og Grønland) er underskrevne James A. Farley, Generalpostmester i De Forenede Stater i Amerika, og C. I. Mondrup, Generaldirektør for Post- og Telegrafvæsenet i Danmark, i Medfør af de os meddelte Bemyndigelser kommet overens om følgende Bestemmelser:

ARTIKEL I

Admission of collect-on-delivery parcel-post packages.
Vol. 47, p. 2402.

1. Pakker, som kan modtages til Postbesørgelse med angiven Værdi i Henhold til den i København den 9' December 1932 og i Washington den 28' December 1932 underskrevne Postpakkeoverenskomst, skal modtages til Postbesørgelse med Postopkrævning fra Danmark til alle Posthuse i Forenede Stater i Amerika, der udfører Postanvisningsforretninger, og fra Forenede Stater i Amerika til alle Posthuse i Danmark.

Acceptance only when insured.

2. Postopkrævningspakker kan kun modtages som Pakker med angiven Værdi. Postopkrævningspakker og Opkrævningspostanvisninger skal behandles adskilt fra den almindelige Pakkepost og de almindelige Postanvisninger.

Segregation of parcels, etc.

86637°—34—PT 2——25

May be extended to uninsured matter.

3. By mutual consent through correspondence, the collect-on-delivery service may be extended to ordinary (uninsured) parcel post packages exchanged between the two countries with the provision that each country may handle in transit and otherwise treat ordinary (uninsured) collect-on-delivery parcels addressed to, or received from, the other country in accordance with its own domestic regulations.

3. Efter fælles Aftale ved Korrespondance kan Postopkrævningsudvekslingen udvides til at omfatte ogsaa almindelige Pakker (uden angiven Værdi), der udveksles mellem de to Lande, dog med den Bestemmelse, at hvert Land i Henseende til Befordring og Ekspedition iøvrigt kan behandle almindelige Postopkrævningspakker (uden angiven Værdi), der er afsendt fra eller bestemt til det andet Land, i Overensstemmelse med dets egne indenrigske Bestemmelser.

Transit parcels not included.

4. The provisions of this Agreement do not cover transit collect-on-delivery parcels.

4. Bestemmelserne i denne Overenskomst omfatter ikke transiterende Postopkrævningspakker.

ARTICLE II

ARTIKEL II

Postage rates, insurance, etc., formalities.

1. Parcels bearing charges for collection on delivery shall be subject to the postage rates, insurance fees, conditions of mailing and other formalities applicable to insured parcels without trade charges as stipulated in the aforesaid Agreement of December 9/28, 1932, when not inconsistent with the provisions of this Agreement.

1. Postopkrævningspakker skal underkastes de i fornævnte Overenskomst af 9/28' December 1932 for Pakker med angiven Værdi uden Postopkrævning indeholdte Bestemmelser angaaende Porto, Værdiporto, Befordringsbetingelser og andre Formaliteter, forsaavidt disse Bestemmelser ikke er uforenelige med Bestemmelserne i nærværende Overenskomst.

Vol. 47, p. 2402.

Additional fee from sender.

2. The Administration of origin is entitled to collect from the sender of each parcel mailed collect-on-delivery, such collect-on-delivery fee, in addition to the required postage and other fees, as may be prescribed by its regulations, which collect-on-delivery fee shall belong entirely to the country collecting it. No special account of these fees is to be made between the two Administrations.

2. Poststyrelsen i Afsendelseslandet er berettiget til udover den nødvendige Pakkeporto og andre Gebyrer at opkræve hos Afsenderen af en Postopkrævningspakke den Postopkrævningsporto, der er hjemlet ved dens egne Bestemmelser; Postopkrævningsportoen beholdes udelt af Afsendelseslandet. Der skal følgelig ikke foretages nogen Afregning af Postopkrævningsportoen mellem de 2 Poststyrelser.

No accounting.

ARTICLE III

ARTIKEL III

Maximum fee.

1. The maximum amount to be collected on delivery shall, for the present, be 500 francs gold or its equivalent in the currency of the country of origin. This amount may be increased or decreased at any time by mutual agreement through correspondence between the two Postal Administrations. The amount to be collected on delivery shall invariably be stated in the currency of the country of mailing.

1. Maksimum for Postopkrævningsbeløb skal indtil videre være 500 Guldfrancs eller det hertil i Afsendelseslandets Mønt svarende Beløb. Dette Beløb kan til enhver Tid forhøjes eller nedsættes efter fælles Overenskomst ved Korrespondance mellem de to Poststyrelser. Postopkrævningsbeløb skal i alle Tilfælde angives i Afsendelseslandets Mønt.

Changes by mutual agreement.

2. When the sender makes a request early enough for any reduction or cancellation of the amount to be collected on delivery the request shall be handled between the exchange offices which have handled the parcel, unless otherwise agreed to through correspondence between the Administrations.

Requests for reduction or cancellation.

2. Naar Afsenderen paa et tilstrækkelig tidligt Tidspunkt fremsætter Begæring om Nedsættelse eller Ophævelse af et Postopkrævningsbeløb, skal en saadan Begæring behandles af de Udvekslingskontorer, der har behandlet Pakken, medmindre anden Fremgangsmaade aftales ved Korrespondance mellem Poststyrelserne.

Article IV

The responsibility of properly closing, packing and sealing collect-on-delivery parcels lies upon the sender, and the postal service of neither country will assume liability for loss arising from defects which may not be observed at the time of posting.

Packing, etc., responsibility.

Artikel IV

Ansvaret med Hensyn til rigtig Indpakning, Lukning og Forsegling af Postopkrævningspakker paahviler Afsenderen, og Poststyrelserne i de to Lande paatager sig ikke noget Ansvar for Tab, der opstaar som Følge af Mangler, som ikke er blevet bemærket ved Pakkens Indlevering.

Article V

1. The entire amount of the collect-on-delivery charges without any deduction for money order fee or "collection" charges is to be remitted to the sender by means of an international money order. The post office delivering the collect-on-delivery parcel will collect from the addressee the full amount of the collect-on-delivery charges and in addition thereto such money order fee or fees as are required to remit the amount of the collect-on-delivery charges to the sender in the country or origin.

Entire sum remitted to sender.

Charges to be collected from addressee.

Artikel V

1. Hele Postopkrævningsbeløbet uden noget Fradrag af Postanvisnings- eller Postopkrævningsporto skal tilstilles Afsenderen ved Postanvisning. Det Postkontor, der udleverer en Pakke med Postopkrævning, opkræver hos Adressaten det fulde Postopkrævningsbeløb tillige med den for Postopkrævningsbeløbets Tilsendelse til Afsenderen i Afsendelseslandet nødvendige Postanvisningsporto.

2. The country effecting delivery of a collect-on-delivery parcel may at its option collect a reasonable amount, not in excess of 5 cents (25 oere), from the addressee as a collection charge, but this amount is not to be deducted from the collection charges which are remitted to the sender.

Collection charge for delivery.

2. Det Land, der foretager Udleveringen af en Postopkrævningspakke, kan efter dets egen Bestemmelse opkræve hos Adressaten et passende Beløb som Indkasseringsgebyr, dog ikke over 5 cents (25 Øre), men dette Beløb maa ikke fradrages fra Postopkrævningsbeløbet, som tilstilles Afsenderen.

3. Examination of the contents of a collect-on-delivery parcel by the addressee is prohibited until the collect-on-delivery charges and any other charges that may be due thereon have been collected, even though the sender or addressee may make request that such action be permitted.

Examination prohibited until charges paid.

3. Det er forbudt Adressaten at undersøge Indholdet af en Postopkrævningspakke, før Postopkrævningsbeløbet og eventuelle andre Gebyrer, der paahviler Pakken, er betalt, selv om Afsenderen eller Adressaten fremsætter Begæring om, at saadan Undersøgelse tilstedes.

ARTICLE VI

Entry on advice of money order.

1. Every advice of a money order issued in either country in payment of collect-on-delivery charges on an insured parcel must show plainly the collect-on-delivery (insurance) number of the parcel and bear the letters "C.O.D." or the word "*Remboursement*" in a conspicuous position.

Information to accompany advice.

2. The collect-on-delivery money order advice lists shall show, in addition to the usual details, the collect-on-delivery (insurance) number of the parcels. No collect-on-delivery money order shall be listed unless the remitter's name and the payee's name and his exact address are included.

ARTIKEL VI

1. Enhver Postanvisning, der udstedes i de to Lande til Betaling af Postopkrævningsbeløbet paa en Pakke med angiven Værdi, skal paa et fremtrædende Sted bære tydelig Angivelse af Pakkens Registernummer samt Anførslen "C.O.D." eller "*Remboursement*".

2. Listerne over Opkrævningspostanvisninger skal udover de sædvanlige Angivelser udvise Pakkernes Registernummer. En Opkrævningspostanvisning maa ikke opføres paa Listen, uden at Afsenderens Navn og Modtagerens Navn og nøjagtige Adresse angives.

ARTICLE VII

Exchange offices.

1. Parcels with collect-on-delivery charges shall be exchanged through the same offices as are appointed for the exchange of insured parcels without collect-on-delivery charges.

Direct dispatch in sacks with special markings.

The exchange of collect-on-delivery parcels between such offices shall be effected in direct dispatches in sacks containing nothing but collect-on-delivery articles, the letters "C.O.D." or the word "*Remboursement*" being entered very conspicuously in the documents covering them, as well as on the labels of the sacks.

Separate listing bills required.

2. Such parcels will be listed in separate bills to show, in respect to each parcel, the collect-on-delivery number and post office and state of origin, and the collect-on-delivery amount.

Checking and report of receipt.

3. Upon receipt of a dispatch of collect-on-delivery parcels at the exchange office of the country of destination, the dispatch must be carefully checked and otherwise treated as provided in Article 8 of the Regulations of Execution of the Agreement of December 9/28, 1932.

Vol. 47, p. 2428.

ARTIKEL VII

1. Postopkrævningspakker skal udveksles mellem de samme Kontorer, som foretager Udvekslingen af Pakker med angiven Værdi uden Postopkrævning.

Udvekslingen af Postopkrævningspakker mellem disse Kontorer skal foregaa ved direkte Afslutninger i Sække, som kun indeholder Postopkrævningspakker, og Bogstaverne "C.O.D." eller Ordet "*Remboursement*" skal anføres tydeligt saavel paa de paagældende Følgedokumenter som paa Sækkemærkerne.

2. Saadanne Pakker skal optages i særlige Karter, i hvilken der for hver Pakke skal angives Registernummer, Afsendelseskontor og-stat og Postopkrævningsbeløbet.

3. Naar Udvekslingskontoret i Bestemmelseslandet modtager en Afslutning med Postopkrævningspakker, skal Afslutningen nøje kontroleres, og iøvrigt behandles som fastsat i Artikel 8 i Ekspeditionsreglementet til Overenskomsten af 9/28 December 1932.

ARTICLE VIII

The offices of New York and Copenhagen shall be the only ones to send lists of collect-on-delivery money orders, and such money orders shall be listed separately from the ordinary money orders and the list shall be marked "Collect-on-Delivery" or "*Remboursement.*"

ARTIKEL VIII

Lister over Opkrævningspostanvisninger skal alene udfærdiges af Postkontoret i New York og Postgirokontoret i København, og Opkrævningspostanvisningerne skal opføres paa særlige Lister til Adskillelse fra almindelige Postanvisninger, ligesom Listerne skal paategnes "Collect on Delivery" eller "*Remboursement*". Offices to send money orders.

ARTICLE IX

1. The collect-on-delivery money orders which have not been paid to the payee for any reason shall be subject to the disposition of the Administration of the country of origin of the articles to which they relate.

When it appears that the collect-on-delivery service was used in furtherance of a scheme to defraud, payment of the money orders in question will be withheld, if practicable, and the orders disposed of in accordance with the equities of each case under the rules and regulations of the country of origin of the collect-on-delivery parcels involved.

2. As for other formalities, collect-on-delivery money orders shall be subject to the provisions governing the money order exchange between the two countries.

ARTIKEL IX

1. Postopkrævningsbeløb, som af en eller anden Grund ikke er blevet udbetalt til Opkrævningspostanvisningens Adressat, forbliver til Disposition for Poststyrelsen i det Land, hvorfra den Pakke, til hvilken Postopkrævningsbeløbet har Henhold, er afsendt. Disposition of unpaid orders.

Saafremt det viser sig, at Postopkrævningssystemet er blevet benyttet til Fremme af bedragerisk Formaal, skal de paagældende Opkrævningspostanvisninger tilbageholdes, hvis det er gørligt, og behandles efter hvert Tilfældes Karakter i Overensstemmelse med de Regler og Bestemmelser, som gælder i det Land, hvorfra vedkommende Postopkrævningspakke er afsendt. Fraudulent schemes.

2. Med Hensyn til andre Formaliteter underkastes Opkrævningspostanvisninger de for Postanvisningsudvekslingen mellem de to Lande gældende Bestemmelser. Provisions governing other formalities.

ARTICLE X

1. In case an insured collect-on-delivery parcel has been lost, rifled, or damaged, the Postal Administrations are responsible as for an insured parcel without trade charges, in conformity with the provisions in Article VII of the Agreement of December 9/28, 1932.

ARTIKEL X

1. I Tilfælde, hvor en Postopkrævningspakke med angiven Værdi er gaaet tabt, berøvet sit Indhold eller er blevet beskadiget, er Poststyrelserne ansvarlige som for en Pakke med angiven Værdi uden Postopkrævning i Overensstemmelse med Bestemmelserne i Artikel VII i Overenskomsten af 9/28 December 1932. Responsibility for losses, etc.

Vol. 47, p. 2406.

Payment to claimant by Administration responsible for loss, etc.

2. When a collect-on-delivery parcel has been delivered to the addressee but the charges have not been remitted, the sender or other rightful claimant is entitled to an indemnity corresponding to the collect-on-delivery amount not remitted, provided that he has made his claim in due time and unless the delivery without collecting the charges has arisen from the fault or negligence of the sender or from the transmission of the contents in parcel post mails being prohibited.

This stipulation also applies to the case that a lower amount than the full collect-on-delivery charge is collected from the addressee.

Limitation of indemnity.

The indemnity provided for in this section may not in any case exceed the collect-on-delivery amount.

Fixing responsibility, etc.

3. As to the fixing of the responsibility and the payment of the indemnity the same stipulations shall be applied as are provided for insured parcels not sent collect-on-delivery, as set forth in Article VII of the aforesaid Agreement of December 9/28, 1932.

Vol. 47, p. 2406.

Action, when parcel recovered after indemnity paid.

4. When a collect-on-delivery parcel for which indemnity has been paid is recovered, the postmaster at the delivering office will deliver the parcel and collect the charges, hold such amount and request instructions from the Administration to which his office is subordinate. If the addressee, however, refuses to accept a recovered parcel and pay the charges, the postmaster will hold it and likewise seek instructions as to its disposition. In the latter case the Administration responsible for the indemnity shall determine the disposition to be made of the parcel involved.

Administration paying, subrogated to rights of sender.

5. By the fact of the payment of indemnity, the Administration making the payment is subrogated to the rights of the sender

2. Hvis en Postopkrævningspakke er blevet udleveret til Adressaten, men Postopkrævningsbeløbet ikke er blevet udbetlat Afsenderen, har denne eller en anden legitimeret Reklamant Ret til en Erstatning, der svarer til det ikke udbetalte Postopkrævningsbeløb, forudsat at han har fremsat sit Krav i rette Tid, og med mindre Udleveringen uden Opkrævning skyldes Afsenderens Fejl eller Forsømmelse eller skyldes Forsendelse af Genstande, som det er forbudt at sende i Postpakker.

Denne Bestemmelse finder ogsaa Anvendelse i det Tilfælde, at der hos Adressaten er opkrævet et mindre Beløb end det fulde Postopkrævningsbeløb.

Erstatning i Henhold til Bestemmelserne i dette Punkt kan ikke i noget Tilfælde overstige Postopkrævningsbeløbet.

3. Med Hensyn til Bestemmelse af Ansvarligheden og Udbetaling af Erstatning gælder samme Regler som de i Artikel VII i Overenskomsten af 9/28 December 1932 for Pakker med angiven Værdi uden Postopkævning fastsatte.

4. Saafremt en Postopkrævningspakke, for hvilken Erstatning er blevet udbetalt, atter kommer til Veje, skal Udleveringspostkontoret udlevere Pakken og opkræve Postopkrævningsbeløbet, tilbageholde Beløbet og indhente Forholdsordre hos den foresatte Poststyrelse. Hvis Adressaten imidlertid nægter at modtage en Pakke, der saaledes er kommet til Veje, og at betale Postopkrævningsbeløbet, skal Postkontoret tilbageholde Pakken og ligeledes indhente Forholdsordre angaaende dens Behandling. I sidste Tilfælde træffer den erstatningspligtige Poststyrelse Bestemmelse om den paagældende Pakkes videre Behandling.

5. Ved Udbetaling af Erstatningen indtræder den Poststyrelse, der har udredet Erstatningen, i ethvert Krav vedrørende

for any eventual recourse concerning the parcel against the addressee or a third party.

ARTICLE XI

Each collect-on-delivery parcel and the relative customs declaration must bear, on the address side, the conspicuous impression of an official stamp or label reading "COLLECT ON DELIVERY" or "C.O.D." or "*Remboursement*", and in close proximity to these words there must appear the number given the parcel which shall be the insurance number (only one original number) and after it must be shown in Roman letters and in Arabic figures the exact amount of the collect - on - delivery charges which should not include the additional money order fee or fees that will be collected in the country making delivery of the parcel for making the remittance to the sender in the country of mailing.

ARTICLE XII

1. Unless mutually agreed otherwise, collect-on-delivery parcels shall not be reforwarded to a third country.

2. The sender of a collect-on-delivery parcel may cause it to be recalled as provided in Article X of the Agreement of December 9/28, 1932.

ARTICLE XIII

The sender may provide, in case his collect-on-delivery parcel is undeliverable as originally addressed, for other disposition to be made of it the same as in the case of parcels without trade charges and as stipulated in Article 9 of the Regulations of Execution of the Agreement of December 9/28, 1932.

ARTICLE XIV

Details as to the methods of handling indemnity claims involving collect-on-delivery parcels and

Pakken, som Afsenderen maatte have paa Adressaten eller Tredjemand.

ARTIKEL XI

Enhver Postopkrævningspakke samt den tilhørende Tolddeklaration skal paa Adressesiden bære et tydeligt Aftryk af et officielt Stempel eller en Etiket med Angivelsen "Collect on Delivery" eller "C.O.D." eller "Remboursement", og umiddelbart ved denne Angivelse skal anføres Pakkens Registernummer (kun eet oprindeligt Nummer), og derefter skal det nøjagtige Postopkrævningsbeløb anføres med latinske Bogstaver og arabiske Tal, hvilket Beløb ikke maa indbefatte Tillægsgebyret for en Postanvisning eller andre Gebyrer, som opkræves i det Land, der udleverer Pakken, for at anvise Beløbet til Afsenderen i Afsendelseslandet. Official stamping of parcels, etc.

ARTIKEL XII

1. Med mindre anden Aftale træffes, omekspederes Postopkrævningspakker ikke til et tredie Land. Reforwarding to other countries.

2. Afsenderen af en Postopkrævningspakke kan begære den tilbageleveret i Overensstemmelse med Bestemmelserne i Postpakkeoverenskomsten af 9/28 December 1932 Artikel X. Recall by sender.

Vol. 47, p. 2412.

ARTIKEL XIII

Afsenderen kan for det Tilfælde, at en Postopkrævningspakke er ubesørgelig efter den opringdelige Adresse, træffe Bestemmelse om dens Behandling paa samme Maade som med Hensyn til Pakker uden Postopkrævning, jfr. Artikel 9 i Ekspeditionsreglementet til Overenskomsten af 9/28 December 1932. Disposition of undeliverable articles.

Vol. 47, p. 2428.

ARTIKEL XIV

Nærmere Bestemmelser om Behandlingen af Erstatningskrav vedrørende Postopkrævningspak- Arranging details for handling indemnity claims.

other details for the execution of this Agreement may be arranged by correspondence between the two Administrations.

ker og om Gennemførelsen af denne Overenskomst kan træffes ved Korrespondance mellem de to Poststyrelser.

ARTICLE XV

ARTIKEL XV

Application of other conventions to matters not covered hereby.

All matters connected with the exchange of collect-on-delivery articles not covered by this Agreement shall be covered by the Money Order, Postal, and Parcel Post Conventions in force between the two countries, or by the provisions of the Universal Postal Union Convention and the Detailed Regulations for its Execution, insofar as they are applicable and not inconsistent with the provisions of this Agreement, and then if no other arrangement has been made, the internal legislation or regulations of the United States of America or Denmark, according to the country involved, shall govern, or the matter will be made the subject of mutual agreement by correspondence between the two countries.

Vol. 46, p. 2523.

Alle Forhold vedrørende Udvekslingen af Postopkrævningsforsendelser, som ikke er omhandlet i denne Overenskomst, skal behandles efter Reglerne i de mellem de to Lande gældende Postanvisnings- og Pakkepostoverenskomster eller efter Bestemmelserne i Verdenspostkonventionen, og dennes Ekspeditionsreglement, alt forsaavidt disse Bestemmelser er anvendelige og ikke er uforenelige med Bestemmelserne i denne Overenskomst, medens derefter, hvis ikke anden Ordning er truffet, De Forenede Staters eller Danmarks interne Lovgivning eller Reglementer skal bringes til Anvendelse, eller Sagen skal gøres til Genstand for Aftale ved Korrespondance mellem de to Lande.

ARTICLE XVI

ARTIKEL XVI

Temporary suspension of service.

Either Administration may temporarily suspend the collect-on-delivery service, in whole or in part, when there are special reasons for doing so, or restrict it to certain offices; but on condition that previous and opportune notice of such a measure is given to the other Administration, such notice to be given by the most rapid means if necessary.

Hver af Poststyrelserne kan midlertidigt suspendere Postopkrævningstjenesten helt eller delvis, naar der foreligger særlige Grunde derfor, eller begrænse den til visse Postkontorer men paa Betingelse af, at der forud gives den anden Poststyrelse fornøden Meddelelse om et saadant Skridt, hvilken Meddelelse skal gives med Benyttelse af de hurtigste Midler, saafremt det er nødvendigt.

ARTICLE XVII

ARTIKEL XVII

Effect and duration.

This Agreement shall take effect and operations thereunder shall begin on a date to be mutually settled between the Administrations of the two countries, and shall continue in force until terminated by mutual agreement; but may be annulled at the desire of either Administration upon six months' previous notice given to the other.

Denne Overenskomst skal træde i Kraft, og de Forretninger, den omhandler, skal begynde paa en efter Aftale mellem Poststyrelserne i de to Lande fastsat Dato, og Overenskomsten skal forblive i Kraft, indtil den ophører efter fælles Aftale, men den kan ophæves efter den ene Poststyrelses Ønske efter et 6 Maaneder forud givet Varsel.

Done in duplicate and signed at Copenhagen, the thirteenth day of October 1933, and at Washington, the 11th day of November 1933.

[SEAL]

JAMES A. FARLEY,
The Postmaster General of the United States of America.

C. MONDRUP,
The Director General of Posts of Denmark.

Udfærdiget i to Eksemplarer og underskrevet i København den 13 Oktober 1933 og i Washington den 11' November 1933.

[SEAL]

C. MONDRUP,
Generaldirektør for Post- og Telegrafvæsenet i Danmark.

JAMES A. FARLEY,
Generalpostmester i De Forenede Stater i Amerika.

Signatures.

The foregoing Agreement for Collect-on-Delivery Service between the United States of America and Denmark has been negotiated and concluded with my advice and consent and is hereby approved and ratified.

Approval by the President.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

[SEAL] FRANKLIN D ROOSEVELT

By the President:

WILLIAM PHILLIPS,
Acting Secretary of State.

WASHINGTON, *November 17, 1933.*

March 9, 1934.

Ante, p. 1507.

Declaration by which the Free City of Danzig becomes a contracting party to the treaty of friendship, commerce, and consular rights of June 15, 1931, between the United States of America and Poland; signed March 9, 1934; effective March 24, 1934.

The Polish Ambassador (Patek) to the Secretary of State

AMBASSADE DE POLOGNE,
Washington, le 9 mars, 1934.

MONSIEUR LE SECRÉTAIRE D'ETAT,

Declaration by Polish Government.

D'ordre de mon Gouvernement j'ai l'honneur de porter à la connaissance de Votre Excellence ce qui suit:

Le Gouvernement Polonais, auquel il appartient d'assurer la conduite des affaires extérieures de la Ville Libre de Dantzig en vertu de l'article 104 du Traité de Paix, signé à Versailles le 28 Juin 1919 et des articles 2 et 6 de la Convention entre la Pologne et la Ville Libre de Dantzig, signée à Paris le 9 Novembre 1920, déclare, en agissant pour la Ville Libre de Dantzig et en exécution de l'article XXIX du Traité d'amitié, de commerce et des droits consulaires entre la Pologne et les Etats-Unis d'Amérique, signé à Washington le 15 Juin 1931, que la Ville Libre de Dantzig devient Partie Contractante au dit Traité à partir du 15-ème jour de la date de la réception par le Gouvernement des Etats-Unis d'Amérique de la présente notification.

J'ai l'honneur de prier Votre Excellence de bien vouloir m'accuser réception de la présente note.

Veuillez agréer, Monsieur le Ministre, les assurances de ma très haute considération.

S PATEK

SON EXCELLENCE
MONSIEUR CORDELL HULL,
Secrétaire d'Etat.

The Secretary of State to the Polish Ambassador (Patek)

DEPARTMENT OF STATE,
Washington, March 9, 1934.

EXCELLENCY:

Recognition by Government of United States.

In compliance with your request, I have the honor on behalf of the Government of the United States of America to acknowledge the receipt of your note of this date, reading in translation as follows:

"Under instructions from my Government, I have the honor to communicate to your Excellency the following:

"The Polish Government, which is entrusted with the conduct of the foreign affairs of the Free City of Danzig under Article 104 of the Treaty of Peace, signed at Versailles, June 28, 1919, and under Articles 2 and 6 of the Convention between Poland and the Free City of

Danzig, signed at Paris, November 9, 1920, declares, on behalf of Danzig and in execution of the provisions of Article XXIX of the Treaty of Friendship, Commerce and Consular Rights between Poland and the United States of America, signed at Washington, June 15, 1931, that the Free City of Danzig shall become a contracting party of the said Treaty from the fifteenth day following the date of the receipt by the Government of the United States of America of this notification.

"I have the honor to request your Excellency to acknowledge receipt of this note."

The Government of the United States is happy to take note of this declaration, and will be pleased to recognize the Free City of Danzig as a contracting party to the Treaty of Friendship, Commerce and Consular Rights between the United States and Poland, signed at Washington, June 15, 1931, from March 24, 1934, the fifteenth day following the date on which the declaration hereby acknowledged was received by the Government of the United States.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

MR. STANISLAW PATEK,
Ambassador of Poland.

May 29, 1934.

Treaty between the United States of America and Cuba defining their relations. Signed at Washington, May 29, 1934; ratification advised by the Senate of the United States, May 31, 1934; ratified by the President, June 5, 1934; ratified by Cuba, June 4, 1934; ratifications exchanged at Washington, June 9, 1934; proclaimed, June 9, 1934.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Preamble.

WHEREAS a Treaty of Relations between the United States of America and the Republic of Cuba was concluded and signed by their respective Plenipotentiaries at Washington on the twenty-ninth day of May, one thousand nine hundred and thirty-four, the original of which Treaty, being in the English and Spanish languages, is word for word as follows:

Contracting powers.

The United States of America and the Republic of Cuba, being animated by the desire to fortify the relations of friendship between the two countries and to modify, with this purpose, the relations established between them by the Treaty of Relations signed at Habana, May 22, 1903, have appointed, with this intention, as their Plenipotentiaries:

Vol. 33, p. 2248.

Los Estados Unidos de América y la República de Cuba, animados por el deseo de fortalecer los lazos de amistad entre los dos países y de modificar, con ese fin, las relaciones establecidas entre ellos por el Tratado de Relaciones firmado en la Habana el 22 de mayo de 1903, han nombrado con ese propósito, como sus Plenipotenciarios:

Plenipotentiaries.

The President of the United States of America; Mr. Cordell Hull, Secretary of State of the United States of America, and Mr. Sumner Welles, Assistant Secretary of State of the United States of America; and

The Provisional President of the Republic of Cuba, Señor Dr. Manuel Márquez Sterling, Ambassador Extraordinary and Plenipotentiary of the Republic of Cuba to the United States of America;

El Presidente de los Estados Unidos de América; al Señor Cordell Hull, Secretario de Estado de los Estados Unidos de América y al Señor Sumner Welles, Subsecretario de Estado de los Estados Unidos de América; y

El Presidente Provisional de la República de Cuba, al Señor Dr. Manuel Márquez Sterling, Embajador Extraordinario y Plenipotenciario de la República de Cuba en los Estados Unidos de América;

Who, after having communicated to each other their full powers which were found to be in good and due form, have agreed upon the following articles:

Quienes, después de haberse comunicado entre sí sus plenos poderes, y encontrándolos en buena y debida forma, han convenido en los siguientes artículos:

ARTICLE I

The Treaty of Relations which was concluded between the two contracting parties on May 22, 1903, shall cease to be in force, and is abrogated, from the date on which the present Treaty goes into effect.

ARTICLE II

All the acts effected in Cuba by the United States of America during its military occupation of the island, up to May 20, 1902, the date on which the Republic of Cuba was established, have been ratified and held as valid; and all the rights legally acquired by virtue of those acts shall be maintained and protected.

ARTICLE III

Until the two contracting parties agree to the modification or abrogation of the stipulations of the agreement in regard to the lease to the United States of America of lands in Cuba for coaling and naval stations signed by the President of the Republic of Cuba on February 16, 1903, and by the President of the United States of America on the 23d day of the same month and year, the stipulations of that agreement with regard to the naval station of Guantánamo shall continue in effect. The supplementary agreement in regard to naval or coaling stations signed between the two Governments on July 2, 1903, also shall continue in effect in the same form and on the same conditions with respect to the naval station at Guantánamo. So long as the United States of America shall not abandon the said naval station of Guantánamo or the two Governments shall not agree to a modification of its present limits, the station shall continue to have the territorial area that it now has, with the limits that it has on the date of the signature of the present Treaty.

ARTICULO I

Former treaty abrogated. Vol. 33, p. 2.

El Tratado de Relaciones que se concluyó entre las dos partes contratantes el 22 de mayo de 1903 dejará de tener validez, y queda abrogado, desde la fecha en que comience a regir el presente Tratado.

ARTICULO II

Validation of military acts, etc.

Todos los actos realizados en Cuba por los Estados Unidos de América durante su ocupación militar de la isla, hasta el 20 de mayo de 1902, fecha en que se estableció la República de Cuba, han sido ratificados y tenidos como válidos; y todos los derechos legalmente adquiridos a virtud de esos actos serán mantenidos y protegidos.

Maintenance of legal rights.

ARTICULO III

Coaling and naval stations, lease.

En tanto las dos partes contratantes no se pongan de acuerdo para la modificación o abrogación de las estipulaciones del Convenio firmado por el Presidente de la República de Cuba el 16 de febrero de 1903, y por el Presidente de los Estados Unidos de América el 23 del mismo mes y año, en cuanto al arrendamiento a los Estados Unidos de América de terrenos en Cuba para estaciones carboneras o navales, seguirán en vigor las estipulaciones de ese Convenio en cuanto a la Estación Naval de Guantánamo. Respecto a esa estación naval seguirá también en vigor en las mismas forma y condiciones el arreglo suplementario referente a estaciones navales o carboneras terminado entre los dos Gobiernos el 2 de julio de 1903. Mientras no se abandone por parte de los Estados Unidos de América la dicha Estación Naval de Guantánamo o mientras los dos Gobiernos no acuerden una modificación de sus límites actuales, seguirá teniendo la extensión territorial que ahora ocupa, con los límites que tiene en la fecha de la firma del presente Tratado.

Present stipulations concerning, to continue provisionally.

Guantánamo station area not affected.

ARTICLE IV

Suspension of communications during epidemic.

If at any time in the future a situation should arise that appears to point to an outbreak of contagious disease in the territory of either of the contracting parties, either of the two Governments shall, for its own protection, and without its act being considered unfriendly, exercise freely and at its discretion the right to suspend communications between those of its ports that it may designate and all or part of the territory of the other party, and for the period that it may consider to be advisable.

ARTICULO IV

Si en cualquier tiempo surgiese en el futuro una situación que apareciera presagiar un brote de enfermedad contagiosa en el territorio de una u otra de las dos partes contratantes, cualquiera de los dos Gobiernos, para su propia protección, y sin que su acto sea considerado poco amistoso, ejercerá libremente y a su discreción el derecho de suspender las comunicaciones entre los puertos suyos que designe y todo o parte del territorio de la otra parte y por el tiempo que estime conveniente.

ARTICLE V

Ratification.

The present Treaty shall be ratified by the contracting parties in accordance with their respective constitutional methods; and shall go into effect on the date of the exchange of their ratifications, which shall take place in the city of Washington as soon as possible.

ARTICULO V

El presente Tratado será ratificado por las partes contratantes de acuerdo con sus métodos constitucionales respectivos; y comenzará a regir en la fecha del cambio de sus ratificaciones, el cual tendrá lugar en la ciudad de Washington tan pronto como sea posible.

Signatures.

IN FAITH WHEREOF, the respective Plenipotentiaries have signed the present Treaty and have affixed their seals hereto.

DONE in duplicate, in the English and Spanish languages, at Washington on the twenty-ninth day of May, one thousand nine hundred and thirty-four.

EN FE DE LO CUAL, los Plenipotenciarios respectivos han firmado el presente Tratado y han estampado sus sellos.

HECHO por duplicado, y en los idiomas inglés y español, en Washington el día veinte y nueve de mayo, de mil novecientos treinta y cuatro.

[SEAL] CORDELL HULL
[SEAL] SUMNER WELLES
[SEAL] M. MÁRQUEZ STERLING

Proclamation.

AND WHEREAS, the said Treaty has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the ninth day of June, one thousand nine hundred and thirty-four;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of June, in the year of our Lord one thousand nine hundred and thirty-four
[SEAL] and of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

PROCLAMATIONS

OF THE

PRESIDENT OF THE UNITED STATES

1687

86637°—34—PT 2——26

PROCLAMATIONS

[CONVENING THE CONGRESS IN EXTRA SESSION]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

March 5, 1933.

Preamble.

WHEREAS public interests require that the Congress of the United States should be convened in extra session at twelve o'clock, noon, on the Ninth day of March, 1933, to receive such communication as may be made by the Executive;

Convening extra session of Congress, March 9, 1933.

Now, Therefore, I, Franklin D. Roosevelt, President of the United States of America, do hereby proclaim and declare that an extraordinary occasion requires the Congress of the United States to convene in extra session at the Capitol in the City of Washington on the Ninth day of March, 1933, at twelve o'clock, noon, of which all persons who shall at that time be entitled to act as members thereof are hereby required to take notice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the great seal of the United States.

Done at the City of Washington this Fifth day of March, in the year of our Lord One Thousand Nine Hundred and Thirty-three, and [SEAL] of the Independence of the United States the One Hundred and Fifty-seventh.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2038]

[BANK HOLIDAY, MARCH 6–9, 1933, INCLUSIVE]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

March 6, 1933.

Bank holiday. Preamble.

WHEREAS there have been heavy and unwarranted withdrawals of gold and currency from our banking institutions for the purpose of hoarding; and

WHEREAS continuous and increasingly extensive speculative activity abroad in foreign exchange has resulted in severe drains on the Nation's stocks of gold; and

WHEREAS these conditions have created a national emergency; and

WHEREAS it is in the best interests of all bank depositors that a period of respite be provided with a view to preventing further hoarding of coin, bullion or currency or speculation in foreign exchange and permitting the application of appropriate measures to protect the interests of our people; and

Trading with the Enemy Act.
Regulation of foreign exchange, coin-export, etc.
Vol. 40, p. 415.
Post, p. 1691.

WHEREAS it is provided in Section 5(b) of the Act of October 6, 1917, (40 Stat. L. 411) as amended, "That the President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange and the export, hoarding, melting, or earmarkings of gold or silver coin or bullion or currency * * * "; and

Penalties specified for violations.
Vol. 40, p. 425.

WHEREAS it is provided in Section 16 of the said Act "that whoever shall willfully violate any of the provisions of this Act or of any license, rule, or regulation issued thereunder, and whoever shall willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of this Act, shall, upon conviction, be fined not more than $10,000, or, if a natural person, imprisoned for not more than ten years, or both; * * * ";

Bank, etc., holiday declared March 6 to 9, 1933.
Ante, p. 1.

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, in view of such national emergency and by virtue of the authority vested in me by said Act and in order to prevent the export, hoarding, or earmarking of gold or silver coin or bullion or currency, do hereby proclaim, order, direct and declare that from Monday, the sixth day of March, to Thursday, the ninth day of March, Nineteen Hundred and Thirty Three, both dates inclusive, there shall be maintained and observed by all banking institutions and all branches thereof located in the United States of America, including the territories and insular possessions, a bank holiday, and that during said period all banking transactions shall be suspended. During such holiday, excepting as hereinafter provided, no such banking institution or branch shall pay out, export, earmark, or permit the withdrawal or transfer in any manner or by any device whatsoever, of any gold or silver coin or bullion or currency or take any other action which might facilitate the hoarding thereof; nor shall any such banking institution or branch pay out deposits, make loans or discounts, deal in foreign exchange, transfer credits from the United States to any place abroad, or transact any other banking business whatsoever.

Banking transactions to be suspended during period.

Authority of Secretary of the Treasury to permit certain functions.

During such holiday, the Secretary of the Treasury, with the approval of the President and under such regulations as he may prescribe, is authorized and empowered (a) to permit any or all of such banking institutions to perform any or all of the usual banking functions, (b) to direct, require or permit the issuance of clearing house certificates or other evidences of claims against assets of banking institutions, and (c) to authorize and direct the creation in such banking institutions of special trust accounts for the receipt of new deposits which shall be subject to withdrawal on demand without any restriction or limitation and shall be kept separately in cash or on deposit in Federal Reserve Banks or invested in obligations of the United States.

"Banking institutions" construed.

As used in this order the term "banking institutions" shall include all Federal Reserve banks, national banking associations, banks, trust companies, savings banks, building and loan associations, credit unions, or other corporations, partnerships, associations or persons, engaged in the business of receiving deposits, making loans, discounting business paper, or transacting any other form of banking business.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in the City of Washington this 6th day of March—1 A.M. in the year of our Lord One Thousand Nine Hundred and
[SEAL] Thirty-three, and of the Independence of the United States the One Hundred and Fifty-seventh.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2039]

[CONTINUING IN FORCE THE BANK HOLIDAY PROCLAMATION OF MARCH 6, 1933]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

March 9, 1933.

Bank holiday. Preamble. *Ante*, p. 1689.

WHEREAS, on March 6, 1933, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by Proclamation declared the existence of a national emergency and proclaimed a bank holiday extending from Monday the 6th day of March to Thursday the 9th day of March, 1933, both dates inclusive, in order to prevent the export, hoarding or earmarking of gold or silver coin, or bullion or currency, or speculation in foreign exchange; and

Statutory approval and authority. *Ante*, p. 1. Vol. 40, p. 415.

WHEREAS, under the Act of March 9, 1933, all Proclamations heretofore or hereafter issued by the President pursuant to the authority conferred by section 5(b) of the Act of October 6, 1917, as amended, are approved and confirmed; and

Further measures necessary under present emergency.

WHEREAS, said national emergency still continues, and it is necessary to take further measures extending beyond March 9, 1933, in order to accomplish such purposes:

Bank holiday extended beyond March 9, 1933.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in view of such continuing national emergency and by virtue of the authority vested in me by Section 5(b) of the Act of October 6, 1917 (40 Stat. L., 411) as amended by the Act of March 9, 1933, do hereby proclaim, order, direct and declare that all the terms and provisions of said Proclamation of March 6, 1933, and the regulations and orders issued thereunder are hereby continued in full force and effect until further proclamation by the President.

IN WITNESS WHEREOF I have hereunto set my hand and have caused the seal of the United States to be affixed.

Done in the District of Columbia, this 9th day of March, in the Year of our Lord One Thousand Nine Hundred and Thirty-
[SEAL] three, and of the Independence of the United States the One Hundredth and Fifty-seventh.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2040]

APPOINTING WILLIAM H. WOODIN DIRECTOR GENERAL OF RAILROADS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

March 15, 1933.

A PROCLAMATION

Preamble.

WHEREAS Ogden L. Mills has tendered his resignation as Director General of Railroads; and

WHEREAS such resignation has been accepted effective upon the qualification of his successor;

Appointing William H. Woodin Director General of Railroads.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power and authority so vested in me under the Transportation Act of 1920, the unrepealed provisions of the Federal Control Act of March 21, 1918, and the act entitled "AN ACT Making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes," approved August 29, 1916, and of all other powers me hereto enabling, do hereby appoint, effective the 15th day of March, 1933, William H. Woodin, Secretary of the Treasury, to be Director General of Railroads in the stead of the said Ogden L. Mills, and do hereby delegate to and continue and confirm in him all powers and authority heretofore granted to and now possessed by the said Ogden L. Mills as Director General of Railroads; and do hereby authorize and direct the said William H. Woodin or his successor in office, until otherwise provided by proclamation of the President or by act of Congress, either personally or through such divisions, agencies, or persons as he may authorize, to exercise and perform, as fully in all respects as the President is authorized to do, all and singular the powers and duties conferred or imposed upon me by the said unrepealed provisions of the Federal Control Act of March 21, 1918, and the said Transportation Act of February 28, 1920, except the designation of the agent under section 206 thereof.

Vol. 41, p. 456; Vol. 40, p. 451; Vol. 39, p. 619.

Effective date.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 15th day of March, in the year of our Lord nineteen hundred and thirty-three, and [SEAL] of the Independence of the United States of America the one hundred and fifty-seventh.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2041]

DESIGNATING AND APPOINTING WILLIAM H. WOODIN, DIRECTOR GENERAL OF RAILROADS, AND HIS SUCCESSOR IN OFFICE, AS THE AGENT PROVIDED FOR IN SECTION 206 OF THE ACT OF CONGRESS APPROVED FEBRUARY 28, 1920

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

March 15, 1933.

A PROCLAMATION

Preamble. Transportation Act, 1920. Vol. 47, p. 64. Vol. 41, p. 460.

WHEREAS by proclamation dated February 12, 1932, Ogden L. Mills, Director General of Railroads, was designated as the agent provided for in section 206 of the Transportation Act, 1920; and

WHEREAS the said Ogden L. Mills, Director General of Railroads, as aforesaid has tendered his resignation as said agent, which has been duly accepted, effective upon the qualification of his successor;

Appointment of agent.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power and authority vested in me by said act, and of all other powers me hereto enabling, do hereby designate and appoint, effective the 15th day of March, 1933, William H. Woodin, Director General of Railroads, and his successor in office, as the agent provided for in section 206 of said act, approved February 28, 1920.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 15th day of March, in the year of our Lord nineteen hundred and thirty-three, and of
[SEAL] the Independence of the United States of America the one hundred and fifty-seventh.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2042]

CHILD HEALTH DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

March 31, 1933.

Child Health Day, 1933. Preamble. Vol. 45, p. 617.

WHEREAS the Congress by joint resolution has authorized and requested the President of the United States of America to proclaim annually that May Day is Child Health Day; and

WHEREAS the health and welfare of our children concern not only their parents, but also the nation at large; and

WHEREAS the observance of such a day gives us opportunity to unite in furthering the health and protection of our children;

Designating May 1, 1933.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate May 1 of this year as Child Health Day, and call upon all agencies, public and private, and all individuals having the interest of children at heart, to set aside that day for earnest consideration of the needs of the children in their communities and in their homes and to inaugurate constructive activities to protect and promote the health and physical vigor of the youth of our nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this thirty-first day of March, in the year of our Lord nineteen hundred and thirty-three,
[SEAL] and of the Independence of the United States of America the one hundred and fifty-seventh.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2043]

Decreasing Rates of Duty on Agricultural Hand Tools and Parts Thereof

April 3, 1933.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Tariff on agricultural hand tools and parts thereof.
Preamble.
Statutory authorization.
Vol. 46, p. 701.

Whereas under and by virtue of section 336 of Title III, Part II, of the act of Congress approved June 17, 1930 (46 Stat. 590, 701), entitled "AN ACT To provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes," the United States Tariff Commission has investigated the differences in costs of production of, and all other facts and conditions enumerated in said section with respect to, shovels, spades, scoops, forks, hoes, rakes, scythes, sickles, grass hooks, corn knives, and drainage tools, all the foregoing if agricultural hand tools, and parts thereof, composed wholly or in chief value of metal, whether partly or wholly manufactured, being wholly or in part the growth or product of the United States and of and with respect to like or similar articles wholly or in part the growth or product of the principal competing country;

Whereas in the course of said investigation a hearing was held, of which reasonable public notice was given and at which parties interested were given reasonable opportunity to be present, to produce evidence, and to be heard;

Whereas the commission has reported to the President the results of said investigation and its findings with respect to such differences in costs of production;

Whereas the commission has found it shown by said investigation that the principal competing country is Germany, and that the duties expressly fixed by statute do not equalize the differences in the costs of production of the domestic articles and the like or similar foreign articles when produced in said principal competing country, and has specified in its report the decreases in the rates of duty expressly fixed by statute found by the commission to be shown by said investigation to be necessary to equalize such differences; and

Whereas in the judgment of the President such rates of duty are shown by such investigation of the Tariff Commission to be necessary to equalize such differences in costs of production;

Decreasing duty to equalize differences in costs of production.

Now, therefore, I, Franklin D. Roosevelt, President of the United States of America, do hereby approve and proclaim the following rates of duty found to be shown by said investigation to be necessary (within the limit of total decrease provided for in said act) to equalize such differences in costs of production:

Vol. 46, p. 626.

A decrease in the rate of duty expressly fixed in paragraph 373 of Title I of said act on forks, hoes, and rakes, all the foregoing if agricultural hand tools, and parts thereof, composed wholly or in chief value of metal, whether partly or wholly manufactured, from 30 per centum ad valorem to 15 per centum ad valorem;

Vol. 46, p. 619.

A decrease in the rates of duty expressly fixed in paragraph 355 of Title I of said act on hay forks and 4-tined manure forks, all the foregoing, finished or unfinished, not specially provided for, with handles of any material other than those specifically mentioned in paragraph 355, if 4 inches in length or over, exclusive of handle, from 8 cents each and 45 per centum ad valorem to 4 cents each and 22-½ per centum ad valorem; and

A decrease in the rates of duty expressly fixed in paragraph 355 of Title I of said act on hay forks and 4-tined manure forks, finished or unfinished, not specially provided for, any of the foregoing without

handles, with blades 6 inches or more in length, from 8 cents each and 45 per centum ad valorem to 4 cents each and 22–½ per centum ad valorem.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this third day of April, in the year of our Lord nineteen hundred and thirty-three, and of the [SEAL] Independence of the United States of America the one hundred and fifty-seventh.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2044]

MOTHER'S DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

May 2, 1933.

A PROCLAMATION

Mother's Day, 1933. Preamble. Vol. 38, p. 770.

WHEREAS by House Joint Resolution 263, approved and signed by President Wilson on May 8, 1914, the second Sunday in May of each year has been designated as Mother's Day for the expression of our love and reverence for the mothers of our country; and

WHEREAS Senate Resolution 16, adopted May 1, 1933, states that "there are throughout our land today an unprecedentedly large number of mothers and dependent children who, because of unemployment or loss of their bread earners, are lacking many of the necessities of life", and the President of the United States is therein authorized and requested to issue a proclamation calling these matters to the attention of our citizens on Mother's Day this year;

Observance of Sunday, May 14, 1933, as Mother's Day.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the authority vested in me, do hereby issue my proclamation calling upon our citizens to express on Mother's Day, Sunday, May 14, 1933, our love and reverence for motherhood:

(a) By the customary display of the United States flag on all Government buildings, homes, and other suitable places;

(b) By the usual tokens and messages of affection to our mothers; and

(c) By doing all that we can through our churches, fraternal and welfare agencies, for the relief and welfare of mothers and children who may be in need of the necessities of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 2d day of May, in the year of our Lord nineteen hundred and thirty-three, and of the [SEAL] Independence of the United States of America the one hundred and fifty-seventh.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2045]

National Maritime Day

May 20, 1933.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

National Maritime Day. Preamble. *Ante*, p. 73.

WHEREAS in Public Resolution 7, approved May 20, 1933, it is stated that on May 22, 1819, the steamship *The Savannah* departed from Savannah, Georgia, on the first successful transoceanic voyage under steam propulsion, thus making a material contribution to the advancement of ocean transportation; and

WHEREAS by said Resolution the President of the United States is authorized and requested annually to issue a proclamation calling upon the people of the United States to observe May 22 of each year as National Maritime Day;

Observance of May 22, 1933.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the authority vested in me, do hereby issue my proclamation calling upon the people of the United States to observe May 22, 1933, as National Maritime Day by displaying the flag at their homes or other suitable places, and I hereby direct that Government officials display the flag on all Government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 20th day of May, in the year of our Lord nineteen hundred and thirty-three, and of [SEAL] the Independence of the United States of America the one hundred and fifty-seventh.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2046]

Emergency Board, Kansas City Southern Railway Company, Texarkana and Fort Smith Railway Company, Arkansas Western Railway Company—Employees.

June 12, 1933.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Labor disputes, Kansas City Southern, etc., Railways and certain of their employees.

WHEREAS the President, having been duly notified by the Board of Mediation that disputes between the Kansas City Southern Railway Company, the Texarkana and Fort Smith Railway Company and the Arkansas Western Railway Company, carriers, and certain of their employees represented by

Order of Railway Conductors;
Brotherhood of Locomotive Engineers;
Brotherhood of Locomotive Firemen and Enginemen;
Brotherhood of Railroad Trainmen;

which disputes have not been heretofore adjusted under the provisions of the Railway Labor Act, now threaten substantially to interrupt interstate commerce within the States of Arkansas, Kansas, Louisiana,

Missouri, Oklahoma and Texas, to a degree such as to deprive that section of the country of essential transportation service;

Emergency board created to investigate and report thereon.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue of and under the authority in me vested by Section 10 of the Railway Labor Act, do hereby create a board to be composed of Three (3) persons not pecuniarily or otherwise interested in any organization of railway employees or any carrier, to investigate and report their findings to me within 30 days from this date.

Vol. 44, p. 586. U.S.C., p. 2110.

Compensation, etc.

The members of this board shall be compensated for and on account of such duties in the sum of Fifty Dollars ($50) for every day actually employed with or upon account of travel and duties incident to such board, from which will be deducted fifteen percent. (15%) as provided in Public No. 2, 73d Congress, Approved March 20, 1933. The members will be reimbursed for and they are hereby authorized to make expenditures for expenses of themselves and of the board, including traveling expenses and in conformity with Public No. 212, 72d Congress, Approved June 30, 1932, 11:30 a.m., not to exceed five ($5.00) dollars per diem for expenses incurred for subsistence.

Ante, p. 8.

Vol. 47, p. 405.

Expenditures of board.

All expenditures of the board shall be allowed and paid for out of the appropriation "emergency Boards, Railway Labor Act, May 20, 1926, 1933 and 1934" on the presentation of itemized vouchers properly approved by the chairman of the board hereby created.

Ante, p. 286.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 12th day of June in the year of our Lord nineteen hundred and thirty-three, and of the [SEAL] Independence of the United States of America the one hundred and fifty-seventh.

FRANKLIN D ROOSEVELT

By the President.
WILLIAM PHILLIPS
Acting Secretary of State.

[No. 2047]

IMMIGRATION QUOTAS

June 16, 1933.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Immigration of aliens. Preamble. Vol. 43, p. 161; Vol. 44, p. 1455; Vol. 45, p. 400.

WHEREAS the Secretary of State, the Secretary of Commerce, and the Secretary of Labor have reported to the President that pursuant to the duty imposed and the authority conferred upon them in and by subsection (2) of subdivision (c) of section 12 of the immigration act approved May 26, 1924 (43 Stat. 161), they jointly have made the revision provided for in subdivision (c) of section 12 of the said act and have fixed the quota of each respective nationality in accordance therewith to be as hereinafter set forth:

Annual quota of nationality to be admitted during fiscal year 1934.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the power in me vested by the aforesaid act of Congress, do hereby proclaim and make known that the annual quota of each nationality for the

fiscal year beginning July 1, 1933, and for each fiscal year thereafter, has been determined in accordance with the law to be, and shall be, as follows:

NATIONAL ORIGIN IMMIGRATION QUOTAS

Country or Area	*Quota*
Afghanistan	100
Albania	100
Andorra	100
Arabian peninsula (except Muscat, Aden Settlement and Protectorate, and Saudi Arabia)	100
Australia (including Tasmania, Papua, and all islands appertaining to Australia)	100
Austria	1,413
Belgium	1,304
Bhutan	100
Bulgaria	100
Cameroons (British mandate)	100
Cameroun (French mandate)	100
China	100
Czechoslovakia	2,874
Danzig, Free City of	100
Denmark	1,181
Egypt	100
Estonia	116
Ethiopia (Abyssinia)	100
Finland	569
France	3,086
Germany	25,957
Great Britain and Northern Ireland	65,721
Greece	307
Hungary	869
Iceland	100
India	100
Iraq (Mesopotamia)	100
Irish Free State	17,853
Italy	5,802
Japan	100
Latvia	236
Liberia	100
Liechtenstein	100
Lithuania	386
Luxemburg	100
Monaco	100
Morocco (French and Spanish zones and Tangier)	100
Muscat (Oman)	100
Mauru (British mandate)	100
Nepal	100
Netherlands	3,153
New Guinea, Territory of (including appertaining islands) (Australian mandate)	100
New Zealand	100
Norway	2,377
Palestine (with Trans-Jordan) (British mandate)	100
Persia	100
Poland	6,524
Portugal	440
Ruanda and Urundi (Belgian mandate)	100
Rumania	377

Country or Area	*Quota*
Russia, European and Asiatic	2,712
Samoa, Western (mandate of New Zealand)	100
San Marino	100
Saudi Arabia (Hejaz and Nejd and its Dependencies)	100
Siam	100
South Africa, Union of	100
South-West Africa (mandate of the Union of South Africa)	100
Spain	252
Sweden	3,314
Switzerland	1,707
Syria and the Lebanon (French mandate)	123
Tanganyika Territory (British mandate)	100
Togoland (British mandate)	100
Togoland (French mandate)	100
Turkey	226
Yap and other Pacific islands under Japanese mandate	100
Yugoslavia	845

No extraneous significance attached.

The immigration quotas assigned to the various countries and quota areas are designed solely for purposes of compliance with the pertinent provisions of the Immigration Act of 1924 and are not to be regarded as having any significance extraneous to this object.

Effective date. Vol. 47, p. 20, superseded.

This proclamation shall take effect July 1, 1933, and shall supersede Proclamation No. 1953 of June 19, 1931.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 16 day of June, in the year of our Lord nineteen hundred and thirty-three, and of the [SEAL] Independence of the United States of America the one hundred and fifty-seventh.

FRANKLIN D ROOSEVELT

By the President:
WILLIAM PHILLIPS
Acting Secretary of State.

[No. 2048]

Decreasing Rate of Duty on Cotton Velveteens

June 24, 1933.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Tariff on cotton velveteens.
Preamble.
Statutory authorization.
Vol. 46, p. 701.

WHEREAS under and by virtue of section 336 of Title III, Part II, of the act of Congress approved June 17, 1930 (46 Stat. 590, 701), entitled "AN ACT To provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes," the United States Tariff Commission has investigated the differences in costs of production of, and all other facts and conditions enumerated in said section with respect to, velveteens and velvets, including velveteen or velvet ribbons, cut or uncut, whether or not the pile covers the entire surface, wholly or in chief value of cotton, being wholly or in part the growth or product of the United States and of and with respect to like or similar articles wholly or in part the growth or product of the principal competing countries;

WHEREAS in the course of said investigation a hearing was held, of which reasonable public notice was given and at which parties interested were given reasonable opportunity to be present, to produce evidence, and to be heard;

WHEREAS the commission has reported to the President the results of said investigation and its findings with respect to such differences in costs of production;

WHEREAS the commission has found it shown by said investigation that the principal competing country for velveteens, wholly or in chief value of cotton, is Germany, and that the duties expressly fixed by statute do not equalize the differences in the costs of production of the domestic articles and the like or similar foreign articles when produced in said principal competing country, and has specified in its report the decreases in the rate of duty expressly fixed by statute found by the commission to be shown by said investigation to be necessary to equalize such differences; and

WHEREAS in the judgment of the President the decreased rates of duty on velveteens, wholly or in chief value of cotton, specified in said report are shown by such investigation of the Tariff Commission to be necessary to equalize such differences in costs of production;

Decreasing duties to equalize differences in costs of production.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim the following rates of duty found to be shown by said investigation to be necessary to equalize such differences in costs of production:

Vol. 46, p. 642.

A decrease (within the limit of total decrease provided for in said act) in the rate of duty expressly fixed in paragraph 909 of Title I of said act on plain-back velveteens, cut or uncut, whether or not the pile covers the entire surface, wholly or in chief value of cotton, from 62–½ per centum ad valorem to 31–¼ per centum ad valorem; and

A decrease in the rate of duty expressly fixed in paragraph 909 of Title I of said act on twill-back velveteens, cut or uncut, whether or not the pile covers the entire surface, wholly or in chief value of cotton, from 62–½ per centum ad valorem to 44 per centum ad valorem.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington this 24 day of June, in the year of our Lord nineteen hundred and thirty-three, and of the [SEAL] Independence of the United States of America the one hundred and fifty-seventh.

FRANKLIN D ROOSEVELT

By the President:
WILLIAM PHILLIPS
Acting Secretary of State.

[No. 2049]

PINNACLES NATIONAL MONUMENT—CALIFORNIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

July 11, 1933.

A PROCLAMATION

Pinnacles National Monument, Calif. Preamble.

WHEREAS it appears that the public interest would be promoted by adding to the Pinnacles National Monument, California, certain adjoining lands for the purpose of including within said monument additional lands on which there are located features of scientific interest and for administration purposes;

Area enlarged. Vol. 34, p. 225.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power in me vested by section 2 of the act of Congress entitled "AN ACT For the preservation of American antiquities", approved June 8, 1906 (34 Stat. 225), do proclaim that, subject to all valid existing rights, the following-described lands in California be, and the same are hereby, added to and made a part of the Pinnacles National Monument:

Description.

MOUNT DIABLO MERIDIAN

T. 16 S., R. 7 E., sec. 25, W½;
sec. 26, NE¼;
sec. 33, N½NW¼, SW¼NW¼, and NW¼SW¼;
sec. 36, W½.
T. 17 S., R. 7 E., sec. 1, lots 2, 3, NW¼SW¼ and S½SW¼;
sec. 2, SE¼;
sec. 11, E½;
sec. 12, W½;
sec. 13, W½;
sec. 14, all;
sec. 15, NE¼, E½NW¼, E½SW¼, and SE¼;
sec. 22, all;
sec. 23, all;
sec. 24, W½.

Reserved from settlement, etc.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

Supervision.
Vol. 39, p. 535; Vol. 41, p. 732.
U.S.C., p. 389.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument, as provided in the act of Congress entitled "AN ACT To establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535–536), and acts additional thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 11th day of July, in the year of our Lord nineteen hundred and thirty-three, and of the
[SEAL] Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
WILLIAM PHILLIPS
Acting Secretary of State.

[No. 2050]

EMERGENCY BOARD, LOUISIANA, ARKANSAS & TEXAS RAILWAY COMPANY—EMPLOYEES.

July 26, 1933.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Labor disputes, Louisiana, Arkansas and Texas Railway Company and certain of its employees.
Preamble.

WHEREAS the President, having been duly notified by the Board of Mediation that disputes between the Louisiana, Arkansas & Texas Railway Company, a carrier, and certain of its employees represented by

Order of Railway Conductors;
Brotherhood of Railroad Trainmen;
Brotherhood of Locomotive Engineers;
Brotherhood of Locomotive Firemen and Enginemen;

which disputes have not been heretofore adjusted under the provisions of the Railway Labor Act, now threaten substantially to interrupt interstate commerce within the States of Louisiana and Texas, to a degree such as to deprive that section of the country of essential transportation service;

Emergency board created to investigate and report thereon.
Vol. 44, p. 586.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue of and under the authority in me vested by Section 10 of the Railway Labor Act, do hereby create a board to be composed of three (3) persons not pecuniarily or otherwise interested in any organization of railway employees or any carrier, to investigate and report their findings to me within 30 days from this date.

Compensation, etc.

The members of this board shall be compensated for and on account of such duties in the sum of Fifty ($50.00) Dollars for every day actually employed with or upon account of travel and duties incident to such board, from which will be deducted fifteen per cent. (15%) as provided in Public No. 2, 73d Congress, Approved March 20, 1933.

Ante, p. 12.
Reimbursement for expenses.

The members will be reimbursed for and they are hereby authorized to make expenditures for expenses of themselves and of the board, including traveling expenses and in conformity with Public No. 212, 72d Congress, Approved June 30, 1932, 11:30 a.m., not to exceed five ($5.00) dollars per diem for expenses incurred for subsistence.

Vol. 47, p. 405.

All expenditures of the board shall be allowed and paid for out of the appropriation "emergency Boards, Railway Labor Act, May 20, 1926, 1933 and 1934" on the presentation of itemized vouchers properly approved by the chairman of the board hereby created. Funds available. *Ante*, p 286.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 26th day of July in the year of our Lord nineteen hundred and thirty-three, and of the [SEAL] Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President.
WILLIAM PHILLIPS
Acting Secretary of State.

[No. 2051]

EXEMPTION OF VIRGIN ISLANDS FROM COASTWISE LAWS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

August 10, 1933.

A PROCLAMATION

WHEREAS an act of Congress entitled "Merchant Marine Act, 1920", approved June 5, 1920 (41 Stat. 988), contained the following provisions: Virgin Islands. Preamble.

"Sec. 21. That from and after February 1, 1922, the coastwise laws of the United States shall extend to the island Territories and possessions of the United States not now covered thereby, and the board is directed prior to the expiration of such year to have established adequate steamship service at reasonable rates to accommodate the commerce and the passenger travel of said islands and to maintain and operate such service until it can be taken over and operated and maintained upon satisfactory terms by private capital and enterprise: *Provided*, That if adequate shipping service is not established by February 1, 1922, the President shall extend the period herein allowed for the establishment of such service in the case of any island Territory or possession for such time as may be necessary for the establishment of adequate shipping facilities therefor." Statutory provision. Vol. 41, p. 997. Extending period.

AND WHEREAS an adequate shipping service to accommodate the commerce and the passenger travel of the Virgin Islands had not been established as provided by section 21 of the Merchant Marine Act, 1920; and

WHEREAS the President of the United States, in accordance with the authority vested in him by section 21 of the Merchant Marine Act, 1920, has from time to time, to wit, on February 1, 1922, on May 18, 1922, on October 28, 1922, on October 25, 1923, on April 7, 1924, on October 23, 1924, on April 25, 1925, on November 24, 1925, on August 14, 1926, on August 9, 1927, on August 2, 1928, on July 26, 1929, on July 28, 1930, on August 19, 1931, and on August 18, 1932, issued proclamations extending the time for the establishment of such service and deferring the application of the coastwise laws to the Virgin Islands until September 30, 1933; Vol. 42, pp. 2261, 2269, 2287; Vol. 43, pp. 1928, 1943, 1969; Vol. 44, pp. 2575, 2592, 2620; Vol. 45, pp. 2920, 2960; Vol. 46, pp. 3002, 3032; Vol. 47, pp. 2466, 2528.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred upon me by section 21 of the above-mentioned act, do hereby declare and proclaim that the period for the establish- Time for establishing shipping service to, further extended to September 30, 1934.

ment of an adequate shipping service with the aforesaid Virgin Islands be further extended from September 30, 1933, to September 30, 1934.

Application of coastwise laws deferred. Vol. 41, p. 997.

And inasmuch as the extension of the coastwise laws of the United States to the Virgin Islands, as provided in section 21 of the Merchant Marine Act, 1920, is dependent upon the establishment of an adequate shipping service to such island possession, I do hereby further proclaim and declare that the extension of the coastwise laws of the United States to the Virgin Islands is deferred from September 30, 1933, to September 30, 1934.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 10th day of August, in the year of our Lord nineteen hundred and thirty-three, and of [SEAL] the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2052]

August 18, 1933.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

EXTENDING THE POWERS GRANTED TO THE COMPTROLLER OF THE CURRENCY BY THE JOINT RESOLUTION OF FEBRUARY 25, 1933, FOR A PERIOD OF SIX MONTHS

National banking associations. Preamble. Statutory provision. Vol. 47, p. 908.

WHEREAS, the Senate and House of Representatives of the United States passed a joint resolution which was duly approved February 25, 1933, authorizing the Comptroller of the Currency to exercise, with respect to National Banking Associations, any powers which state officials may have with respect to state banks, savings banks, and/or trust companies under state laws; and

WHEREAS, said resolution provides that the powers therein conferred shall terminate six months from the date of approval of the resolution by the President, but that the President may extend its force by Proclamation for an additional six months:

Designated authority of Comptroller of Currency over, extended.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby proclaim that the force of said resolution be, and the same hereby is, extended for an additional period of six months from August 25, 1933.

IN WITNESS WHEREOF I have hereunto set my hand and have caused the seal of the United States to be affixed.

Done in the District of Columbia, this 18th day of August in the Year of Our Lord One Thousand Nine Hundred and Thirty-[SEAL] three, and of the Independence of the United States the One Hundred and Fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
WILLIAM PHILLIPS
Acting Secretary of State.

[No. 2053]

CEDAR BREAKS NATIONAL MONUMENT—UTAH

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

August 22, 1933.

A PROCLAMATION

Cedar Breaks National Monument, Utah. Preamble.

WHEREAS it appears desirable, in the public interest, to exclude certain lands from the Dixie National Forest, Utah, and include said lands within a national monument for the preservation of the spectacular cliffs, canyons, and features of scenic, scientific, and educational interest contained therein:

Establishment of, from excluded lands of Dixie National Forest. Vol. 34, p. 225; Vol. 30, p. 34.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power in me vested by section 2 of the act of Congress approved June 8, 1906 (34 Stat. 225), and the act of June 4, 1897 (30 Stat. 34), do proclaim and establish the Cedar Breaks National Monument and that, subject to all valid existing rights, the following-described lands in Utah be, and the same are hereby, excluded from the Dixie National Forest and included within the said national monument:

Description.

SALT LAKE MERIDIAN

T. 36 S., R. 9 W., sec. 15, S½SE¼;
sec. 22, E½, S½ lot 3, S½ lot 4, S½NW¼, and E ½SW¼;
sec. 23, all;
sec. 24, W½E½, and W½;
sec. 25, W½E½, and W½;
sec. 26, all;
sec. 27, E½, and E½W½;
sec. 34, E½, and E½W½;
sec. 35, all;
sec. 36, NW¼NE¼, and lots 1 to 7 inclusive.

T. 37 S., R. 9 W., sec. 1, lot 4;
sec. 2, all (unsurveyed);
sec. 3, lots 1, 2, and 3;
sec. 10, N½NE¼, SE¼NE¼, NE¼SE¼, and NE¼NW¼;
sec. 11, N½ (unsurveyed), and N½S½;
sec. 12, W½NW¼.

Reserved from settlement, etc.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

Supervision. Vol. 39, p. 535.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "AN ACT To establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), and acts additional thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 22d day of August, in the year of our Lord nineteen hundred and thirty-three, and of the Independence of the United States of America the one hundred and fifty-eighth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
WILBUR J. CARR
Acting Secretary of State.

[No. 2054]

COLONIAL NATIONAL MONUMENT—VIRGINIA

August 22, 1933.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Colonial National Monument, Va. Preamble. Vol. 46, pp. 855, 3041.

WHEREAS, pursuant to the authority of the act of July 3, 1930 (46 Stat. 855), entitled "AN ACT To provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes", the President of the United States by Proclamation No. 1929, dated December 30, 1930, established the boundaries of the Colonial National Monument, in the State of Virginia, comprising Jamestown Island, parts of the city of Williamsburg, the Yorktown battlefield, and areas for highways to connect said island, city, and battlefield; and

WHEREAS it is provided in section 2 of said act of July 3, 1930, that the boundaries so established may be enlarged or diminished by subsequent proclamation or proclamations of the President upon the recommendation of the Secretary of the Interior; and

Parkway changes.

WHEREAS, after further study of the boundaries of the said national monument as now established, the Secretary of the Interior has recommended that the parkway area of the monument between the city of Williamsburg and Jamestown Island be changed to a location running north and west of the city of Williamsburg to Jamestown Island instead of east and south of said city of Williamsburg as now provided:

Boundaries modified. Vol. 46, p. 1490.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, pursuant to the authority in me vested by the act of July 3, 1930, as amended March 3, 1931, do proclaim that the boundaries of the Colonial National Monument are hereby enlarged, diminished, and revised in accordance with the diagram attached hereto.

DONE at the City of Washington this 22d day of August, in the year of our Lord nineteen hundred and thirty-three, and [SEAL] of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
WILBUR J. CARR
Acting Secretary of State.

[No. 2055]

NATIONAL FIRE PREVENTION WEEK—1933

August 28, 1933.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

National Fire Prevention Week, 1933. Preamble.

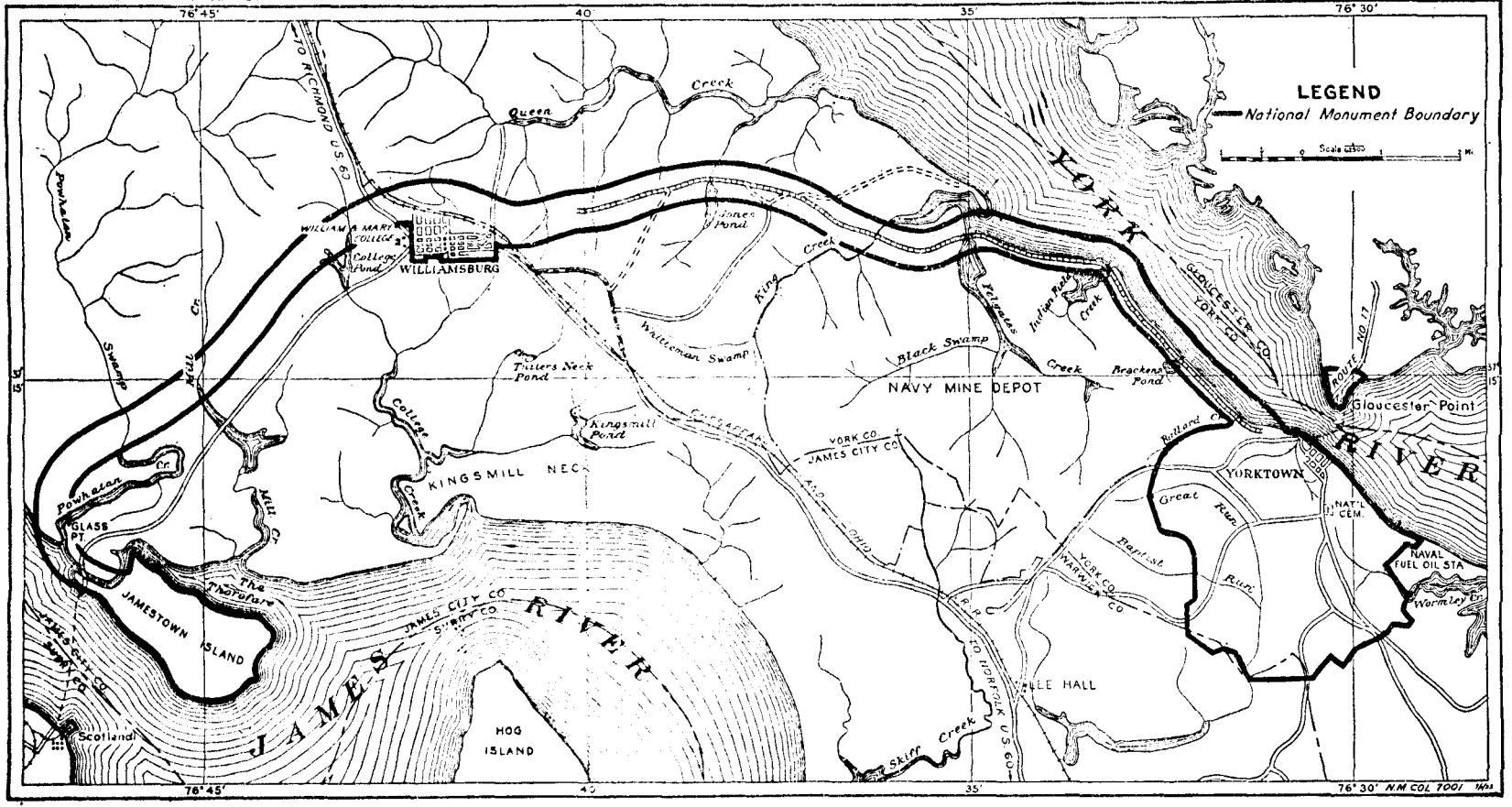
It has been a commendable custom for the President of the United States to request the annual observance of Fire Prevention Week throughout the country. It is a week set aside for the purpose of informing the public of the dangers of fire to life and property. Fires which are largely preventable take a cruel toll of many lives and destroy property exceeding $400,000,000 in value each year. Of late, progress has been made in reducing the Nation's fire loss, and this fact should encourage continuous vigilance and alertness so necessary to decrease the hazards of fire.

DEPARTMENT OF THE INTERIOR.
HAROLD L. ICKES, SECRETARY

VIRGINIA

JAMES CITY, WARWICK, YORK AND GLOUCESTER COUNTIES.

NATIONAL PARK SERVICE.
ARNO B. CAMMERER, DIRECTOR



COLONIAL NATIONAL MONUMENT

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby proclaim the week beginning October 8, 1933, to be observed as Fire Prevention Week. To prevent our enormous waste by fire, the cooperation of all citizens is requested, and the organizations, groups, and individuals interested in fire prevention are asked to take the leadership in instructing the public in the simple precautionary measures advocated as fire-prevention safeguards.

Week beginning October 8, 1933, designated as.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 28 day of August, in the year of our Lord nineteen hundred and thirty-three, and [SEAL] of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2056]

AMENDING REGULATIONS ON MIGRATORY GAME BIRDS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 11, 1933.

A PROCLAMATION

WHEREAS the Secretary of Agriculture, by virtue of the authority vested in him by section 3 of the Migratory Bird Treaty Act (40 Stat. 755; U.S.C., title 16, secs. 703–711), has submitted to me for approval regulations further amendatory of the regulations approved and proclaimed July 31, 1918, which the Secretary of Agriculture has determined to be suitable amendatory regulations permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, and export of migratory birds and parts thereof and their nests and eggs, as follows:

Protection of migratory birds.
Preamble.
Vol. 40, p. 755; U.S.C., pp. 436-437.
Vol. 39, p. 1702.

Regulation 3, "Means by Which Migratory Game Birds May Be Taken", is amended to read as follows:

Vol. 45, pp. 2001, 2942; Vol. 46, p. 2089; Vol. 47, pp. 2440, 2520.

REGULATION 3.—MEANS BY WHICH MIGRATORY GAME BIRDS MAY BE TAKEN

Means of taking.

The migratory game birds specified in regulation 4 hereof may be taken during the open season with a gun only, not larger than no. 10 gauge, fired from the shoulder, except as specifically permitted by regulations 7, 8, 9, and 10 hereof; they may be taken during the open season from the land and water, with the aid of a dog, the use of decoys, and from a blind or floating device, except that in the taking of wild ducks not more than twenty-five (25) live duck decoys may be shot over, and in the taking of wild geese in California the use of live goose decoys is not permitted; but nothing herein shall be deemed to permit the use of an automobile, airplane, power boat, sailboat, any boat under sail, any floating device towed by power boat or sailboat, or any sinkbox (battery), except that sinkboxes (batteries) may be used in the taking of migratory waterfowl in coastal sounds and bays (including Back Bay, Princess Anne County, State of Virginia) and other coastal waters; and nothing herein shall be deemed to permit the

Regulations modified.

Wild ducks.

Wild geese in California.

use of an airplane, or a power boat, sailboat, or other floating device for the purpose of concentrating, driving, rallying, or stirring up migratory waterfowl; and mourning doves shall not be taken at, on, over, or within 100 yards of any place, area, or environment whatever whereat or whereon has been placed, scattered, or distributed any corn, wheat, or other grain, salt, or other food designed, intended, or effective to bait, lure, attract, or entice such doves.

Use of bait, etc.

Vol. 47, pp. 2442, 2477, 2482.

Regulation 4, "Open Seasons on and Possession of Certain Migratory Game Birds", is amended to read as follows:

Open seasons.

REGULATION 4.—OPEN SEASONS ON AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Time construed.

For the purpose of this regulation, each period of time herein prescribed as an open season shall be construed to include the first and last days thereof.

Regulations extended.

Waterfowl (except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, ruddy duck, bufflehead duck, and swans), rails, coot, gallinules, woodcock, Wilson's snipe or jacksnipe, mourning doves, and band-tailed pigeons may be taken each day from half an hour before sunrise to sunset during the open seasons prescribed therefor in this regulation, except that the hour for the commencement of hunting waterfowl, rails, gallinules, coot, and Wilson's snipe on the opening day of the season shall be 12 o'clock noon; and they may be taken by the means and in the numbers permitted by regulations 3 and 5 hereof, respectively, and when so taken may be possessed in the numbers permitted by regulation 5 any day in any State, Territory, or District during the period constituting the open season where killed and for an additional period of 10 days next succeeding said open season, but no such bird shall be possessed in a State, Territory, or District at a time when such State, Territory, or District prohibits the possession thereof. Nothing herein shall be deemed to permit the taking of migratory birds on any refuge established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222–1226), nor on any area of the United States set aside by any other law, proclamation, or Executive order for use as a wild-life refuge except insofar as may be permitted by the Secretary of Agriculture under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

Hunting on refuges forbidden.

Vol. 45, p. 1222. U.S.C., Supp. VI, p. 230.

Geographical limitations.

Waterfowl (except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, ruddy duck, bufflehead duck, and swans), Wilson's snipe or jacksnipe, and coot.—The open seasons for waterfowl (except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, ruddy duck, bufflehead duck, and swans), Wilson's snipe or jacksnipe, and coot shall be as follows:

In Maine, New Hampshire, Vermont, Ohio, Michigan, Minnesota, Iowa, Nebraska, South Dakota, Montana, Wyoming, Colorado, Nevada, and that portion of Arizona comprising the counties of Mohave, Yavapai, Coconino, Navajo, and Apache, October 1 to November 30;

In Massachusetts, Rhode Island, Connecticut, New York (except Long Island), Pennsylvania, West Virginia, Illinois, Missouri, Kansas, Oklahoma, Utah, Washington, Oregon, Idaho (except in the counties of Benewah, Bonner, Boundary, Kootenai, and Shoshone), and that portion of New Mexico lying north and west of a line beginning at the eastern boundary of the State where the Southern Pacific Railroad

crosses the State line, four miles northeast of Nara Visa, New Mexico; thence following the center of the main Southern Pacific Railroad track through the towns of Tucumcari, Santa Rosa, Vaughn, Corona, and Carrizozo, to the town of Tularosa, New Mexico, where said track is crossed by State Highway No. 52; thence west following said Highway No. 52 to Elephant Butte Dam, thence following a line running west through the towns of Hot Springs and Hermosa to the northeast corner of Grant County, thence continuing due west along the north line of Grant County to the State boundary line, October 16 to December 15;

In Wisconsin, North Dakota, and that portion of Idaho comprising the counties of Benewah, Bonner, Boundary, Kootenai, and Shoshone, September 21 to November 20;

In that portion of New York known as Long Island, and in Delaware, Indiana, Kentucky, California, and that portion of Texas lying west and north of a line beginning on the Rio Grande directly west of the town of Del Rio, Texas; thence east to the town of Del Rio; thence easterly following the center of the main track of the Southern Pacific Railroad through the towns of Spofford, Uvalde, and Hondo; thence to the point where the Southern Pacific Railroad crosses the International & Great Northern Railroad at or near San Antonio; thence following the center of the track of said International & Great Northern Railroad in an easterly direction, to the point in the city of Austin where it joins Congress Avenue, near the International & Great Northern Railroad depot; thence across Congress Avenue to the center of the main track of the Houston & Texas Central Railroad where said track joins said Congress Avenue, at or near the Houston & Texas Central Railroad depot; thence following the center line of the track of said Houston & Texas Central Railroad in an easterly direction through the towns of Elgin, Giddings, and Brenham, to the point where said railroad crosses the Brazos River; thence with the center of said Brazos River in a general northerly direction to the point on said river where the Beaumont branch of the Gulf, Colorado & Santa Fe Railway crosses the same; thence with the center of the track of the said Gulf, Colorado & Santa Fe Railway in an easterly direction through the towns of Navasota, Montgomery, and Conroe, to the point at or near Cleveland where said Gulf, Colorado & Santa Fe Railroad crosses the Houston East & West Texas Railroad; thence with the center of said Houston East & West Texas Railroad track to the point in said line where it strikes the Louisiana line, November 1 to December 31;

In New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, and Arizona (except in the counties of Apache, Coconino, Mohave, Navajo, and Yavapai), and in those portions of Texas and New Mexico lying south and east of the lines above described, November 16 to January 15;

In Florida, November 20 to January 15; and

In Alaska, September 1 to October 31.

Rails and gallinules.

Rails and gallinules (except coot).—The open season for sora and other rails and gallinules (except coot) shall be from September 1 to November 30, except as follows:

In Massachusetts, October 1 to December 15;

In Washington, October 1 to November 30;

In New York (except Long Island), October 16 to December 15;

In that portion of New York known as Long Island, November 1 to December 31;

In Wisconsin, September 21 to November 20;

In Louisiana, November 1 to January 31; and

In the District of Columbia, no open season.

Woodcock.

Woodcock.—The open seasons for woodcock shall be as follows:

In that portion of New York lying north of the tracks of the main line of the New York Central Railroad extending from Buffalo to Albany and north of the tracks of the main line of the Boston & Albany Railroad extending from Albany to the Massachusetts State line, and in Maine, New Hamphsire, Vermont, and North Dakota, October 1 to October 31;

In Wisconsin, September 23 to October 22;

In that portion of New York lying south of the line above described including Long Island and in New Jersey, Pennsylvania, Ohio, Indiana, Michigan, and Iowa, October 15 to November 14;

In Massachusetts, Rhode Island, and Connecticut, October 20 to November 19;

In Missouri, November 10 to December 10;

In Delaware, Maryland, Virginia, West Virginia, Kentucky, Arkansas, and Oklahoma, November 15 to December 15; and

In North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana, December 1 to December 31.

Doves.

Doves.—The open seasons for mourning doves shall be as follows:

In Delaware, Maryland, Virginia, Tennessee, Kentucky, Illinois, Minnesota, Nebraska, Kansas, Missouri, Arkansas, Oklahoma, New Mexico, Utah, Arizona, California, Nevada, Idaho, and Oregon, September 1 to December 15;

In that portion of Texas lying west and north of a line beginning on the Rio Grande directly west of the town of Del Rio, Texas; thence east to the town of Del Rio; thence easterly following the center of the main track of the Southern Pacific Railroad through the towns of Spofford, Uvalde, and Hondo; thence to the point where the Southern Pacific Railroad crosses the International & Great Northern Railroad at or near San Antonio; thence following the center of the track of said International & Great Northern Railroad in an easterly direction, to the point in the city of Austin where it joins Congress Avenue, near the International & Great Northern Railroad depot; thence across Congress Avenue to the center of the main track of the Houston & Texas Central Railroad where said track joins said Congress Avenue, at or near the Houston & Texas Central Railroad depot; thence following the center line of the track of said Houston & Texas Central Railroad in an easterly direction through the towns of Elgin, Giddings, and Brenham, to the point where said railroad crosses the Brazos River; thence with the center of said Brazos River in a general northerly direction to the point on said river where the Beaumont branch of the Gulf, Colorado & Santa Fe Railway crosses the same; thence with the center of the track of the said Gulf, Colorado & Santa Fe Railway in an easterly direction through the towns of Navasota, Montgomery, and Conroe, to the point at or near Cleveland where said Gulf, Colorado & Santa Fe Railway crosses the Houston East & West Texas Railway; thence with the center of said Houston East & West Texas Railway track to the point in said line where it strikes the Louisiana line, September 1 to October 31;

In that portion of Texas lying south and east of the aforesaid line, October 1 to November 30;

In North Carolina, South Carolina, Georgia, Alabama (except in Mobile, Baldwin, and Washington Counties), Mississippi, and Louisiana, September 1 to September 30 and November 20 to January 31;

In that portion of Alabama comprising Mobile, Baldwin, and Washington Counties and in that portion of Florida comprising all counties west of the Ochlockonee River, November 1 to January 31;

In Florida (except in Dade, Monroe, and Broward Counties and all counties west of the Ochlockonee River), November 20 to January 31; and

In that portion of Florida comprising Dade, Monroe, and Broward Counties, September 16 to November 15.

Band-tailed pigeons.

Band-tailed pigeons.—The open seasons for band-tailed pigeons shall be as follows:

In California and Arizona, December 1 to December 15;

In New Mexico, November 1 to November 15; and

In Washington and Oregon, October 16 to October 30.

Vol. 47, pp. 2441, 2522, amended.

Regulation 5, "Daily Bag and Possession Limits on Certain Migratory Game Birds", is amended to read as follows:

Bag and possession limits.

REGULATION 5.—DAILY BAG AND POSSESSION LIMITS ON CERTAIN MIGRATORY GAME BIRDS

A person may take in any one day during the open seasons prescribed therefor in regulation 4 not to exceed the following numbers of migratory game birds, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking migratory birds; and in the case of ducks, geese, brant, woodcock, and band-tailed pigeons, when so taken these may be possessed in the numbers specified as follows:

Ducks.

Ducks (except wood duck, ruddy duck, and bufflehead duck).—Twelve in the aggregate of all kinds, but not more than 5 eider ducks, and not more than 8 of any one, or 8 in the aggregate, of the following species—canvasback, redhead, greater scaup, lesser scaup, ringneck, blue-wing teal, green-wing teal, cinnamon teal, shoveler, and gadwall—may be taken in any one day; and any person at any one time may possess not more than 24 ducks in the aggregate of all kinds, but not more than 10 eider ducks and not more than 16 of any one, or 16 in the aggregate, of the following species—canvasback, redhead, greater scaup, lesser scaup, ringneck, blue-wing teal, green-wing teal, cinnamon teal, shoveler, and gadwall.

Geese and brant.

Geese and brant (except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, and Ross's goose).—Four in the aggregate of all kinds, and any person at any one time may possess not more than 8 geese and brant in the aggregate of all kinds.

Rails, etc.

Rails and gallinules (except sora and coot).—Twenty-five in the aggregate of all kinds, but not more than 15 of any one species.

Sora.—Twenty-five.

Coot.—Twenty-five.

Wilson's snipe or jacksnipe.—Twenty.

Woodcock.—Four, and any person at any one time may possess not more than 12.

Doves (mourning).—Eighteen.

Band-tailed pigeons.—Ten, and any person at any one time may possess not more than 10.

Importations.

The possession limits hereinbefore prescribed shall apply as well to ducks, geese, brant, woodcock, and band-tailed pigeons taken in Canada and other foreign countries and brought into the United States as to those taken in the United States.

Vol. 47, pp. 2442, 2522, amended.

Regulation 6, "Shipment, Transportation, and Possession of Certain Migratory Game Birds", is amended to read as follows:

Shipment, transportation, and possession.

REGULATION 6.—SHIPMENT, TRANSPORTATION, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Additional restrictions.

Waterfowl (except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, ruddy duck, bufflehead duck, and swans), rails, coot, gallinules, woodcock, Wilson's snipe or jacksnipe, mourning doves, and band-tailed pigeons and parts thereof legally taken may be transported in any manner in or out of the State where taken during the respective open seasons in that State and when legally taken in and exported from Canada may be imported into the United States during the open season in the Province where taken; but not more than the number thereof that may be taken in 2 days, or 1 day in the case of band-tailed pigeons, or 3 days in the case of woodcock, by one person under these regulations shall be transported by one person in one calendar week out of the State where taken or from Canada into the United States; any such birds or parts thereof in transit during the open season may continue in transit such additional time immediately succeeding such open season, not to exceed 5 days, necessary to deliver the same to their destination, and may be possessed in any State, Territory, or District during the period constituting the open season where killed, and for an additional period of 10 days next succeeding said open season; and any package in which such birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds or parts thereof contained therein clearly and conspicuously marked on the outside thereof; but no such birds or parts thereof shall be transported from any State, Territory, or District to or through another State, Territory, or District or to or through a Province of the Dominion of Canada contrary to the laws of the State, Territory, or District in which they were taken or from which they are transported; nor shall any such birds or parts thereof be transported into any State, Territory, or District from another State, Territory, or District, or Province of the Dominion of Canada, or from any State, Territory, or District into any Province of the Dominion of Canada, at a time when any such State, Territory, or District, or Province of the Dominion of Canada into which they are transported prohibits the possession or transportation thereof.

Migratory game birds.

Migratory game birds imported from countries other than Canada.—Migratory game birds of a species for which an open season is prescribed by regulation 4, lawfully taken in and exported from a foreign country (other than Canada, for which provision is hereinbefore made), may be transported to and possessed in any State of the United States during the open season prescribed by regulation 4 in such State for that species and for a period of 10 days immediately succeeding such open season, and in the District of Columbia during the open season so prescribed for Maryland and 10 days thereafter, in numbers in any one calendar week not exceeding those permitted to be taken in 2 days by regulation 5, or possessed at any one time, as the case may be, if transportation and possession of such birds is not prohibited by the laws of such State or District and if imported and transported in packages marked as hereinbefore provided.

Vol. 40, p. 1816.

Paragraph 1 of regulation 8, "Permits to Propagate and Sell Migratory Waterfowl", is amended to read as follows:

Migratory waterfowl. Permits to propagate, etc.

1. A person may take at any time migratory waterfowl and their eggs for propagating purposes when authorized by a permit issued by the Secretary. Waterfowl and their eggs so taken may be possessed by the permittee and may be sold and transported by him for propagating purposes to any person holding a permit issued by the Secretary in accordance with the provisions of this regulation.

The first paragraph of regulation 9, "Permits to Collect Migratory Birds for Scientific Purposes", is amended to read as follows: Vol. 47, p. 2443.

A person may take at any time migratory birds and their nests and eggs for scientific purposes when authorized by a permit issued by the Secretary, which permit shall be carried on his person when he is collecting specimens thereunder and shall be exhibited to any person requesting to see the same; except that nothing herein shall be deemed to permit the taking of any migratory game bird on any day from sunset to one-half hour before sunrise or the taking of migratory game birds with a gun larger than 10 gauge or from an automobile, airplane, power boat, sailboat, or any boat under sail. Permits for collecting specimens.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim the foregoing amendatory regulations. Approval of amendments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 11" day of September, in the year of our Lord nineteen hundred and thirty-three, and [SEAL] of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2057]

COPYRIGHT—PALESTINE (EXCLUDING TRANS-JORDAN)

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 29, 1933.

A PROCLAMATION

WHEREAS it is provided by the act of Congress approved March 4, 1909 (ch. 320, 35 Stat. 1075–1088), entitled "AN ACT To amend and consolidate the Acts respecting copyright", that the copyright secured by the act, except the benefits under section 1(e) thereof as to which special conditions are imposed, shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in section 8 of the act, to wit: Copyrights. Preamble. Vol. 35, p. 1075. Vol. 35, p. 1077.

"(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

"(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this Act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto"; and

WHEREAS it is provided by section 1(e) that the provisions of the act "so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after this Act goes into effect, and shall not include the works of a foreign author or

composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights"; and

WHEREAS the President is authorized by section 8 to determine by proclamation made from time to time the existence of the reciprocal conditions aforesaid, as the purposes of the act may require; and

Protection of, by Palestine (excluding Trans-Jordan).

WHEREAS satisfactory official assurances have been received that on and after October 1, 1933, citizens of the United States will be entitled to obtain copyright for their works in Palestine (excluding Trans-Jordan) which is substantially equal to the protection afforded by the copyright laws of the United States, including rights similar to those provided by section 1(e);

Benefits extended to citizens of Palestine (excluding Trans-Jordan).

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do declare and proclaim:

That on and after October 1, 1933, the conditions specified in section 8(b) and 1(e) of the act of March 4, 1909, will exist and be fulfilled in respect of the citizens of Palestine (excluding Trans-Jordan) and that on and after October 1, 1933, citizens of Palestine (excluding Trans-Jordan) shall be entitled to all the benefits of this act and acts amendatory thereof:

Vol. 35, pp. 1075, 1077.

Conditions.

Provided, That the enjoyment by any work of the rights and benefits conferred by the act of March 4, 1909, and the acts amendatory thereof, shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States;

Mechanical music reproductions.

And provided further, That the provisions of section 1(e) of the act of March 4, 1909, insofar as they secure copyright controlling parts of instruments serving to reproduce mechanically musical works shall apply only to compositions published after July 1, 1909, and registered for copyright in the United States which have not been reproduced within the United States prior to October 1, 1933, on any contrivance by means of which the work may be mechanically performed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 29 day of September, in the year of our Lord nineteen hundred and thirty-three, [SEAL] and of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2058]

ARMISTICE DAY—1933

October 11, 1933.

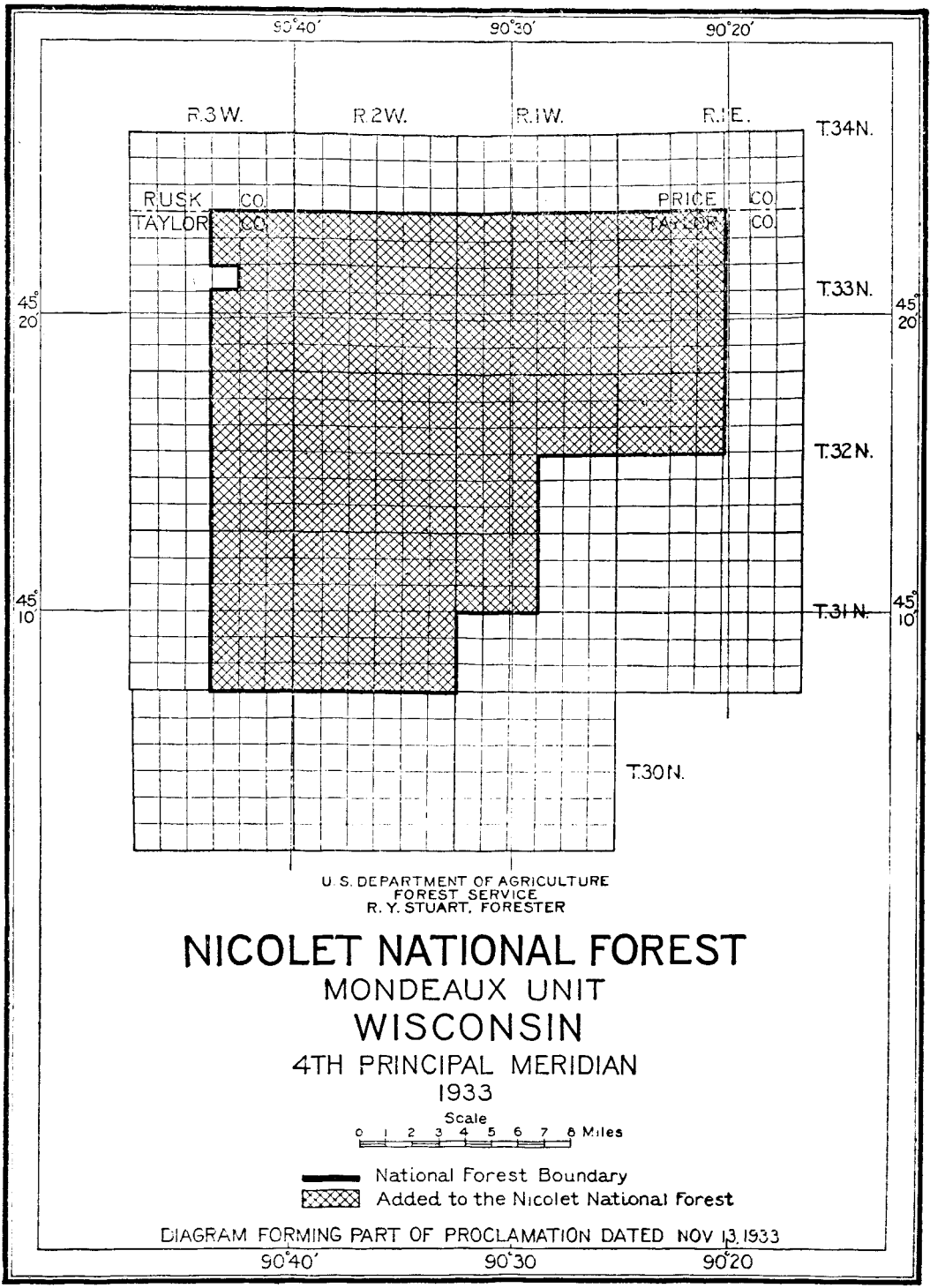
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

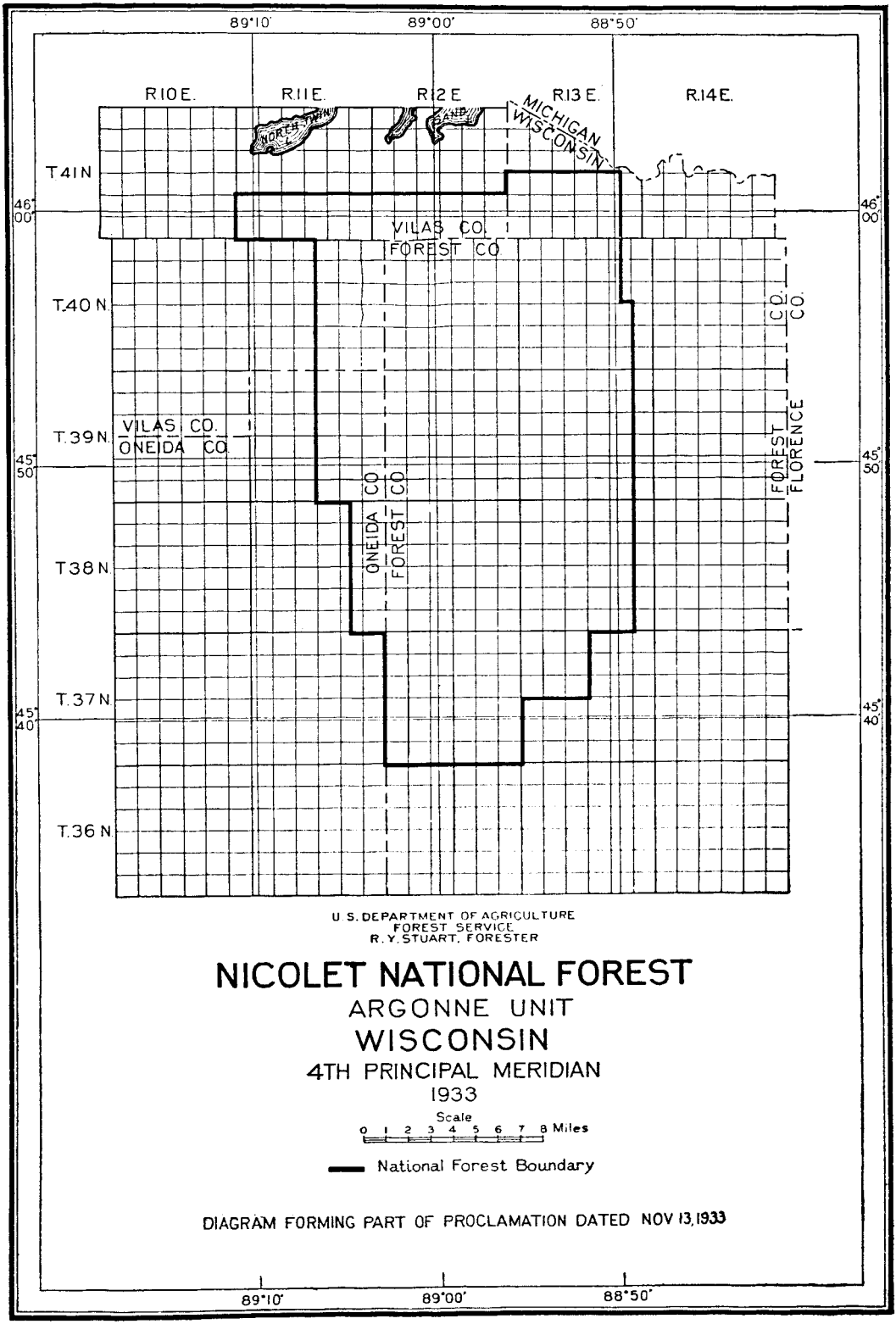
A PROCLAMATION

Armistice Day, 1933. Preamble.

WHEREAS the 11th of November 1918 marked the cessation of the most destructive, sanguinary, and far-reaching war in human annals; and

WHEREAS it is fitting that the recurring anniversary of this day should be commemorated by exercises designed to perpetuate peace through good will and mutual understanding between nations; and


90°40′
90°30′
90°20′
R.3W.
R.2W.
R.1W.
R.1E.
T.34N.
RUSK CO.
TAYLOR CO.
PRICE CO.
TAYLOR CO.
T.33N.
45° 20′
T.32N.
45° 10′
T.31N.
T.30N.
U. S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
R. Y. STUART, FORESTER
NICOLET NATIONAL FOREST
MONDEAUX UNIT
WISCONSIN
4TH PRINCIPAL MERIDIAN
1933
Scale
0 1 2 3 4 5 6 7 8 Miles
National Forest Boundary
Added to the Nicolet National Forest
DIAGRAM FORMING PART OF PROCLAMATION DATED NOV 13, 1933
90°40′
90°30
90°20



U. S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
R. Y. STUART, FORESTER

NICOLET NATIONAL FOREST

ARGONNE UNIT

WISCONSIN

4TH PRINCIPAL MERIDIAN

1933

Scale
0 1 2 3 4 5 6 7 8 Miles

National Forest Boundary

DIAGRAM FORMING PART OF PROCLAMATION DATED NOV 13, 1933

WHEREAS by concurrent resolution of the Senate and the House of Representatives, in 1926, the President was requested to issue a proclamation for the observance of Armistice Day: Vol. 44, p. 1982.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in pursuance of the said resolution, do hereby order that the flag of the United States be displayed on all Government buildings on Saturday, November 11, 1933, and do invite the people of the United States to observe the day in schools and churches, or in other suitable places, with appropriate ceremonies expressive of our gratitude for peace and our desire for the continuance of friendly relations with all other peoples. Directing display of flag and inviting observance of, on November 11, 1933.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 11th day of October, in the year of our Lord nineteen hundred and thirty-three, and [SEAL] of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2059]

NICOLET NATIONAL FOREST—WISCONSIN

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

November 13, 1933.

A PROCLAMATION

WHEREAS by proclamation of March 2, 1933, there were set apart as the Nicolet National Forest in Wisconsin certain lands which had been or might thereafter be acquired by the United States of America under authority of the act of Congress approved March 1, 1911 (ch. 186, 36 Stat. 961, U.S.C., title 16, sec. 516), as amended June 7, 1924 (ch. 348, 43 Stat. 653, U.S.C., title 16, sec. 515), together with certain adjoining public lands; and Nicolet National Forest, Wis. Preamble. Vol. 47, p. 2559. Vol. 36, p. 961; Vol. 43, p. 654. U.S.C., p. 424.

WHEREAS it appears that it would be in the public interest to modify the boundaries of the said national forest by including therein certain forest lands which have been or may be acquired under authority of said acts of March 1, 1911, and June 7, 1924, and certain adjoining public lands, and by transferring the Flambeau and Moquah units heretofore forming part of the said national forest to the Chequamegon National Forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power in me vested by section 24 of the act of March 3, 1891 (ch. 561, 26 Stat. 1095, 1103, U.S.C., title 16, sec. 471), act of June 4, 1897 (ch. 2, 30 Stat. 34, U.S.C., title 16, sec. 473), and by section 11 of the act of March 1, 1911 (ch. 186, 36 Stat. 963, U.S.C., title 16, sec. 521), do proclaim that there are hereby reserved and made a part of the Nicolet National Forest all lands of the United States within the areas shown as additions on the diagrams attached hereto and made a part hereof, and that all lands therein which may hereafter be acquired by the United States under the said acts of March 1, 1911, and June 7, 1924, shall be reserved and administered as part of said national forest, and that the aforesaid Flambeau and Moquah units are hereby transferred to the Chequamegon National Forest, and that this proclamation Area modified. Vol. 26, p. 1103; Vol. 30, p. 36; Vol. 36, p. 963. U.S.C., pp. 418, 425.

and that creating the Chequamegon National Forest, which I have signed this same day, are made, and are intended to be and shall be considered, as one act and they shall become effective simultaneously.

Prior rights not affected.

The withdrawal made by this proclamation shall, as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose other than forest classification, be subject to and shall not interfere with or defeat legal rights under such appropriation, nor prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 13 day of November, in the year of our Lord nineteen hundred and thirty-three, [SEAL] and of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
WILLIAM PHILLIPS
Acting Secretary of State.

[No. 2060]

CHEQUAMEGON NATIONAL FOREST—WISCONSIN

November 13, 1933.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Chequamegon National Forest, Wis. Preamble. Vol. 36, p. 961; Vol. 43, p. 654. U.S.C., p. 424.

WHEREAS certain forest lands within the State of Wisconsin have been or may hereafter be acquired by the United States of America under authority of the act of Congress approved March 1, 1911 (ch. 186, 36 Stat. 961, U.S.C., title 16, sec. 516), as amended by act of June 7, 1924 (ch. 348, 43 Stat. 653, U.S.C., title 16, sec. 515); and

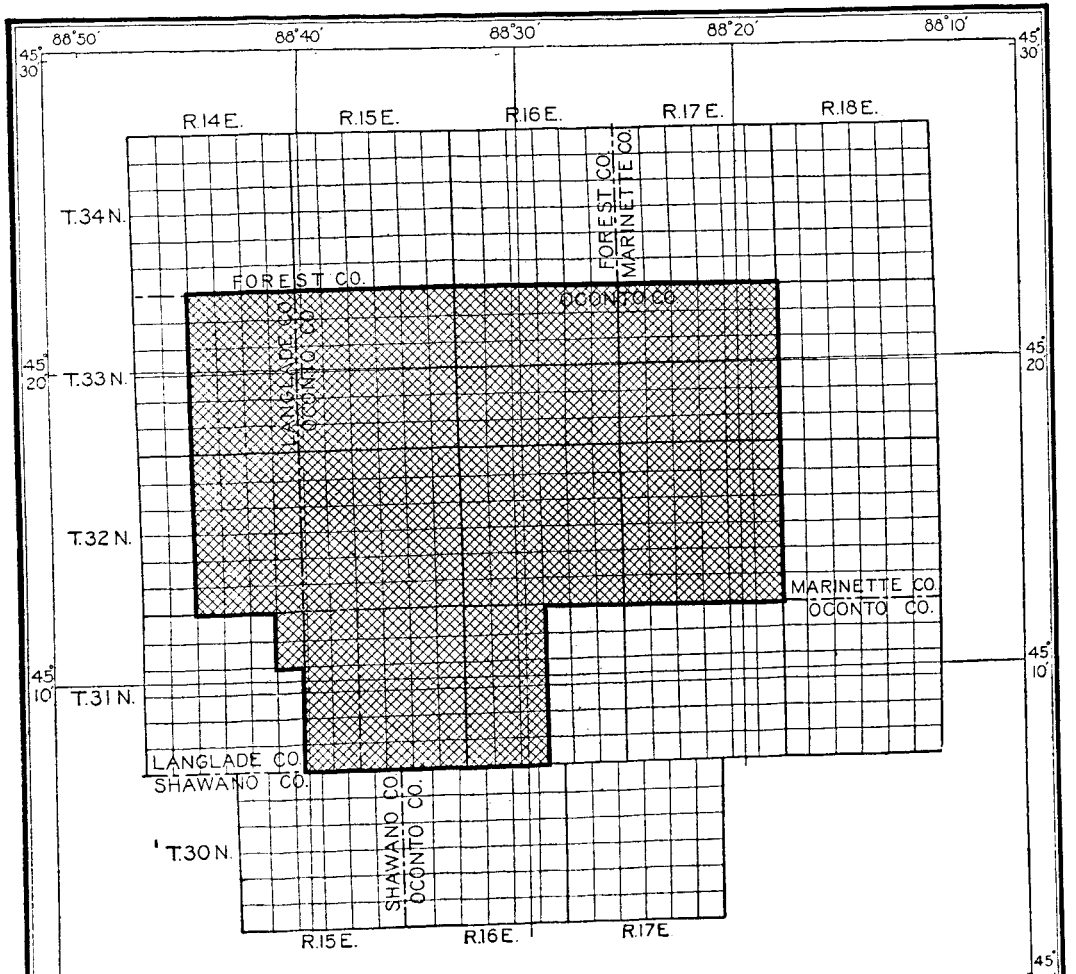
WHEREAS it appears that it would be in the public interest to set them apart with certain adjoining public lands and certain areas heretofore forming part of the Nicolet National Forest as the Chequamegon National Forest:

Reserving area for national forest. Vol. 26, p. 1103; Vol. 30, p. 36; Vol. 36, p. 963. U.S.C., pp. 418, 425.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by section 24 of the act of March 3, 1891 (ch. 561, 26 Stat. 1095, 1103, U.S.C., title 16, sec. 471), the act of June 4, 1897 (ch. 2, 30 Stat. 34, U.S.C., title 16, sec. 473), and by section 11 of the act of March 1, 1911 (ch. 186, 36 Stat. 963, U.S.C., title 16, sec. 521), do proclaim that there are hereby reserved and set apart as the Chequamegon National Forest all lands of the United States within the areas shown on the diagrams attached hereto and made a part hereof, and that all lands therein which may hereafter be acquired by the United States under authority of said acts of March 1, 1911, and June 7, 1924, shall be reserved and administered as part of said national forest.

Prior rights, etc., not affected.

The withdrawal made by this proclamation shall, as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose other than forest classification, be subject to and shall not interfere with or defeat legal rights under such appropriation, nor prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.



U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
R. Y. STUART, FORESTER

NICOLET NATIONAL FOREST

OCONTO UNIT

WISCONSIN

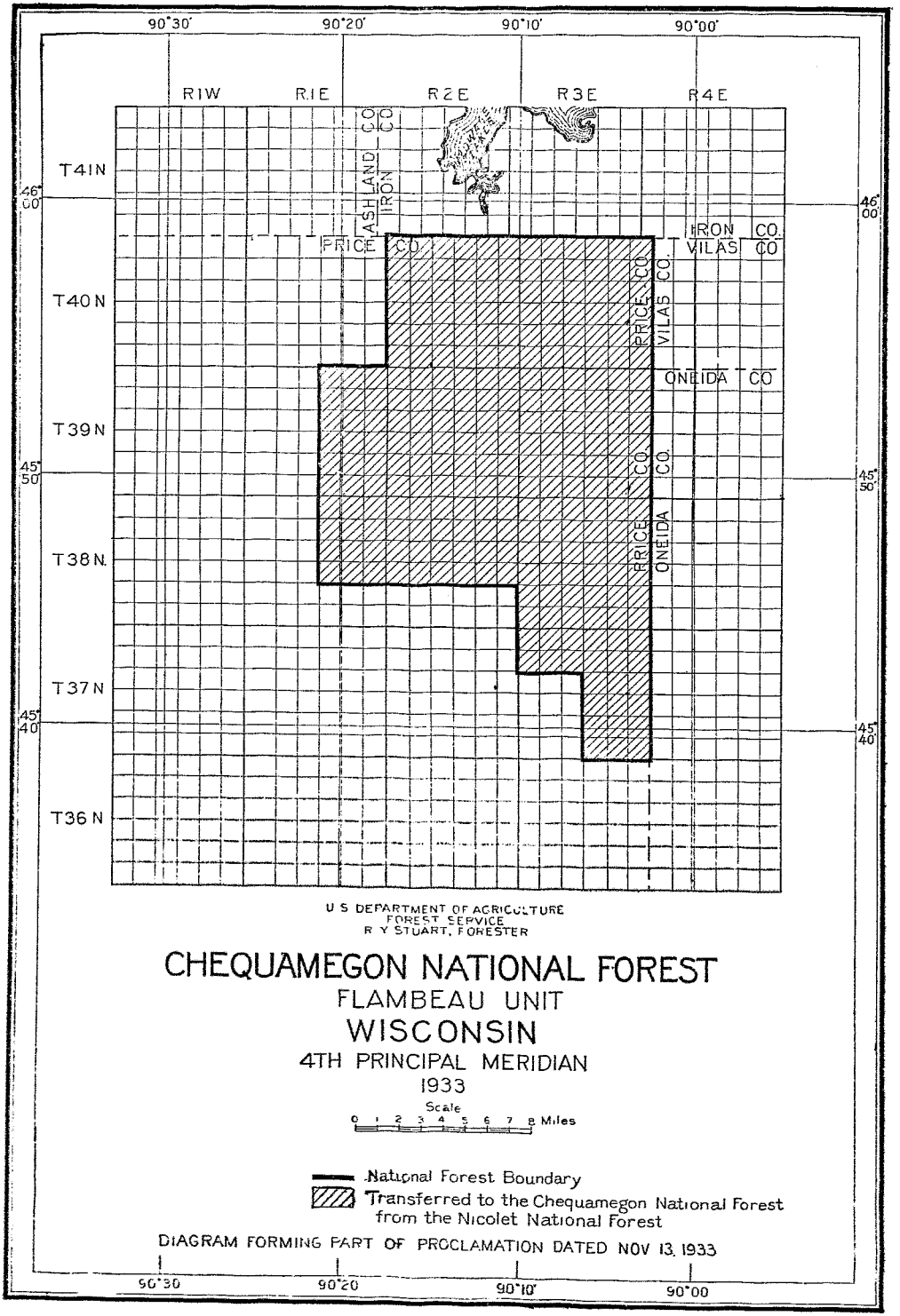
4TH PRINCIPAL MERIDIAN

1933

Scale
0 1 2 3 4 5 6 7 8 Miles

National Forest Boundary
Added to the Nicolet National Forest

DIAGRAM FORMING PART OF PROCLAMATION DATED NOV. 13. 1933



U S DEPARTMENT OF AGRICULTURE
FOREST SERVICE
R Y STUART, FORESTER

CHEQUAMEGON NATIONAL FOREST

FLAMBEAU UNIT

WISCONSIN

4TH PRINCIPAL MERIDIAN

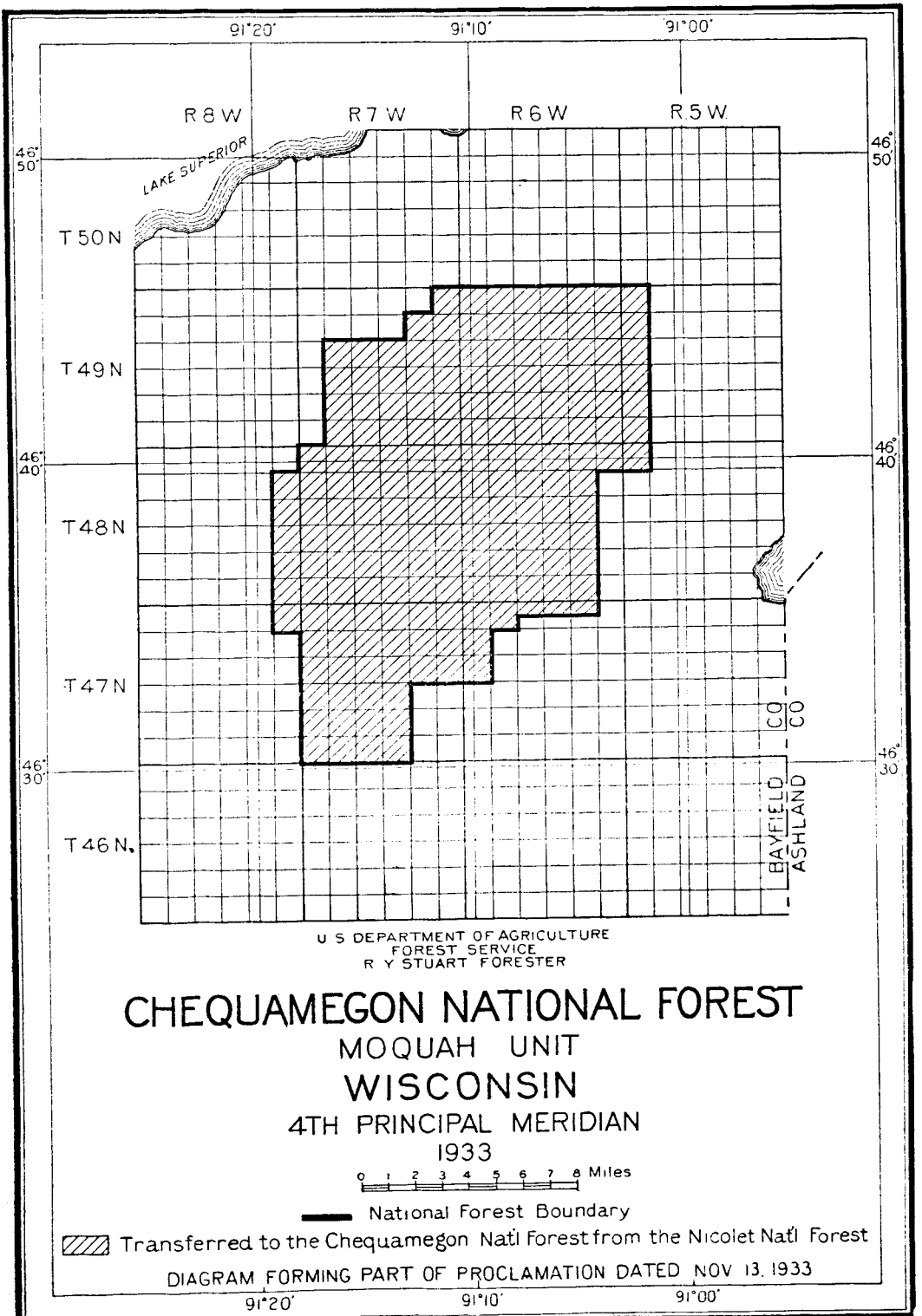
1933

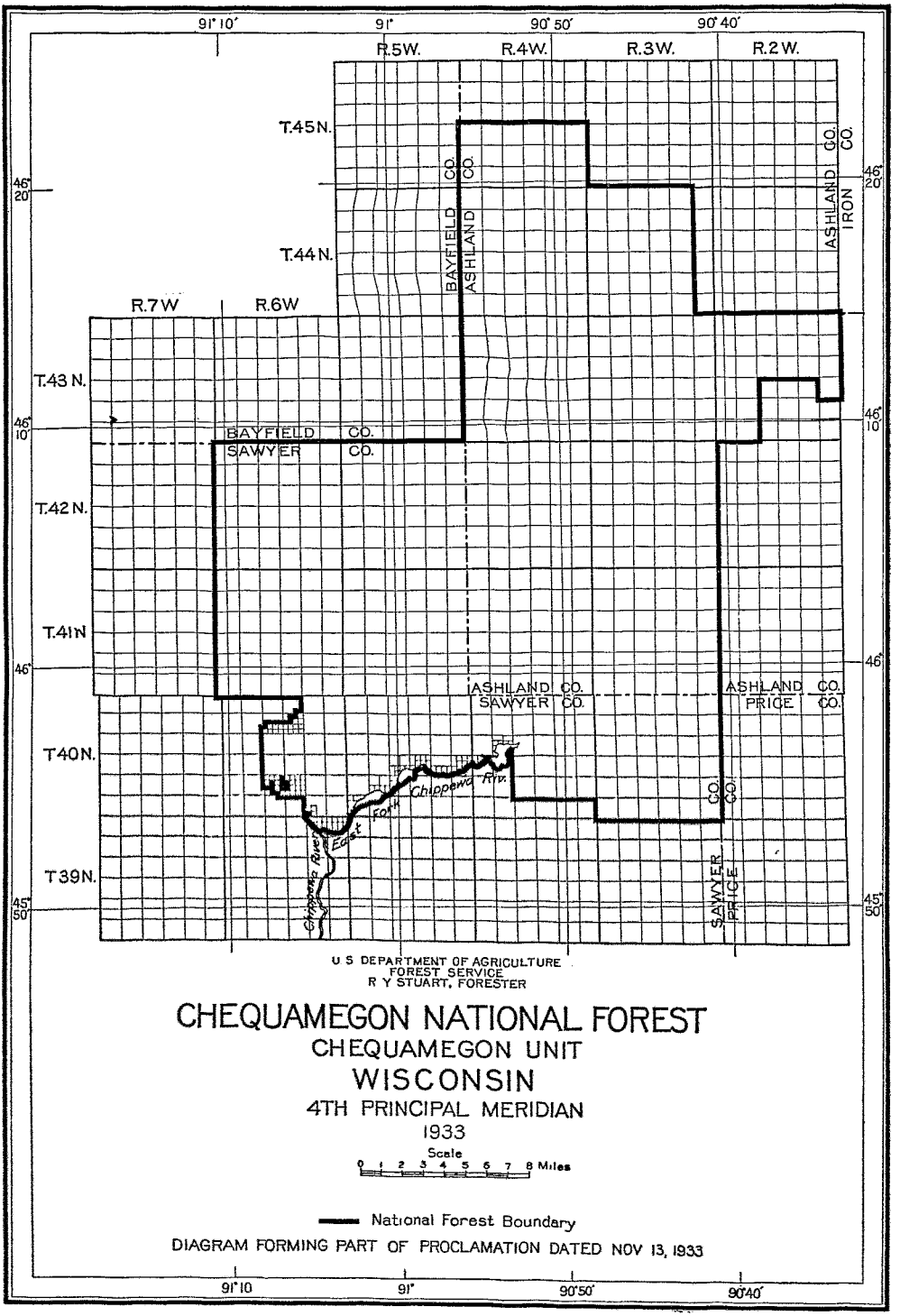
Scale
0 1 2 3 4 5 6 7 8 Miles

National Forest Boundary

Transferred to the Chequamegon National Forest from the Nicolet National Forest

DIAGRAM FORMING PART OF PROCLAMATION DATED NOV 13, 1933


91°20'
91°10'
91°00'
R 8 W
R 7 W
R 6 W
R 5 W
46° 50'
LAKE SUPERIOR
T 50 N
T 49 N
46° 40'
T 48 N
T 47 N
46° 30'
T 46 N.
CO
CO
BAYFIELD
ASHLAND
U S DEPARTMENT OF AGRICULTURE
FOREST SERVICE
R Y STUART FORESTER
CHEQUAMEGON NATIONAL FOREST
MOQUAH UNIT
WISCONSIN
4TH PRINCIPAL MERIDIAN
1933
0 1 2 3 4 5 6 7 8 Miles
National Forest Boundary
Transferred to the Chequamegon Natl Forest from the Nicolet Natl Forest
DIAGRAM FORMING PART OF PROCLAMATION DATED NOV 13, 1933



U S DEPARTMENT OF AGRICULTURE
FOREST SERVICE
R Y STUART, FORESTER

CHEQUAMEGON NATIONAL FOREST

CHEQUAMEGON UNIT

WISCONSIN

4TH PRINCIPAL MERIDIAN

1933

Scale

0 1 2 3 4 5 6 7 8 Miles

National Forest Boundary

DIAGRAM FORMING PART OF PROCLAMATION DATED NOV 13, 1933

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 13th day of November, in the year of our Lord nineteen hundred and thirty-three, and of the Independence of the United States of America the one hundred and fifty-eighth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
WILLIAM PHILLIPS
Acting Secretary of State.

[No. 2061]

THANKSGIVING DAY—1933

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

November 21, 1933.

A PROCLAMATION

Thursday, November 30, 1933, set aside as Thanksgiving Day.

I, Franklin D. Roosevelt, President of the United States of America, do set aside and appoint Thursday, the thirtieth day of November 1933, to be a Day of Thanksgiving for all our people.

May we on that day in our churches and in our homes give humble thanks for the blessings bestowed upon us during the year past by Almighty God.

Recommendations.

May we recall the courage of those who settled a wilderness, the vision of those who founded the nation, the steadfastness of those who in every succeeding generation have fought to keep pure the ideal of equality of opportunity and hold clear the goal of mutual help in time of prosperity as in time of adversity.

May we ask guidance in more surely learning the ancient truth that greed and selfishness and striving for undue riches can never bring lasting happiness or good to the individual or to his neighbors.

May we be grateful for the passing of dark days; for the new spirit of dependence one on another; for the closer unity of all parts of our wide land; for the greater friendship between employers and those who toil; for a clearer knowledge by all nations that we seek no conquests and ask only honorable engagements by all peoples to respect the lands and rights of their neighbors; for the brighter day to which we can win through by seeking the help of God in a more unselfish striving for the common bettering of mankind.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE at the City of Washington this twenty-first day of November, in the year of our Lord Nineteen hundred and thirty-three, and of the Independence of the United States of America the One hundred and fifty-eighth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
WILLIAM PHILLIPS
Acting Secretary of State.

[No. 2062]

EMERGENCY BOARD, SOUTHERN PACIFIC LINES, (IN TEXAS AND LOUISIANA), TEXAS & NEW ORLEANS RAILROAD COMPANY,—EMPLOYEES

November 23, 1933.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Labor disputes, Southern Pacific Lines (in Texas and Louisiana), etc., and certain of its employees.

WHEREAS the President, having been duly notified by the Board of Mediation that disputes between the Southern Pacific Lines (In Texas and Louisiana), Texas & New Orleans Railroad Company, a carrier, and certain of its employees represented by

Brotherhood of Locomotive Engineers;
Brotherhood of Locomotive Firemen and Enginemen;
Order of Railway Conductors;
Brotherhood of Railroad Trainmen;

which disputes have not been heretofore adjusted under the provisions of the Railway Labor Act, now threaten substantially to interrupt interstate commerce within the States of Texas and Louisiana, to a degree such as to deprive that section of the country of essential transportation service;

Emergency board created to investigate and report thereon.

Vol. 44, p. 586. U.S.C., p. 2110.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue of and under the authority in me vested by Section 10 of the Railway Labor Act, do hereby create a board to be composed of three (3) persons not pecuniarily or otherwise interested in any organization of railway employees or any carrier, to investigate and report their findings to me within 30 days from this date.

Compensation, etc.

Ante, p. 8.

The members of this board shall be compensated for and on account of such duties in the sum of Fifty ($50.00) Dollars for every day actually employed with or upon account of travel and duties incident to such board, from which will be deducted fifteen per cent. (15%) as provided in Public No. 2, 73d Congress, Approved March 20, 1933. The members will be reimbursed for and they are hereby authorized to make expenditures for expenses for themselves and of the board, including traveling expenses and in conformity with Public No. 212, 72d Congress, Approved June 30, 1932, 11:30 a.m., not to exceed five ($5.00) dollars per diem for expenses incurred for subsistence.

Vol. 47, p. 405.

Board's expenditures.

Ante, p. 286.

All expenditures of the board shall be allowed and paid for out of the appropriation "emergency Boards, Railway Labor Act, May 20, 1926, 1934" on the presentation of itemized vouchers properly approved by the chairman of the board hereby created.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 23rd day of November in the year of our Lord nineteen hundred and thirty-three, and [SEAL] of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President.
WILLIAM PHILLIPS
Acting Secretary of State.

[No. 2063]

EMERGENCY BOARD, MOBILE & OHIO RAILROAD COMPANY—EMPLOYEES.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA November 25, 1933.

A PROCLAMATION

Labor disputes, Mobile & Ohio Railroad Company and certain of its employees.

WHEREAS the President, having been duly notified by the Board of Mediation that disputes between the Mobile & Ohio Railroad Company, C. E. Ervin and T. M. Stevens, Receivers, a carrier, and certain of its employees represented by

Brotherhood of Locomotive Engineers;
Order of Railway Conductors;
Brotherhood of Locomotive Firemen and Enginemen;
Brotherhood of Railroad Trainmen;
American Train Dispatchers' Association;
Railway Employees' Department, American Federation of Labor, Federated Shopcrafts;
International Association of Machinists;
International Brotherhood of Blacksmiths, Drop Forgers and Helpers;
Brotherhood of Railway Carmen of America;
International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America;
Sheet Metal Workers International Alliance;
International Brotherhood of Electrical Workers;
Brotherhood of Maintenance of Way Employees;

which disputes have not been heretofore adjusted under the provisions of the Railway Labor Act, now threaten substantially to interrupt interstate commerce within the States of Illinois, Kentucky, Tennessee, Mississippi and Alabama, to a degree such as to deprive that section of the country of essential transportation service;

Emergency board created to investigate and report thereon. Vol. 44, p. 586. U.S.C., p. 2110.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue of and under the authority in me vested by Section 10 of the Railway Labor Act, do hereby create a board to be composed of three (3) persons not pecuniarily or otherwise interested in any organization of railway employees or any carrier, to investigate and report their findings to me within 30 days from this date.

Compensation, etc. *Ante*, p. 8.

The members of this board shall be compensated for and on account of such duties in the sum of Fifty ($50.00) Dollars for every day actually employed with or upon account of travel and duties incident to such board, from which will be deducted fifteen per cent. (15%) as provided in Public No. 2, 73d Congress, Approved March 20, 1933. The members will be reimbursed for and they are hereby authorized to make expenditures for expenses of themselves and of the board, including traveling expenses and in conformity with Public No. 212, 72d Congress, Approved June 30, 1932, 11:30 a.m., not to exceed five ($5.00) dollars per diem for expenses incurred for subsistence.

Vol. 47, p. 405.

Board's expenditures. *Ante*, p. 286.

All expenditures of the board shall be allowed and paid for out of the appropriation "emergency Boards, Railway Labor Act, May 20, 1926, 1934" on the presentation of itemized vouchers properly approved by the chairman of the board hereby created.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 25th day of November in the year of our Lord nineteen hundred and thirty-three, and [SEAL] of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President.
WILLIAM PHILLIPS
Acting Secretary of State.

[No. 2064]

DATE OF REPEAL OF THE EIGHTEENTH AMENDMENT

December 5, 1933.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Eighteenth Amendment to the Constitution, repeal. Preamble. Statutory citation. Vol. 47, p. 1625.

WHEREAS the Congress of the United States in second session of the Seventy-second Congress, begun at Washington on the fifth day of December in the year one thousand nine hundred and thirty-two, adopted a resolution in the words and figures following, to wit:

"JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by conventions in three-fourths of the several States:

"'Article—

"'Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

"'Sec. 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

"'Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.'"

National Industrial Recovery Act. *Ante*, p. 208.

WHEREAS section 217 (a) of the act of Congress entitled "AN ACT To encourage national industrial recovery, to foster competition, and to provide for the construction of certain useful public works, and for other purposes", approved June 16, 1933, provides as follows:

"Sec. 217. (a) The President shall proclaim the date of—

(1) the close of the first fiscal year ending June 30 of any year after the year 1933, during which the total receipts of the United States (excluding public-debt receipts) exceed its total expenditures (excluding public-debt expenditures other than those chargeable against such receipts), or

(2) the repeal of the eighteenth amendment to the Constitution,

whichever is the earlier."

WHEREAS it appears from a certificate issued December 5, 1933, by the Acting Secretary of State that official notices have been received in the Department of State that on the fifth day of December 1933 conventions in 36 States of the United States, constituting three fourths of the whole number of the States had ratified the said repeal amendment;

December 5, 1933, proclaimed repeal date.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, pursuant to the provisions of section 217 (a) of the said act of June 16, 1933, do hereby proclaim that the eighteenth amendment to the Constitution of the United States was repealed on the fifth day of December 1933.

Cooperation for greater respect for law and order enjoined.

FURTHERMORE, I enjoin upon all citizens of the United States and upon others resident within the jurisdiction thereof to cooperate with the Government in its endeavor to restore greater respect for law and order, by confining such purchases of alcoholic beverages as they may make solely to those dealers or agencies which have been duly licensed by State or Federal license.

Observance of this request, which I make personally to every individual and every family in our Nation, will result in the consumption of alcoholic beverages which have passed Federal inspection, in the break-up and eventual destruction of the notoriously evil illicit liquor traffic, and in the payment of reasonable taxes for the support of Government and thereby in the superseding of other forms of taxation.

I call specific attention to the authority given by the twenty-first amendment to the Government to prohibit transportation or importation of intoxicating liquors into any State in violation of the laws of such State.

I ask the whole-hearted cooperation of all our citizens to the end that this return of individual freedom shall not be accompanied by the repugnant conditions that obtained prior to the adoption of the eighteenth amendment and those that have existed since its adoption. Failure to do this honestly and courageously will be a living reproach to us all.

I ask especially that no State shall by law or otherwise authorize the return of the saloon either in its old form or in some modern guise.

The policy of the Government will be to see to it that the social and political evils that have existed in the pre-prohibition era shall not be revived nor permitted again to exist. We must remove forever from our midst the menace of the bootlegger and such others as would profit at the expense of good government, law, and order.

I trust in the good sense of the American people that they will not bring upon themselves the curse of excessive use of intoxicating liquors, to the detriment of health, morals, and social integrity.

The objective we seek through a national policy is the education of every citizen towards a greater temperance throughout the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this fifth day of December, in the year of our Lord nineteen hundred and thirty-three, and of [SEAL] the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
WILLIAM PHILLIPS
Acting Secretary of State.

[No. 2065]

Increasing Duty on Fish Packed in Oil

December 14, 1933.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Tariff on fish, packed in oil, etc.
Preamble.
Statutory authorization.
Vol. 46, p. 701.

WHEREAS under and by virtue of section 336 of title III, part II, of the act of Congress approved June 17, 1930 (46 Stat. 590, 701), entitled "AN ACT To provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes", the United States Tariff Commission has investigated the differences in costs of production of, and all other facts and conditions enumerated in said section with respect to, fish, prepared or preserved in any manner, when packed in oil or in oil and other substances, being wholly or in part the growth or product of the United States and of and with respect to like or similar articles wholly or in part the growth or product of the principal competing countries;

WHEREAS in the course of said investigation hearings were held, of which reasonable public notice was given and at which parties interested were given reasonable opportunity to be present, to produce evidence, and to be heard;

WHEREAS the Commission has reported to the President the results of said investigation and its findings with respect to such differences in costs of production;

WHEREAS the Commission has found it shown by said investigation that the principal competing country for tuna fish, prepared or preserved in any manner, when packed in oil or in oil and other substances, is Japan, and that the principal competing country for fish other than tuna, prepared or preserved in any manner, when packed in oil or in oil and other substances, is Norway, and that the duties expressly fixed by statute do not equalize the differences in the costs of production of the domestic articles and the like or similar foreign articles when produced in said principal competing countries, and has specified in its report the increases in the rate of duty expressly fixed by statute found by the Commission to be shown by said investigation to be necessary to equalize such differences; and

WHEREAS in the judgment of the President such rates of duty are shown by such investigation of the Tariff Commission to be necessary to equalize such differences in costs of production:

Increasing duties to equalize differences in costs of production.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim the following rates of duty found to be shown by said investigation to be necessary to equalize such differences in costs of production:

Vol. 46, p. 633.

An increase in the rate of duty expressly fixed in paragraph 718 (a) of title I of said act on tuna fish, prepared or preserved in any manner, when packed in oil or in oil and other substances, from 30 per centum ad valorem to 45 per centum ad valorem; and

An increase in the rate of duty expressly fixed in paragraph 718 (a) of title I of said act on fish other than tuna, prepared or preserved in any manner, when packed in oil or in oil and other substances, and of a value not exceeding 9 cents per pound, including the weight of the immediate container only, from 30 per centum ad valorem to 44 per centum ad valorem.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this fourteenth day of December, in the year of our Lord nineteen hundred and thirty-three, [SEAL] and of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
WILLIAM PHILLIPS
Acting Secretary of State.

[No. 2066]

[COINAGE OF SILVER]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

December 21, 1933.

A PROCLAMATION

Coinage of silver. Preamble. Statutory authorization. *Ante*, p. 52.

WHEREAS, by paragraph (2) of section 43, title III, of the Act of Congress, approved May 12, 1933 (Public No. 10), the President is authorized "By proclamation to fix the weight of the gold dollar in grains nine-tenths fine and also to fix the weight of the silver dollar in grains nine-tenths fine at a definite fixed ratio in relation to the gold dollar at such amounts as he finds necessary from his investigation to stabilize domestic prices or to protect the foreign commerce against the adverse effect of depreciated foreign currencies, and to provide for the unlimited coinage of such gold and silver at the ratio so fixed, * * *"; and

Stabilizing domestic prices; protection against depreciated foreign currencies, etc.

WHEREAS, from investigations made by me, I find it necessary, in aid of the stabilization of domestic prices and in accordance with the policy and program authorized by Congress, which are now being administered, and to protect our foreign commerce against the adverse effect of depreciated foreign currencies, that the price of silver be enhanced and stabilized; and

Resolution of World Economic and Monetary Conference.

WHEREAS, a resolution presented by the Delegation of the United States of America was unanimously adopted at the World Economic and Monetary Conference in London on July 20, 1933, by the representatives of sixty-six Governments, which in substance provided that Governments will abandon the policy and practice of melting up or debasing silver coins; that low valued silver currency be replaced with silver coins and that no legislation should be enacted that will depreciate the value of silver; and

Separate agreements with designated silver-using countries. Limitations imposed.

WHEREAS, a separate and supplemental agreement was entered into, at the instance of the representatives of the United States, between China, India, and Spain, the holders and users of large quantities of silver, on the one hand, and Australia, Canada, Mexico, Peru, and the United States on the other hand, as the chief producers of silver, wherein China agreed not to dispose of any silver derived from the melting up or debasement of silver coins,and India agreed not to dispose of over 35,000,000 ounces of silver per annum during a period of four years commencing January 1, 1934, and Spain agreed not to dispose of over 5,000,000 ounces of silver annually during said

period, and both of said Governments agreed that at the end of said period of four years they would then subject themselves to the general resolution adopted at the London Conference, and in consideration of such limitation it was agreed that the Governments of the five producing countries would each absorb from the mines in their respective countries a certain amount of silver, the total amount to be absorbed by said producing countries being 35,000,000 ounces per annum during the four years commencing the 1st day of January, 1934; that such silver so absorbed would be retained in each of said respective countries for said period of four years, to be used for coinage purposes or as reserves for currency, or to otherwise be retained and kept off the world market during such period of time, it being understood that of the 35,000,000 ounces the United States was to absorb annually at least 24,421,410 ounces of the silver produced in the United States during such period of time.

Necessity declared. Execution of agreements.

NOW, THEREFORE, finding it proper to cooperate with other Governments and necessary to assist in increasing and stabilizing domestic prices, to augment the purchasing power of peoples in silver-using countries, to protect our foreign commerce against the adverse effect of depreciated foreign currencies, and to carry out the understanding between the sixty-six Governments that adopted the resolution hereinbefore referred to; by virtue of the power in me vested by the Act of Congress above cited, the other legislation designated for national recovery, and by virtue of all other authority in me vested;

Directing opening of mints to the coinage of newly mined domestic silver.

I, FRANKLIN D. ROOSEVELT, President of the United States of America, do proclaim and direct that each United States coinage mint shall receive for coinage into standard silver dollars any silver which such mint, subject to regulations prescribed hereunder by the Secretary of the Treasury, is satisfied has been mined, subsequently to the date of this proclamation, from natural deposits in the United States or any place subject to the jurisdiction thereof. The Director of the Mint, with the voluntary consent of the owner, shall deduct and retain of such silver so received fifty percent as seigniorage and for services performed by the Government of the United States relative to the coinage and delivery of silver dollars. The balance of such silver so received, that is, fifty percent thereof, shall be coined into standard silver dollars and the same, or an equal number of other standard silver dollars, shall be delivered to the owner or depositor of such silver. The fifty percent of such silver so deducted shall be retained as bullion by the Treasury and shall not be disposed of prior to the thirty-first day of December, 1937, except for coining into United States coins.

Seigniorage, etc., charges.

Fifty percent to be coined into standard silver dollars.

Remainder to be retained as bullion; exception.

Regulations to be prescribed. Vol. 40, p. 535.

The Secretary of the Treasury is authorized to prescribe regulations to carry out the purposes of this proclamation. Such regulations shall contain provisions substantially similar to the provisions contained in the regulations made pursuant to the Act of Congress, approved April 23, 1918, (40 Statutes at Large, page 535), known as the Pittman Act, with such changes as he shall determine prescribing how silver mined, subsequently to the date of this proclamation from natural deposits in the United States or any place subject to the jurisdiction thereof, shall be identified.

Duration.

This proclamation shall remain in force and effect until the thirty-first day of December, 1937, unless repealed or modified by Act of Congress or by subsequent proclamation.

Ratio to be maintained. U.S.C., p. 995.

The present ratio in weight and fineness of the silver dollar to the gold dollar shall, for the purposes of this proclamation, be maintained until changed by further order or proclamation.

Right reserved.

Notice is hereby given that I reserve the right by virtue of the authority vested in me to revoke or modify this proclamation as the interest of the United States may seem to require.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 21st day of December, in the year of our Lord nineteen hundred and thirty-three, [SEAL] and of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
WILLIAM PHILLIPS
Acting Secretary of State.

[No. 2067]

[GRANTING PARDON TO PERSONS CONVICTED OF CERTAIN WAR-TIME OFFENSES]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

December 23, 1933.

A PROCLAMATION

Persons convicted of certain war-time offenses.

Whereas, in and by the Constitution of the United States of America, it is provided that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment", and

Preamble.
Provisions of the Constitution.

Whereas, various persons have been from time to time convicted in the courts of the United States of violations of certain statutes enacted during the war between the United States and the Imperial German Government and Imperial Austro-Hungarian Government, to wit:

Violations specified.

Section 3 of Title I of the Act approved June 15, 1917, entitled "An Act To punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes" (40 Stat. 217); and said section as amended by the Act approved May 16, 1918 (40 Stat. 553); or of a conspiracy to violate the same;

Seditious acts, etc. Vol. 40, p. 219; U.S.C., p. 1691.
Espionage, etc. Vol. 40, p. 553.

Conspiracy to violate Section 5 of the Act approved on June 15, 1917, entitled "An Act To authorize the President to increase temporarily the Military Establishment of the United States" (40 Stat. 76); and said Section as amended by the Act approved August 31, 1918 (40 Stat. 955); and

Selective draft. Vol. 40, pp. 80, 955.

Whereas, the emergency contemplated by the aforesaid statutes has long expired;

Now, Therefore, Be it Known, that I, Franklin D. Roosevelt, President of the United States of America, in consideration of the premises, divers other good and sufficient reasons me thereunto moving, do hereby declare and grant a full pardon to all persons who have heretofore been convicted of a violation of any of the foregoing statutory provisions or of a conspiracy to violate the same, and who have complied with the sentences imposed on them; provided, however, that such pardon shall not be construed to pardon such persons for any offenses other than those designated herein, whether committed prior or subsequently to the offenses herein designated.

Full pardon granted, if sentence imposed has been complied with.

Proviso.
Restriction.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 23rd day of December, in the year of our Lord nineteen hundred and thirty-three, and [SEAL] of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President.
WILLIAM PHILLIPS
Acting Secretary of State

[No. 2068]

MERCHANDISE IN BONDED WAREHOUSE, BONDED CARPET WOOL AND CAMEL HAIR, AND DRAWBACK EXPORTATIONS

December 30, 1933.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Bonded warehouses, etc.
Preamble.
Statutory authorization.
Vol. 46, p. 696.

WHEREAS section 318 of the Tariff Act of 1930 (ch. 497, 46 Stat. 590, 696) provides, in part:

"Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act * * * ";

Emergency declared.

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid provisions, do hereby proclaim an emergency to exist.

Time extended for withdrawing merchandise, imported during 1931, for warehousing.
Vol. 46, p. 744.

And I do further proclaim that it is necessary and proper, because of the emergency, that all merchandise (except grain) imported during the calendar year 1931 and entered for warehousing under section 557 of the Tariff Act of 1930 be permitted to remain in warehouse for a further period; and I therefore hereby authorize the Secretary of the Treasury, until further notice, to extend the warehousing period for such merchandise for not more than one year from and after the expiration of the three-year period prescribed in sections 557 and 559 of the Tariff Act of 1930: *Provided*, however, that in each and every case the Secretary of the Treasury shall require that the principal on the warehouse-entry bond, in order to obtain the benefits under the extension granted, shall either furnish to the Collector of Customs for the district in which the merchandise is warehoused the agreement of the sureties on such bond to remain bound under the terms and provisions of the bond to the same extent as if no extension were granted, or furnish an additional bond with acceptable sureties to cover the period of extension.

Proviso.
Conditions imposed.

Bonded wool, conditionally free, for designated manufacture.
Time extended for proof of use.
Vol. 46, p. 646.

And I do further proclaim that it is necessary and proper, because of the emergency, that as to all wool or hair of the camel imported or withdrawn from bonded warehouse during the calendar year 1931 conditionally free of duty, under bond, under paragraph 1101 of the Tariff Act of 1930 for use in the manufacture of press cloth, camel's-hair belting, rugs, carpets, or other floor coverings, or in the manu-

facture of knit or felt boots or heavy fulled lumbermen's socks, there shall be permitted a further period during which proof that such wool or hair has been so used may be furnished; and I therefore hereby authorize the Secretary of the Treasury, until further notice, to extend the period during which proof of such use may be furnished for not more than one year from and after the expiration of the three-year period prescribed in said paragraph 1101: *Provided*, however, that in each and every case the Secretary of the Treasury shall require that the principal on the bond, in order to obtain the benefits under the extension granted, shall either furnish to the Collector of Customs for the district in which the bond was given, the agreement of the sureties on such bond to remain bound under the terms and provisions of the bond to the same extent as if no extension were granted, or furnish an additional bond with acceptable sureties to cover the period of extension.

Proviso. Terms.

And I do further proclaim that it is necessary and proper, because of the emergency, that as to articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes a further period for exportation (or shipment to the Philippine Islands) of the completed articles be permitted in those cases in which the merchandise involved was imported during the calendar year 1931; and I therefore hereby authorize the Secretary of the Treasury to extend the period for exportation (or shipment to the Philippine Islands) of the completed articles in such cases for not more than one year from and after the expiration of the three-year period prescribed in section 313 (h) of the Tariff Act of 1930.

Drawback.

Time extended on merchandise for shipment to Philippine Islands. Vol. 46, p. 694.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 30th day of December, in the year of our Lord nineteen hundred and thirty-three, and of [SEAL] the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
WILLIAM PHILLIPS
Acting Secretary of State.

[No. 2069]

(AMENDING PROCLAMATIONS OF MARCH 6 AND MARCH 9, 1933, AND THE EXECUTIVE ORDER OF MARCH 10, 1933 AND ALL ORDERS AND REGULATIONS PURSUANT THERETO)

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

December 30, 1933.

A PROCLAMATION

Banking operations. Preamble. *Ante*, p. 1689.

WHEREAS, on March 6, 1933, I, Franklin D. Roosevelt, President of the United States of America, by virtue of authority vested in me by the Act of October 6, 1917 (40 Stat. L. 411), as amended, issued a Proclamation declaring that an emergency existed and that a National banking holiday be observed;

Vol. 40, p. 415; *Ante*, p. 1.

WHEREAS, on March 9, 1933, I issued a Proclamation continuing the terms and conditions of said Proclamation of March 6, 1933, in full force and effect until further proclamation by the President;

Ante, p. 1691.

State banks not members of Federal Reserve system. Executive Order No. 6073.

WHEREAS, on March 10, 1933, I issued an Executive order authorizing the appropriate authority having immediate supervision of banking institutions in each State or any place subject to the jurisdiction of the United States to permit any banking institution not a member of the Federal Reserve System to perform any or all of its usual banking functions except as otherwise provided;

Licenses.

WHEREAS, the Secretary of the Treasury, pursuant to authority granted by other provisions of the said Executive order of March 10, 1933, has acted upon all requests for licensing of banks members of the Federal Reserve System;

Admittance to membership of Fund granted to State banks.

WHEREAS, the Federal Deposit Insurance Corporation has acted upon all applications to it for membership in the Temporary Federal Deposit Insurance Fund as provided for in Section 12B (y) of the Federal Reserve Act as amended by Section 8 of the Act of June 16, 1933, Public No. 66, Seventy-third Congress, and has admitted to the said Fund all applicant banks which are duly and properly qualified; and

Ante, p. 179.

Responsibility of State.

WHEREAS, it is now appropriate that the banking authority in each State and any place subject to the jurisdiction of the United States should have and exercise the sole responsibility for, and control over, banking institutions not members of the Federal Reserve System;

Authority of State over State nonmember banks reestablished.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, PRESIDENT of the UNITED STATES, in order to assure that the banking authority in each State and in any place subject to the jurisdiction of the United States shall have and exercise the sole responsibility for, and control over, banking institutions which are not members of the Federal Reserve System, do hereby proclaim, order, direct, and declare that the Proclamations of March 6, 1933 and March 9, 1933, and the Executive order of March 10, 1933, and all orders and regulations pursuant thereto, are amended, effective the first day of January, nineteen hundred and thirty-four, to exclude from their scope banking institutions which are not members of the Federal Reserve System. PROVIDED, HOWEVER, That no banking institution shall pay out any gold coin, gold bullion, or gold certificates, except as authorized by the Secretary of the Treasury, nor allow the withdrawal of any currency for hoarding, nor engage in any transactions in foreign exchange except such as may be undertaken for legitimate and normal business requirements, for reasonable traveling and other personal requirements, and for the fulfillment of contracts entered into prior to March 6, 1933.

Designated Proclamations and Executive Orders amended.

Proviso. Gold impounding reservation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in the City of Washington this 30th day of December in the year of our Lord one thousand nine hundred and thirty-three, and of the Independence of the United States the one hundred and fifty-eighth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

WILLIAM PHILLIPS

Acting Secretary of State.

[No. 2070]

UNION OF SOVIET SOCIALIST REPUBLICS—SUSPENSION OF TONNAGE DUES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

January 16, 1934.

A PROCLAMATION

Tonnage dues. Preamble.

Whereas section 4228 of the Revised Statutes (U.S.C., title 46, sec. 141) in part provides as follows:

Statutory authorization. R.S., sec. 4228, p. 814. Vol. 30, p. 214. U.S.C., p. 1469.

"Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer."

WHEREAS satisfactory proof was received by me from the Government of the Union of Soviet Socialist Republics on November 21, 1933, that no discriminating duties of tonnage or imposts are levied or imposed in the waters of the Union of Soviet Socialist Republics upon vessels wholly belonging to citizens of the United States or upon the produce, manufactures, or merchandise imported in such vessels, from the United States or from any foreign country:

Suspension of discriminating duties on vessels of the Union of Soviet Socialist Republics.

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, by virtue of the authority vested in me by section 4228 of the Revised Statutes of the United States, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of the Union of Soviet Socialist Republics and the produce, manufactures, or merchandise imported in said vessels into the United States from the Union of Soviet Socialist Republics or from any other foreign country; the suspension to take effect from November 21, 1933, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 16'' day of January, in the year of our Lord nineteen hundred and thirty-four, and of the Independence of the United States of America the one hundred and fifty-eighth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

WILLIAM PHILLIPS
Acting Secretary of State.

[No. 2071]

January 31, 1934.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Gold Reserve. Preamble. Vol. 31, p. 45.

WHEREAS, by virtue of Section 1 of the Act of Congress approved March 14, 1900 (31 Stat. L. 45), the present weight of the gold dollar is fixed at twenty five and eight tenths grains of gold nine tenths fine; and

Ante, p. 51. Statutory authority of President.

WHEREAS, by Section 43, Title III of the Act approved May 12, 1933 (Public, No. 10, 73d Congress), as amended by Section 12 of the Gold Reserve Act of 1934, it is provided in part as follows:

"Whenever the President finds, upon investigation, that (1) the foreign commerce of the United States is adversely affected by reason of the depreciation in the value of the currency of any other government or governments in relation to the present standard value of gold, or (2) action under this section is necessary in order to regulate and maintain the parity of currency issues of the United States, or (3) an economic emergency requires an expansion of credit, or (4) an expansion of credit is necessary to secure by international agreement a stabilization at proper levels of the currencies of various governments, the President is authorized, in his discretion—

"(a) To direct the Secretary of the Treasury to enter into agreements with the several Federal Reserve banks and with the Federal Reserve Board whereby the Federal Reserve Board will, and it is hereby authorized to, notwithstanding any provisions of law or rules and regulations to the contrary, permit such reserve banks to agree that they will, (1) conduct, pursuant to existing law, throughout specified periods, open market operations in obligations of the United States Government or corporations in which the United States is the majority stockholder, and (2) purchase directly and hold in portfolio for an agreed period or periods of time Treasury bills or other obligations of the United States Government in an aggregate sum of $3,000,000,000 in addition to those they may then hold, unless prior to the termination of such period or periods the Secretary shall consent to their sale. No suspension of reserve requirements of the Federal Reserve banks, under the terms of section 11 (c) of the Federal Reserve Act, necessitated by reason of operations under this section, shall require the imposition of the graduated tax upon any deficiency in reserves as provided in said section 11 (c). Nor shall it require any automatic increase in the rates of interest or discount charged by any Federal Reserve bank, as otherwise specified in that section. The Federal Reserve Board, with the approval of the Secretary of the Treasury, may require the Federal Reserve banks to take such action as may be necessary, in the judgment of the Board and of the Secretary of the Treasury, to prevent undue credit expansion.

"(b) If the Secretary, when directed by the President, is unable to secure the assent of the several Federal Reserve banks and the Federal Reserve Board to the agreements authorized in this section, or if operations under the above provisions prove to be inadequate to meet the purposes of this section, or if for any other reason additional measures are required in the judgment of the President to meet such purposes, then the President is authorized—

* * *

"(2) By proclamation to fix the weight of the gold dollar in grains nine tenths fine and also to fix the weight of the silver dollar in grains nine tenths fine at a definite fixed ratio in relation to the gold dollar at such amounts as he finds necessary from his investigation to stabilize domestic prices or to protect the foreign commerce against the adverse effect of depreciated foreign currencies, and to provide for the unlimited coinage of such gold and silver at the ratio so fixed, or in case the Government of the United States enters into an

agreement with any government or governments under the terms of which the ratio between the value of gold and other currency issued by the United States and by any such government or governments is established, the President may fix the weight of the gold dollar in accordance with the ratio so agreed upon, and such gold dollar, the weight of which is so fixed, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity with this standard and it shall be the duty of the Secretary of the Treasury to maintain such parity, but in no event shall the weight of the gold dollar be fixed so as to reduce its present weight by more than 50 per centum. Nor shall the weight of the gold dollar be fixed in any event at more than 60 per centum of its present weight. The powers of the President specified in this paragraph shall be deemed to be separate, distinct, and continuing powers, and may be exercised by him, from time to time, severally or together, whenever and as the expressed objects of this section in his judgment may require; except that such powers shall expire two years after the date of enactment of the Gold Reserve Act of 1934 unless the President shall sooner declare the existing emergency ended, but the President may extend such period for not more than one additional year after such date by proclamation recognizing the continuance of such emergency"; and

Duration of powers conferred.

WHEREAS, I find, upon investigation, that the foreign commerce of the United States is adversely affected by reason of the depreciation in the value of the currencies of other governments in relation to the present standard value of gold, and that an economic emergency requires an expansion of credit; and

WHEREAS, in my judgment, measures additional to those provided by subsection (a) of said Section 43 are required to meet the purposes of such Section; and

WHEREAS, I find, from my investigation, that, in order to stabilize domestic prices and to protect the foreign commerce against the adverse effect of depreciated foreign currencies, it is necessary to fix the weight of the gold dollar at 15 5/21 grains nine tenths fine,

NOW, THEREFORE, be it known that I, FRANKLIN D. ROOSEVELT, President of the United States, by virtue of the authority vested in me by Section 43, Title III of said Act of May 12, 1933, as amended, and by virtue of all other authority vested in me, do hereby proclaim, order, direct, declare and fix the weight of the gold dollar to be 15 5/21 grains nine tenths fine, from and after the date and hour of this proclamation. The weight of the silver dollar is not altered or affected in any manner by reason of this proclamation.

Weight of gold dollar reduced.
Ante, p. 52.

Weight of silver dollar not affected.

This proclamation shall remain in force and effect until and unless repealed or modified by act of Congress or by subsequent proclamation; and notice is hereby given that I reserve the right by virtue of the authority vested in me to alter or modify this proclamation as the interest of the United States may seem to require.

Modification, etc., provisions.

IN WITNESS WHEREOF I have hereunto set my hand and have caused the seal of the United States to be affixed.

DONE in the City of Washington at 3.10 o'clock in the afternoon, Eastern Standard Time, this 31 day of January, in the year of our Lord one thousand nine hundred and thirty-four, and of the Independence of the United States the one hundred and fifty-eighth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2072]

EMERGENCY BOARD, DENVER & RIO GRANDE WESTERN RAILROAD COMPANY—EMPLOYEES

February 1, 1934.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Labor disputes, Denver & Rio Grande Western Railroad Company and certain of its employees. Preamble.

WHEREAS the President, having been duly notified by the Board of Mediation that disputes between the Denver & Rio Grande Western Railroad Company, a carrier, and certain of its employees represented by

Brotherhood of Locomotive Engineers;
Brotherhood of Locomotive Firemen and Enginemen;
Order of Railway Conductors;
Brotherhood of Railroad Trainmen;

which disputes have not been heretofore adjusted under the provisions of the Railway Labor Act, now threaten substantially to interrupt interstate commerce within the States of Utah, Colorado and New Mexico, to a degree such as to deprive that section of the country of essential transportation service;

Emergency board created to investigate and report thereon. Vol. 44, p. 586.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue of and under the authority in me vested by Section 10 of the Railway Labor Act, do hereby create a board to be composed of three (3) persons not pecuniarily or otherwise interested in any organization of railway employees or any carrier, to investigate and report their findings to me within 30 days from this date.

Compensation, etc.

The members of this board shall be compensated for and on account of such duties in the sum of fifty ($50.00) dollars for every day actually employed with or upon account of travel and duties incident to such board, from which will be deducted fifteen per cent. (15%) as provided in Public No. 2, 73d Congress, Approved March 20, 1933. The members will be reimbursed for and they are hereby authorized to make expenditures for expenses for themselves and of the board, including traveling expenses and in conformity with Public No. 212, 72d Congress, Approved June 30, 1932, 11:30 a.m., not to exceed five ($5.00) dollars per diem for expenses incurred for subsistence.

Ante, p. 12.

Reimbursement for expenses. Vol. 47, p. 401.

Funds available. *Ante*, p. 286.

All expenditures of the board shall be allowed and paid for out of the appropriation "emergency Boards, Railway Labor Act, May 20, 1926, 1934" on the presentation of itemized vouchers properly approved by the chairman of the board hereby created.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this first day of February in the year of our Lord nineteen hundred and thirty-four, and of the Independence of the United States of America the one hundred and fifty-eighth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President.
CORDELL HULL
Secretary of State.

[No. 2073]

APPOINTING HENRY MORGENTHAU, JR. DIRECTOR GENERAL OF RAILROADS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

February 7, 1934.

A PROCLAMATION

WHEREAS William H. Woodin has tendered his resignation as Director General of Railroads; and

Preamble.

WHEREAS such resignation has been accepted, effective upon the qualification of his successor;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the unrepealed provisions of the Federal Control Act of March 21, 1918 (ch. 25, 40 Stat. 451), and the Transportation Act, 1920 (ch. 91, 41 Stat. 456), do hereby appoint, effective the seventh day of February, 1934, Henry Morgenthau, Jr., Secretary of the Treasury, as Director General of Railroads in the stead of the said William H. Woodin, and do hereby delegate to, and continue and confirm in him, all powers and authority heretofore granted to and now possessed by the said William H. Woodin as Director General of Railroads; and I do hereby authorize and direct the said Henry Morgenthau, Jr., until otherwise provided by proclamation of the President or by act of Congress, either personally or through such divisions, agencies, or persons as he may authorize, to exercise and perform, as fully in all respects as the President is authorized to do, all and singular the powers and duties conferred or imposed upon me by the said unrepealed provisions of the Federal Control Act of March 21, 1918, and the said Transportation Act, 1920, except designating the agent provided for in section 206 of said act.

Henry Morgenthau, Jr.
Appointed Director General of Railroads.
Vol. 40, p. 451; Vol. 41, p. 456.
Effective date.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 7th day of February, in the year of our Lord nineteen hundred and thirty-four, and of the Independence of the United States of America the one hundred and fifty-eighth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2074]

DESIGNATING AND APPOINTING HENRY MORGENTHAU, JR., DIRECTOR GENERAL OF RAILROADS, AS THE AGENT PROVIDED FOR IN SECTION 206 OF THE TRANSPORTATION ACT, 1920

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

February 7, 1934.

A PROCLAMATION

WHEREAS by proclamation dated March 15, 1933, William H. Woodin, Director General of Railroads, was designated as the agent provided for in section 206 of the Transportation Act, 1920 (ch. 91, 41 Stat. 461); and

Transportation Act, 1920.
Preamble.
Ante, p. 1692.
Vol. 41, p. 461.

WHEREAS the said William H. Woodin, Director General of Railroads as aforesaid, has tendered his resignation as said agent,

which has been duly accepted, effective upon the qualification of his successor;

Appointing Henry Morgenthau, Jr., as agent.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by said act, do hereby designate and appoint, effective the seventh day of February, 1934, Henry Morgenthau, Jr., Director General of Railroads, as the agent provided for in said section 206 of the Transportation Act, 1920.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 7th day of February, in the year of our Lord nineteen hundred and thirty-four, and of the Independence of the United States of America the one hundred and fifty-eighth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2075]

EXTENDING FOR 1 YEAR THE PERIOD WITHIN WHICH ADVANCES MAY BE MADE UNDER SECTION 10(B) OF THE FEDERAL RESERVE ACT AS AMENDED

February 16, 1934.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Federal Reserve Banks.
Vol. 47, pp. 56, 794; *Ante*, p. 7; U.S.C., Supp. VII, p. 172.

WHEREAS section 10(b) of the Federal Reserve Act as amended by the act of February 27, 1932 (ch. 58, 47 Stat. 56), by the act of February 3, 1933 (ch. 34, 47 Stat. 794), and by the act of March 9, 1933 (Public, No. 1, 73d Cong.), reads as follows:

Advances authorized to member banks when acceptable assets not available for rediscount.

"SEC. 10(b). In exceptional and exigent circumstances, and when any member bank has no further eligible and acceptable assets available to enable it to obtain adequate credit accommodations through rediscounting at the Federal reserve bank or any other method provided by this Act other than that provided by section 10(a), any Federal reserve bank, under rules and regulations prescribed by the Federal Reserve Board, may make advances to such member bank on its time or demand notes secured to the satisfaction of such Federal reserve bank. Each such note shall bear interest at a rate not less than 1 per centum per annum higher than the highest discount rate in effect at such Federal reserve bank on the date of such note. No advance shall be made under this section after March 3, 1934, or after the expiration of such additional period not exceeding one year as the President may prescribe."; and

Security.

Interest.

Duration.

Continuation deemed advisable.

WHEREAS I, FRANKLIN D. ROOSEVELT, President of the United States of America, deem it advisable that the authority of the Federal reserve banks to make advances under the provisions of said section 10(b) of the Federal Reserve Act be continued for an additional period after March 3, 1934;

Provisions extended one year.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred upon me by said section 10(b) of the Federal Reserve Act, do hereby proclaim, declare, and prescribe an additional period of 1 year after March 3, 1934, during which advances may be

made by any Federal reserve bank under the provisions of said section.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 16th day of February, in the year of our Lord nineteen hundred and thirty-four, and of [SEAL] the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2076]

EMERGENCY BOARD, DELAWARE AND HUDSON RAILROAD CORPORATION—EMPLOYEES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

March 5, 1934.

A PROCLAMATION

Labor disputes, Delaware and Hudson Railroad Corporation and certain of its employees.

WHEREAS the President, having been duly notified by the Board of Mediation that disputes between the Delaware and Hudson Railroad Corporation, a carrier, and certain of its employees represented by

Brotherhood of Locomotive Engineers;
Brotherhood of Locomotive Firemen and Enginemen;
Brotherhood of Railroad Trainmen;

which disputes have not been heretofore adjusted under the provisions of the Railway Labor Act, now threaten substantially to interrupt interstate commerce within the States of New York, Pennsylvania and Vermont, to a degree such as to deprive that section of the country of essential transportation service;

Emergency board created to investigate, and to report thereon.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue of and under the authority in me vested by Section 10 of the Railway Labor Act, do hereby create a board to be composed of three (3) persons not pecuniarily or otherwise interested in any organization of railway employees or any carrier, to investigate and report their findings to me within thirty days from this date.

Vol. 44, p. 586. U.S.C., p. 2110.

Compensation, etc.

The members of this board shall be compensated for and on account of such duties in the sum of fifty ($50.00) dollars for every day actually employed with or upon account of travel and duties incident to such board, from which will be deducted fifteen per cent. (15%) as provided in Public No. 2, 73d Congress, Approved March 20, 1933. The members will be reimbursed for and they are hereby authorized to make expenditures for expenses for themselves and of the board, including traveling expenses and in conformity with Public No. 212, 72d Congress, Approved June 30, 1932, 11:30 a.m., not to exceed five ($5.00) dollars per diem for expenses incurred for subsistence.

Ante, p. 8.

Vol. 47, p. 405.

Expenditures of the board.

All expenditures of the board shall be allowed and paid for out of the appropriation "emergency Boards, Railway Labor Act, May 20, 1926, 1934" on the presentation of itemized vouchers properly approved by the chairman of the board hereby created.

Ante, p. 286.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this fifth day of March in the year of our Lord nineteen hundred and thirty-four, and of [SEAL] the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President.
CORDELL HULL
Secretary of State.

[No. 2077]

CHILD HEALTH DAY

April 6, 1934.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Child Health Day. Preamble. Vol. 45, p. 617.

WHEREAS the Congress by Joint Resolution of May 18, 1928, requested the President of the United States to proclaim annually May 1 as Child Health Day; and

WHEREAS the welfare of the Nation is vitally affected by the health of its children; and

WHEREAS the promotion of the best physical and mental development of the children is an essential part of the social-health program of the Nation; and

WHEREAS it is highly desirable that special consideration be given this matter in all parts of the Nation;

Setting aside May 1, 1934, as, and recommending observance of.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby proclaim and designate the first day of May of this year as Child Health Day, and do urge all official and voluntary agencies and organizations and all individuals interested in child welfare to unite upon that day in the observance of such exercises as will result in a deeper realization by the people of the necessity for the protection and promotion of the health of the Nation's children and in greater, unified effort to improve the existing child-welfare program wherever it is found inadequate.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 6th day of April, in the year of our Lord nineteen hundred and thirty-four, and of the [SEAL] Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2078]

COPYRIGHT—FREE CITY OF DANZIG

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

April 7, 1934.

A PROCLAMATION

Copyrights. Preamble. Vol. 35, p. 1075.

WHEREAS it is provided by the act of Congress approved March 4, 1909 (ch. 320, 35 Stat. 1075–1088), entitled "AN ACT To amend and consolidate the Acts respecting copyright", that the copyright secured by the act, except the benefits under section 1(e) thereof as to which special conditions are imposed, shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in section 8 of the act, to wit:

Vol. 35, p. 1077.

"(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

"(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this Act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto"; and

WHEREAS it is provided by section 1(e) that the provisions of the act "so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after this Act goes into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights"; and

WHEREAS the President is authorized by section 8 to determine by proclamation made from time to time the existence of the reciprocal conditions aforesaid, as the purposes of the act may require; and

Action by Free City of Danzig.

WHEREAS satisfactory evidence has been received that in the Free City of Danzig the law permits and from the date of this proclamation will grant to citizens of the United States the benefit of copyright on substantially the same basis as to citizens of the Free City of Danzig; and

Similar rights under law.

WHEREAS satisfactory official assurance has been given that in the Free City of Danzig the law now permits to citizens of the United States similar rights to those accorded in section 1(e) of the act of March 4, 1909:

Benefits extended to citizens of the Free City of Danzig.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do declare and proclaim:

That on and after April 7, 1934 the conditions specified in section 8(b) and 1(e) of the act of March 4, 1909, will exist and be fulfilled in respect of the citizens of the Free City of Danzig and that on and after April 7, 1934 citizens of the Free City of Danzig shall be entitled to all the benefits of this act and acts amendatory thereof:

Conditions.

Provided, That the enjoyment by any work of the rights and benefits conferred by the act of March 4, 1909, and the acts amendatory thereof, shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States;

Mechanical musical works included.

And provided further, That the provisions of section 1(e) of the act of March 4, 1909, insofar as they secure copyright controlling parts of instruments serving to reproduce mechanically musical works, shall apply only to compositions published after July 1, 1909, and registered for copyright in the United States which have not been reproduced within the United States prior to April 7, 1934 on any contrivance by means of which the work may be mechanically performed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 7″ day of April, in the year of our Lord nineteen hundred and thirty-four, and of the [SEAL] Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2079]

DECREASING RATES OF DUTY ON LAMINATED PRODUCTS

April 23, 1934.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Tariff on laminated products. Preamble. Vol. 46, p. 701.

WHEREAS under and by virtue of section 336 of title III, part II, of the act of Congress approved June 17, 1930 (46 Stat. 590, 701), entitled "AN ACT To provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes", the United States Tariff Commission has investigated the differences in costs of production of, and all other facts and conditions enumerated in said section with respect to, laminated products of which any synthetic resin or resin-like substance is the chief binding agent, in sheets or plates, being wholly or in part the growth or product of the United States and of and with respect to like or similar articles wholly or in part the growth or product of the principal competing country;

WHEREAS in the course of said investigation a hearing was held, of which reasonable public notice was given and at which parties interested were given reasonable opportunity to be present, to produce evidence, and to be heard;

WHEREAS the Commission has reported to the President the results of said investigation and its findings with respect to such differences in costs of production;

WHEREAS the Commission has found it shown by said investigation that the principal competing country is Germany, and that the duties expressly fixed by statute do not equalize the difference in the costs of production of the domestic articles and the like or similar foreign articles when produced in said principal competing country, and has specified in its report the decreases in the rates of duty expressly fixed by statute found by the Commission to be shown by said investigation to be necessary to equalize such difference; and

WHEREAS in the judgment of the President such rates of duty are shown by such investigation of the Tariff Commission to be necessary to equalize such difference in costs of production;

Decreasing duty to equalize differences in costs of production. Vol. 46, p. 668.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim decreases in the rates of duty expressly fixed in paragraph 1539 (b) of title I of said act on laminated products (whether or not provided for elsewhere in the Tariff Act of 1930) of which any synthetic resin or resin-like substance is the chief binding agent, in sheets or plates, from 25 cents per pound and 30 per centum ad valorem to 15 cents per pound and 25 per centum ad valorem, the rates found to be shown by said investigation to be necessary to equalize such difference in costs of production.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 23d day of April, in the year of our Lord nineteen hundred and thirty-four, and of the [SEAL] Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
WILLIAM PHILLIPS
Acting Secretary of State.

[No. 2080]

CHANGING DUTY ON CANNED CLAMS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

May 1, 1934.

A PROCLAMATION

Canned clams. Preamble. Vol. 46, p. 701.

WHEREAS under and by virtue of section 336 of title III, part II, of the act of Congress approved June 17, 1930 (46 Stat. 590, 701), entitled "AN ACT To provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes", the United States Tariff Commission has investigated the differences in costs of production of, and all other facts and conditions enumerated in said section with respect to, clams, packed in air-tight containers, being wholly or in part the growth or product of the United States and of and with respect to like or similar articles wholly or in part the growth or product of the principal competing countries;

WHEREAS in the course of said investigation a hearing was held, of which reasonable public notice was given and at which parties interested were given reasonable opportunity to be present, to produce evidence, and to be heard;

WHEREAS the Commission has reported to the President the results of said investigation and its findings with respect to such differences in costs of production;

WHEREAS the Commission has found it shown by said investigation that the principal competing country for razor clams (siliqua patula), packed in air-tight containers, is Canada, and that the duty expressly fixed by statute does not equalize the difference in the costs of production of the domestic articles and the like or similar foreign articles when produced in said principal competing country; and that the principal competing country for clams other than razor clams, and clams in combination with other substances (except clam chowder), packed in air-tight containers, is Japan, and that said difference with respect to these articles cannot be equalized by proceeding under the provisions of subdivision (a) of said section and act;

American selling price. Vol. 46, p. 710.

WHEREAS the Commission has specified in its report the decreased rate of duty on razor clams (siliqua patula), packed in air-tight containers, and the ad valorem rate of duty based on the American selling price, as defined in section 402 (g) of said act, of the domestic articles, on clams other than razor clams, and clams in combination with other substances (except clam chowder), packed in air-tight containers, found by the Commission to be shown by said investigation to be necessary to equalize such differences in costs of production; and

WHEREAS in the judgment of the President such decreased rate of duty and such ad valorem rate of duty based upon said American selling price are shown by such investigation of the Tariff Commission to be necessary to equalize such differences in costs of production;

Decreasing duty on canned clams. Vol. 46, p. 634.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim a decrease in the rate of duty expressly fixed in paragraph 721 (b) of title I of said act on razor clams (siliqua patula), packed in air-tight containers, from 35 per centum ad valorem to 23 per centum ad valorem; and assessment of the rate of 35 per centum ad valorem expressly fixed in said paragraph, title, and act on clams other than razor clams, and clams in combination with other substances (except clam chowder), packed in air-tight containers, upon the American selling price, as defined in section 402 (g) of said act, of clams other than razor clams, and clams in combination with other substances (except clam chowder), packed in air-tight containers, manufactured or produced in the United States.

Vol. 46, p. 710.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 1st day of May, in the year of our Lord nineteen hundred and thirty-four, and of the [SEAL] Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2081]

EXTENDING FOR ONE YEAR THE EFFECTIVE PERIOD OF TITLE I OF THE EMERGENCY RAILROAD TRANSPORTATION ACT, 1933.

May 2, 1934.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Emergency Railroad Transportation Act, 1933. Preamble.

WHEREAS section 17 of Title I of the act entitled "An Act to relieve the existing national emergency in relation to interstate railroad transportation, and to amend sections 5, 15(a) and 19(a) of the Interstate Commerce Act as amended", approved June 16, 1933 (c. 91, 48 Stat. 211, 217), reads as follows:

Ante, p. 217.

"SEC. 17. This title shall cease to have effect at the end of one year after the effective date, unless extended by a proclamation of the President for one year or any part thereof, but orders of the Coordinator or of the Commission made thereunder shall continue in effect until vacated by the Commission or set aside by other lawful

authority, but notwithstanding the provisions of section 10 no such order shall operate to relieve any carrier from the effect of any State law or of any order of a State commission enacted or made after this title ceases to have effect."

AND WHEREAS in the judgment of the President it is deemed advisable and expedient to extend the effective period of Title I of the said Act for one year after June 16, 1934;

Extension of Title I, one year.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby declare and proclaim that the effective period of Title I of the act entitled "An Act to relieve the existing national emergency in relation to interstate railroad transportation, and to amend sections 5, 15(a) and 19(a) of the Interstate Commerce Act as amended", approved June 16, 1933 (c. 91, 48 Stat. 211, 217), is extended for one year after June 16, 1934.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 2d day of May in the year of our Lord nineteen hundred and thirty-four and of the [SEAL] Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2082]

MOTHER'S DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

May 3, 1934.

A PROCLAMATION

Mother's Day, 1934. Preamble. Vol. 38, p. 770.

WHEREAS by House Joint Resolution 263, approved and signed by President Wilson on May 8, 1914, the second Sunday in May of each year has been designated as Mother's Day for the expression of our love and reverence for the mothers of our country; and

WHEREAS Senate Resolution 218, adopted April 26, 1934, states that "there are throughout our land today an unprecedentedly large number of mothers and dependent children who, because of unemployment or loss of their bread-earners, are lacking many of the necessities of life", and the President of the United States is therein authorized and requested to issue a proclamation calling for the observance of Mother's Day this year;

Observance of Sunday, May 13, 1934, as Mother's Day.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby call upon our citizens to express on Mother's Day, Sunday, May 13, 1934, our love and reverence for motherhood:

(*a*) By the customary display of the United States flag on all Government buildings, homes, and other suitable places;

(*b*) By the usual tokens and messages of affection to our mothers; and

(*c*) By doing all that we can through our churches, fraternal and welfare agencies, for the relief and welfare of mothers and children who may be in need of the necessities of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 3rd day of May, in the year of our Lord nineteen hundred and thirty-four, and of the [SEAL] Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2083]

NATIONAL MARITIME DAY

May 4, 1934.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

National Maritime Day. Preamble.

WHEREAS on May 22, 1819, the Steamship *THE SAVANNAH* sailed from Savannah, Georgia, on the first successful transoceanic voyage under steam propulsion, thus making a material contribution to the advancement of ocean transportation; and

Ante, p. 73.

WHEREAS the Congress by Joint Resolution of May 20, 1933, designated May 22 of each year as National Maritime Day and requested the President to issue annually a Proclamation calling upon the people of the United States to observe such National Maritime Day;

Observance of May 22, 1934, as.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do call upon and urge the people of the United States to observe May 22, 1934, as National Maritime Day by displaying the flag at their homes and other suitable places, and I hereby direct that Government officials display the flag on all Government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 4'' day of May, in the year of our Lord nineteen hundred and thirty-four, and of the [SEAL] Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2084]

DECREASING RATES OF DUTY ON SUGAR

May 9, 1934.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Tariff on sugar. Preamble. Statutory authorization. Vol. 46, p. 701.

WHEREAS under and by virtue of section 336 of title III, part II, of the act of Congress approved June 17, 1930 (46 Stat. 590, 701), entitled "AN ACT To provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to

protect American labor, and for other purposes", the United States Tariff Commission has investigated the differences in costs of production of, and all other facts and conditions enumerated in said section with respect to, raw and refined sugar, molasses, and related articles, being wholly or in part the growth or product of the United States and of and with respect to like or similar articles wholly or in part the growth or product of the principal competing country;

WHEREAS in the course of said investigation a hearing was held, of which reasonable public notice was given and at which parties interested were given reasonable opportunity to be present, to produce evidence, and to be heard;

WHEREAS the Commission has reported to the President the results of said investigation and its findings with respect to such differences in costs of production;

WHEREAS the Commission has found it shown by said investigation that the principal competing country is Cuba, and that the duties expressly fixed by statute do not equalize the differences in the costs of production of the domestic articles and the like or similar foreign articles when produced in said principal competing country, and has specified in its report the decreases in the rates of duty expressly fixed by statute found by the Commission to be shown by said investigation to be necessary to equalize such differences; and

WHEREAS in the judgment of the President such rates of duty are shown by such investigation of the Tariff Commission to be necessary to equalize such differences in costs of production;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim the following rates of duty found to be shown by said investigation to be necessary to equalize such differences in costs of production:

Decreasing duty to equalize differences in costs of production.

A decrease in the rate of duty expressly fixed in paragraph 501 of title I of said act on sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above seventy-five sugar degrees, and all mixtures containing sugar and water, testing by the polariscope above fifty sugar degrees and not above seventy-five sugar degrees, from 1.7125 cents per pound to 1.284375 cents per pound; and

Vol. 46, p. 630.

A decrease in the rate of duty expressly fixed in paragraph 501 of title I of said act for each additional sugar degree shown by the polariscopic test, from three hundred and seventy-five ten-thousandths of 1 cent per pound additional, and fractions of a degree in proportion, to two hundred and eighty-one and one-fourth ten-thousandths of 1 cent per pound additional and fractions of a degree in proportion.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this ninth day of May in the year of our Lord nineteen hundred and thirty-four, and of the Independence of the United States of America the one hundred and fifty-eighth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2085]

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General Lafayette Memorial Day

May 18, 1934.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

General Lafayette Memorial Day.

WHEREAS May 20, 1934, is the one hundredth anniversary of the death of General Lafayette; and

Observance, requested. *Ante*, p. 784.

WHEREAS by House Joint Resolution 317 of the Seventy-third Congress, approved May 18, 1934, the President of the United States is authorized and requested to issue a proclamation calling for the observance of May 20, 1934, as General Lafayette Memorial Day:

Inviting observance of.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby order that the flag of the United States be displayed on all Government buildings on May 20, 1934, and do invite the people of the United States to observe the day in schools, churches, and other suitable places, with appropriate ceremonies in commemoration of the death of General Lafayette.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 18th day of May, in the year of our Lord nineteen hundred and thirty-four, and of the [SEAL] Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2086]

Sale of Arms and Munitions of War to Bolivia and Paraguay

May 28, 1934.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Sale of arms, etc. Preamble.

WHEREAS section 1 of a joint resolution of Congress, entitled "Joint Resolution To prohibit the sale of arms or munitions of war in the United States under certain conditions", approved May 28, 1934, provides as follows:

Ante, p. 811.

"That if the President finds that the prohibition of the sale of arms and munitions of war in the United States to those countries now engaged in armed conflict in the Chaco may contribute to the reestablishment of peace between those countries, and if after consultation with the governments of other American Republics and with their cooperation, as well as that of such other governments as he may deem necessary, he makes proclamation to that effect, it shall be unlawful to sell, except under such limitations and exceptions as the President prescribes, any arms or munitions of war in any place in the United States to the countries now engaged in that armed conflict, or to any person, company, or association acting in the interest of either country, until otherwise ordered by the President or by Congress."

AND WHEREAS it is provided by section 2 of the said joint resolution that—

"Whoever sells any arms or munitions of war in violation of section 1 shall, on conviction, be punished by a fine not exceeding $10,000 or by imprisonment not exceeding two years, or both."

Ante, p. 811.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred in me by the said joint resolution of Congress, do hereby declare and proclaim that I have found that the prohibition of the sale of arms and munitions of war in the United States to those countries now engaged in armed conflict in the Chaco may contribute to the reestablishment of peace between those countries, and that I have consulted with the governments of other American Republics and have been assured of the cooperation of such governments as I have deemed necessary as contemplated by the said joint resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of the joint resolution above set forth, hereby made applicable to Bolivia and Paraguay, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted.

Announcement of President.

Warning to abstain from violation of law.

And I do hereby enjoin upon all officers of the United States charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power of prescribing exceptions and limitations to the application of the said joint resolution of May 28, 1934, as made effective by this my proclamation issued thereunder.

Exceptions and limitations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington this twenty-eighth day of May, in the year of our Lord nineteen hundred and thirty-four, [SEAL] and of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2087]

SUSPENDING THE PROVISIONS OF THE DAVIS-BACON ACT OF MARCH 3, 1931

June 5, 1934.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 1 of the Davis-Bacon Act of March 3, 1931 (ch. 411, 46 Stat. 1494), provides:

Davis-Bacon Act of March 3, 1931. Vol. 46, p. 1494.

Labor wage rates, building contracts.

"* * * Every contract in excess of $5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any public buildings of the

United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, shall contain a provision to the effect that the rate of wage for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract shall be not less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia if the public buildings are located there * * *."

Stipulation not to be less than prevailing rates.

WHEREAS section 206 of the National Industrial Recovery Act (ch. 90, 48 Stat. 195, 204) provides:

National Industrial Recovery Act.
Ante, p. 204.
Contract provisions.

"All contracts let for construction projects and all loans and grants pursuant to this title shall contain such provisions as are necessary to insure * * * (2) that (except in executive, administrative, and supervisory positions), so far as practicable and feasible, no individual directly employed on any such project shall be permitted to work more than thirty hours in any one week; (3) that all employees shall be paid just and reasonable wages which shall be compensation sufficient to provide, for the hours of labor as limited, a standard of living in decency and comfort * * *."

WHEREAS the Secretary of Labor and the Administrator of Public Works have informed me that the concurrent operation of the aforesaid provisions of the Davis-Bacon Act and the National Industrial Recovery Act cause administrative confusion and delay which could be avoided by suspension of the provisions of the Davis-Bacon Act;

Authority of President in emergencies.

WHEREAS section 1 of the aforesaid Davis-Bacon Act authorizes the President to suspend the provisions of that act in case of a national emergency; and

WHEREAS I find that a national emergency exists:

Provisions of Davis-Bacon Act suspended.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do by this proclamation suspend until otherwise provided the provisions of the Davis-Bacon Act of March 3, 1931, as to all contracts made or to be made, except those entered into prior to June 16, 1933, and those entered into on or subsequent to June 16, 1933, which contain the provisions required by the said act of March 3, 1931.

Executive Order 5778 suspended.

And I do hereby suspend until otherwise provided the provisions of Executive Order No. 5778, of January 19, 1932, prescribing certain stipulations to be incorporated into public building contracts.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 5" day of June, in the year of our Lord nineteen hundred and thirty-four, and of the [SEAL] Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

By the President:
WILLIAM PHILLIPS.
Acting Secretary of State.

[No. 2088]

TWENTY-FIRST AMENDMENT

TO THE

CONSTITUTION

AMENDMENT TO THE CONSTITUTION, 1933

WILLIAM PHILLIPS

December 5, 1933.

ACTING SECRETARY OF STATE OF THE UNITED STATES OF AMERICA.

To all to whom these presents shall come, greeting:

Twenty-first Amendment to the Constitution.

KNOW YE, That the Congress of the United States, at the second session, seventy-second Congress begun and held at the City of Washington on Monday, the fifth day of December, in the year one thousand nine hundred and thirty-two, passed a Joint Resolution in the words and figures as follows: to wit—

Preamble.

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by conventions in three-fourths of the several States:

Amendment proposed to the Constitution.

Vol. 46, p. 1625.

"ARTICLE—

Eighteenth amendment repealed.

"SECTION 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Prohibition of liquor traffic into a State, etc., in violation of its laws.

"SEC. 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Inoperative if not ratified in seven years.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

States ratifying proposed amendment.

And, further, that it appears from official notices received at the Department of State that the Amendment to the Constitution of the United States proposed as aforesaid has been ratified by conventions in the States of Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Requisite number declared.

And, further, that the States wherein conventions have so ratified the said proposed Amendment, constitute the requisite three-fourths of the whole number of States in the United States.

Certificate of adoption as part of the Constitution. U.S.C., p. 37.

Now, therefore, be it known that I, William Phillips, Acting Secretary of State of the United States, by virtue and in pursuance of Section 160, Title 5, of the United States Code, do hereby certify that the Amendment aforesaid has become valid to all intents and purposes as a part of the Constitution of the United States.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the Department of State to be affixed.

DONE at the City of Washington this fifth day of December, in the year of our Lord one thousand nine hundred and thirty-three.

[SEAL]

WILLIAM PHILLIPS
Acting Secretary of State.

EXECUTIVE AGREEMENTS

1751

EXECUTIVE AGREEMENTS

Provisional agreement between the United States of America and Bulgaria respecting commercial relations. Effected by exchange of notes, signed August 18, 1932; effective August 18, 1932.

August 18, 1932.

The American Minister (Shoemaker) to the Bulgarian Minister for Foreign Affairs (Mooshanoff)

LEGATION OF THE UNITED STATES OF AMERICA,
Sofia, Bulgaria, August 18, 1932.

MR. MINISTER:

Commercial agreement with Bulgaria.

I have the honor to confirm and to make of record by this note the following provisional commercial agreement between our respective governments.

The United States will accord to goods, the growth, produce or manufacture of Bulgaria and Bulgaria will accord to goods, the growth, produce or manufacture of the United States in all respects and unconditionally the most favored nation treatment. The said treatment shall apply to all goods from whatever place arriving including goods destined for consumption or re-exportation or in transit.

The stipulations of this agreement do not extend to the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the commercial convention concluded between the United States and Cuba on December 11, 1902, or the provisions of any other commercial convention which hereafter may be concluded between the United States and Cuba. Such stipulations moreover do not extend to the treatment which is accorded to the commerce between the United States and the Panama Canal Zone or any dependency of the United States or to the commerce of the dependencies of the United States with one another under existing or future laws.

Nothing in this agreement shall be construed as a limitation of the right of either high contracting party to impose on such terms as it may see fit prohibitions or restrictions of a sanitary character designed to protect human, animal or plant life or regulations for the enforcement of police or revenue laws.

The present agreement becomes operative on this eighteenth day of August, 1932, and shall continue in force until superseded by a definitive treaty of commerce and navigation, or until denounced by one of the two High Contracting Parties by advance notice of three months. If however either party should be prevented by the future

action of its legislature from carrying out the terms of the agreement the obligations thereof shall thereupon lapse.

I avail myself of this opportunity Mr. Minister, to reiterate to Your Excellency the assurance of my highest consideration.

HENRY W. SHOEMAKER.

HIS EXCELLENCY
MR. NICOLAS MOOSHANOFF,
Minister for Foreign Affairs,
The Royal Bulgarian Ministry for Foreign Affairs,
Sofia, Bulgaria.

The Bulgarian Minister for Foreign Affairs (Mooshanoff) to the American Minister (Shoemaker)

MINISTÈRE
DES AFFAIRES ETRANGÈRES
ET DES CULTES

N° 14036/19/П София, 18 августъ 1932 г.

Господине Министре,

Имамъ честь да потвърдя въ конкретна форма, съ настоящата нота, следната временна търговска спогодба между респективнитѣ ни правителства:

България ще признае за стоки—естествени или индустриални произведения на Съединенитѣ Щати и Съединенитѣ Щати ще признаятъ за стоки—естествени или индустриални произведения на България въ всѣко отношение и безусловно третирането на найоблагоприятствуваната страна. Това третиране ще се прилага за всички стоки, отъ което мѣсто и да пристигатъ, включително стоки предназначени за консумация, или преизносъ или за транзитиране.

Уговореното въ настоящето споразумение нѣма да се простира до третирането, което е признато на Съединенитѣ Щати за търговията съ Куба, съгласно разпорежданията на търговската конвенция сключена между Съединенитѣ Щати и Куба на 11 декемврий 1902 година, или съ разпорежданията на нѣкоя друга търговска конвенция, която би могло следъ това да бѫде сключена между Съединенитѣ Щати и Куба. Сѫщитѣ разпореждания сѫщо така нѣма да се прилагатъ до третирането, което е признато за търговията между Съединенитѣ Щати и зоната на Панамския каналъ или всѣко друго владение на Съединенитѣ Щати, или за търговията на владенията на Съединенитѣ Щати помежду имъ, съгласно сѫществуващитѣ или бѫдещитѣ закони.

Нищо въ това споразумение нѣма да се счита като ограничаване правото на нѣкоя отъ високитѣ договорящи страни да налага забрани или ограничения отъ санитаренъ характеръ, каквито намира за необходими, предназначени да защитятъ живота на човѣка, животнитѣ или растенията, както и да издава наредби за прилагане законитѣ за полицията или върху дохода.

Настоящето споразумение ще влѣзе въ сила на 18 августъ 1932 г. и ще продължава да бѫде въ сила до отмѣняването му съ окончателенъ договоръ за търговия и мореплаване, или до като бѫде денонсирано отъ една отъ двѣтѣ договорящи страни при тримесечно предварително уведомяване. Ако, обаче, нѣкоя отъ странитѣ бѫде възпрепятствувана отъ нѣкой бѫдещъ актъ на законодателството си да изпълнява условията на споразумението, задълженията по сѫщото ще паднатъ.

Възползувамъ се отъ случая, Господине Министре, да Ви изкажа високото си почитание.

Н. МУШАНОВ

До Негово Превъзходителство
Господинъ Х. В. ШУМЕЙКЪРЪ,
Извънреденъ Пратеникъ и Пълномощенъ Министъръ
на Американскитѣ Съединени Щати,
София.

[Translation]

MINISTRY
OF FOREIGN AFFAIRS
AND OF CULTS

No. 14036/19/II SOFIA, *August 18, 1932.*

MR. MINISTER,

Confirmation by Bulgaria.

I have the honor to confirm in concrete form, by this note, the following provisional commercial agreement between our respective governments:

Bulgaria will accord to goods—natural or manufactured products of the United States and the United States will accord to goods—natural or manufactured products of Bulgaria in all respects and unconditionally the most favored nation treatment. This treatment shall apply to all goods, from whatever place arriving, including goods destined for consumption, or reexportation or in transit.

The stipulations of the present agreement shall not extend to the treatment, which is accorded by the United States to the commerce of Cuba, under the provisions of the commercial convention concluded between the United States and Cuba on December 11, 1902, or the provisions of any other commercial convention, which hereafter may be concluded between the United States and Cuba. The same stipulations similarly will not apply to the treatment, which is accorded to the commerce between the United States and the Panama Canal Zone or any dependency of the United States, or to the commerce of the dependencies of the United States with one another, under existing or future laws.

Nothing in this agreement shall be deemed as a limitation of the right of either of the high contracting parties to impose prohibitions or restrictions of a sanitary character, which either party considers necessary, destined to protect human, animal or plant life, or regulations for the enforcement of police or revenue laws.

The present agreement will enter into force on the 18th of August 1932 and shall continue to be in force until superseded by a definitive treaty of commerce and navigation, or until denounced by one of the two Contracting Parties by advance notice of three months. If, however, either of the parties should be prevented by any future action of its legislature from executing the conditions of this agreement, the obligations thereof shall lapse.

I take this opportunity, Mr. Minister, to express my high respect.

N. MOOSHANOFF

To HIS EXCELLENCY
MR. H. W. SHOEMAKER,
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America,
Sofia.

[No. 41]

Arrangement between the United States of America and the Netherlands for the reciprocal recognition of load-line certificates. Effected by exchange of notes, signed August 26, 1931, November 16, 1931, March 18, 1932, April 22, 1932, June 29, 1932, and September 30, 1932.

August 26, 1931.

The Acting Secretary of State (Castle) to the Netherland Chargé d'Affaires ad interim (Van Hoorn)

DEPARTMENT OF STATE,
Washington, August 26, 1931.

SIR:

Arrangement with the Netherlands for the reciprocal recognition of load line certificates.

Further reference is made to the Legation's note No. 113, dated January 20, 1931,[1] enclosing copies of the Netherland Shipping Act and Royal Decree and Order in Council relating to load lines for the consideration of this Government in relation to its proposal to the Netherland Government to conclude a reciprocal load line agreement with this Government pending the coming into force of the International Load Line Convention.

Note has been made of the Legation's statement that the laws, rules and regulations pertaining to load lines for vessels now enforced by the Netherland Government are identical with those enforced by the Government of Great Britain, with the sole exception of the rules and regulations pertaining to the carriage of deck cargoes of wood goods.

The competent authorities of this Government consider that the 1906 rules of the British Board of Trade, concerning load lines, are as effective as the United States Load Line Regulations for the determination of load lines on ordinary merchant vessels. The rules of the Netherland Government for determining the load lines of vessels with wood cargoes have been examined by these authorities and have likewise been found to be as effective as the rules contained in the United States Load Line Regulations applicable to vessels carrying wood cargo on deck.

Pending the coming into effect of the International Load Line Convention in the United States and the Netherlands, the competent authorities of the Government of the United States are prepared to recognize the load line marks and the certificate of such marking of merchant vessels of the competent authorities of the Netherland Government as equivalent to their own load line marks and certificates of marking: provided, that the load line marks are in accordance with the load line certificates; that the hull and superstructures of

[1] Not printed.

the vessel certificated have not been so materially altered since the issuance of the certificate, as to affect calculations on which the load line was based, and that alterations have not been made so that the—

(1) Protection of openings,
(2) Guard Rails,
(3) Freeing Ports,
(4) Means of Access to Crews Quarters,

have made the vessel manifestly unfit to proceed to sea without danger to human life.

It will be understood that on the receipt of a note from you to the effect that the competent authorities of the Netherland Government will give full recognition to the load line marks made and the certificates issued by the competent authorities of this Government and expressing the Netherland Government's concurrence in the foregoing understanding, the reciprocal agreement will become effective.

Accept, Sir, the renewed assurances of my high consideration.

W. R. CASTLE, Jr.
Acting Secretary of State.

856.8561/4

MR. L. G. VAN HOORN,
Chargé d'Affaires ad interim
of the Netherlands.

November 16, 1931. *The Netherland Minister (Van Royen) to the Secretary of State (Stimson)*

No. 3956. ROYAL NETHERLAND LEGATION.
Washington, D.C., 16 November 1931.

SIR:

Concurrence by the Netherlands. I have the honor to refer to the Department's note of August 26, 1931, No. 856.8561/4, concerning the conclusion of a reciprocal load line agreement between the United States of America and the Netherlands pending the coming into force of the International Load Line Convention.

Pursuant to instructions from the Minister of Foreign Affairs at The Hague, I beg leave to transmit herewith four copies of the Royal Decree of October 8, 1931,[2] published in the Collection of Official Documents ("Staatsblad") No. 414, by which the laws, rules and regulations pertaining to load lines for vessels now enforced by the United States Government are recognized by the Netherlands Government.

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[2] See appendix, p. 1763.

I am further requested to inform Your Excellency that the Netherlands Government has designated the following bureaus as private investigation bureaus recognized in accordance with the "Schepenwet" (Netherlands Merchant Shipping Act of July 1, 1909):

1. Lloyd's Register of British and Foreign Shipping;
2. British Corporation for the survey and registry of shipping;
3. Bureau Veritas;
4. Germanischer Lloyd;
5. Det Norske Veritas.

I avail myself of this opportunity to renew to you, Sir, the assurance of my highest consideration.

J. H. VAN ROYEN

THE HONORABLE
THE SECRETARY OF STATE
Washington, D.C.

The Netherland Minister (Van Royen) to the Secretary of State (Stimson)

No. 935. LÉGATION DES PAYS-BAS.
Washington, D.C., 18 March 1932.

SIR:

Pursuant to instructions received from my Government, I have the honor to enclose herewith copy of the Royal Decree of January 29, 1932,[3] (*Official Gazette* No. 25) regarding load line regulations in the Netherlands, purporting modification of the Royal Decree of September 22, 1909, which was amended last by Royal Decree of November 4, 1926 and copy of which was transmitted to Your Excellency by my note of January 20, 1931, No. 113.[4]

According to this new Decree in certain cases a somewhat more lenient rule may be adopted in the Netherlands with regard to load line marks, provided this will not endanger ship and crew and will be in conformity with the minimum requirements as stipulated in the International Load Line Convention of London of July 5, 1930.

I may remark at the same time that the Netherland Government, according to this measure, has already put into force the stipulations of the London Convention before it has been ratified.

Please accept, Sir, the renewed assurances of my highest consideration.

J. H. VAN ROYEN

THE HONORABLE
THE SECRETARY OF STATE
Washington, D.C.

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[3] See appendix, p. 1764.
[4] Not printed.

86637°—34—PT 2——31

The Acting Secretary of State (Castle) to the Netherland Minister (Van Royen)

DEPARTMENT OF STATE
Washington, April 22, 1932.

SIR:

I have the honor to refer to your note No. 3956, dated November 16, 1931, and likewise to your note No. 935 of March 18, 1932, both of which relate to the proposed load-line agreement between the Governments of the United States and the Netherlands.

It is noted that the Government of the Netherlands has designated the following bureaus as private investigation bureaus recognized in accordance with the "Schepenwet" (Netherlands Merchant Shipping Act of July 1, 1909):

1. Lloyd's Register of British and Foreign Shipping;
2. British Corporation for the survey and registry of shipping;
3. Bureau Veritas;
4. Germanischer Lloyd;
5. Det Norske Veritas.

The United States Government is willing to recognize the load-line certificates issued by the aforementioned classification societies to merchant ships of the Netherlands when they are issued under the authority thus granted by the Netherland Government.

This Government has authorized the marking of load-lines and the issuance of certificates therefor, on American vessels, by the American Bureau of Shipping, the American Committee of Lloyd's Registry of Shipping, and the American representatives of the Bureau Veritas.

The Government of the United States is also willing to recognize the certificates issued by the Netherland Government pursuant to the Royal Decree of January 29, 1932,[5] (*Official Gazette* No. 25) which amends certain regulations under the Shipping Law of the Netherlands so as to allow the assignment of smaller freeboards than hitherto authorized provided it can be done without danger to ship and crew, and that the freeboards so assigned are in accordance with the provisions contained in the International Load Line Convention of July 5, 1930.

Note has been taken of Royal Decree No. 414 of October 8, 1931,[6] by which the provisions in force in the United States in regard to the minimum water-line as established under the law of March 2, 1929, will be recognized by the Netherland Government. It is the view of this Government, therefore, that the agreement for the recog-

[5] See appendix, p. 1764.
[6] See appendix, p. 1763.

nition by each Government of the load-lines marked and of the certificates issued under the authority of the other Government, may now be regarded as complete.

Accept, Sir, the renewed assurances of my highest consideration.

W. R. CASTLE, Jr.
Acting Secretary of State.

MR. J. H. VAN ROYEN,
Minister of the Netherlands.

The Netherland Minister (Van Royen) to the Secretary of State (Stimson)

No. 2168. LÉGATION DES PAYS-BAS.
Washington, D.C., 29 June 1932.

SIR:

Referring to my note of April 27, 1932,[1] No. 1393, regarding the loadline agreement between the Governments of the Netherlands and the United States and to the third paragraph of Your Excellency's letter of April 22, 1932 on the same subject, I have the honor, pursuant to instructions received from The Hague, to inform you, that, according to article 34 of the Royal Decree of 1929, referred to in articles 5, 9 and 17 of the "Schepenwet" (Netherland Merchant Shipping Act) of July 1, 1909 published in the "Staatsblad" (*Official Gazette*) No. 219 of said year,—of which two documents I presented you with a copy by my letter of January 20, 1931,[1] No. 113,—the Netherland load-line certificates are exclusively issued by the "Commissie tot Vaststelling van de minimum-Uitwatering" (Commission for the Determination of loadlines) and never by the classification societies even when recognized in accordance with the "Schepenwet".

These classification bureaux, when recognized by the Netherland Government, act on the subject of the marking of loadlines and the issuance of certificates, only in advisory capacity; however, the advice of the majority of these bureaux is generally followed.

I avail myself of this opportunity to renew to you Sir, the assurances of my highest consideration.

J. H. VAN ROYEN

THE HONORABLE
THE SECRETARY OF STATE
Washington, D.C.

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[1] Not printed.

The Netherland Minister (Van Royen) to the Secretary of State (Stimson)

No. 3031. LÉGATION DES PAYS-BAS.
Washington, D.C., 30 September 1932.

SIR:—

By note of April 27, 1932,[8] No. 1393, I had the honour to inform Your Excellency that I did not fail to communicate to the Department of Foreign Affairs at The Hague the contents of Your communication of April 22, 1932, regarding the LOADLINE AGREEMENT between the Governments of The Netherlands and the United States.

I am now instructed by the Minister of Foreign Affairs and take pleasure to inform Your Excellency that it is also the view of the Royal Government that said agreement for the recognition by each Government of the loadlines marked and of the certificates issued under the authority of the other Government, may now be regarded as complete.

I avail myself of this opportunity to renew to You, Sir, the assurances of my highest consideration.

J. H. VAN ROYEN

THE HONORABLE
THE SECRETARY OF STATE
Washington, D.C.

[8] Not printed.

APPENDIX

Appendix.

STAATSBLAD VAN HET KONINKRIJK DER NEDERLANDEN.

Netherlands Official Gazette.

(No. 414.) BESLUIT van den 8sten October 1931, tot erkenning van de in de Vereenigde Staten van Noord-Amerika geldende bepalingen betreffende de minimum-uitwatering.

WIJ WILHELMINA, BIJ DE GRATIE GODS, KONINGIN DER NEDERLANDEN, PRINSES VAN ORANJE-NASSAU, ENZ., ENZ., ENZ.

Op de voordracht van Onzen Minister van Waterstaat van 2 October 1931, La. L. Afdeeling Vervoer- en Mijnwezen;

Gelet op artikel 67, eerste lid, onder *a*, van de Schepenwet;

Hebben goedgevonden en verstaan:

de in de Vereenigde Staten van Noord-Amerika geldende bepalingen betreffende de minimum-uitwatering, vastgesteld bij de wet van 2 Maart 1929, te erkennen als hebbende in voldoende mate eene overeenkomstige strekking en draagwijdte als de hier te lande betreffende de minimum-uitwatering geldende wettelijke bepalingen.

Onze Minister van Waterstaat is belast met de uitvoering van dit besluit, hetwelk in het *Staatsblad* zal worden geplaatst.

Het Loo, den 8sten October 1931.

WILHELMINA.

De Minister van Waterstaat,
P. J. REYMER.

Uitgegeven den zes en twintigsten October 1931.
De Minister van Justitie,
J. DONNER.

[Translation]

OFFICIAL GAZETTE OF THE KINGDOM OF THE NETHERLANDS.

(No. 414.) DECREE of October 8, 1931, recognizing the minimum freeboard regulations in force in the United States.

WE WILHELMINA, BY THE GRACE OF GOD, QUEEN OF THE NETHERLANDS, PRINCESS OF ORANGE-NASSAU, ETC., ETC., ETC.

On the recommendation of Our Minister of Waterways (Waterstaat) of October 2, 1931, La. L. Transportation and Mining Section, have approved and agreed as follows on the basis of article 67, paragraph 1, under *a*, of the Law on Shipping:

That the provisions in force in the United States in regard to the minimum freeboard, as fixed by the law of March 2, 1929, shall be recognized as having fully the same extent and scope as the provisions of law in force in this country in regard to the minimum freeboard.

Our Minister of Waterways is intrusted with the execution of this decree, which shall be inserted in the *Official Gazette.*

Het Loo, October 8, 1931.

WILHELMINA.

The Minister of Waterways,
P. J. REYMER.

Published October 26, 1931.
The Minister of Justice,
J. DONNER.

STAATSBLAD VAN HET KONINKRIJK DER NEDERLANDEN.

(No. 25.) BESLUIT van den 29sten Januari 1932, tot nadere wijziging van den algemeenen maatregel van bestuur, als bedoeld in de artikelen 5, 9 en 17 van de Schepenwet, vastgesteld bij Koninklijk besluit van 22 September 1909 (*Staatsblad* no. 315), het laatst gewijzigd bij Koninklijk besluit van 4 November 1926 (*Staatsblad* no. 369).

WIJ WILHELMINA, BIJ DE GRATIE GODS, KONINGIN DER NEDERLANDEN, PRINSES VAN ORANJE-NASSAU, ENZ., ENZ., ENZ.

Op de voordracht van Onzen Minister van Waterstaat van 9 Januari 1932, La. G.G., Afdeeling Vervoer- en Mijnwezen;

Den Raad van State gehoord, advies van 19 Januari 1932, no. 21;

Gezien het nader rapport van Onzen voornoemden Minister van 25 Januari 1932, La. F., Afdeeling Vervoer- en Mijnwezen;

Gelet op de artikelen 5, 9 en 17 van de Schepenwet;

Hebben goedgevonden en verstaan:

In den algemeenen maatregel van bestuur, als bedoeld in de artikelen 5, 9 en 17 van de Schepenwet, vastgesteld bij Koninklijk besluit van 22 September 1909 (*Staatsblad* no. 315), het laatst gewijzigd bij Koninklijk besluit van 4 November 1926 (*Staatsblad* no. 369), wordt de volgende wijziging aangebracht:

ARTIKEL I.

Aan artikel 54 wordt een nieuw lid toegevoegd, luidende:

"3. Door de in artikel 39 bedoelde commissie kan, wanneer dit zonder gevaar "voor schip en bemanning kan geschieden, onder door haar te stellen voor- "waarden eene geringere uitwatering worden toegestaan dan volgens de "bepalingen van dit besluit, mits ten minste voldaan wordt aan de eischen, "gesteld bij het op 5 Juli 1930 te Londen gesloten Verdrag betreffende de "uitwatering van schepen."

ARTIKEL II.

Dit besluit treedt in werking op den tweeden dag na dien der dagteekening van het *Staatsblad*, waarin het is geplaatst.

Onze Minister van Waterstaat is belast met de uitvoering van dit besluit, dat in het *Staatsblad* zal worden geplaatst, en waarvan afschrift zal worden gezonden aan den Raad van State.

's-Gravenhage, den 29sten Januari 1932.

WILHELMINA.

De Minister van Waterstaat,
P. J. REYMER.

Uitgegeven den elfden Februari 1932.
De Minister van Justitie,
J. DONNER.

[Translation]

OFFICIAL GAZETTE OF THE KINGDOM OF THE NETHERLANDS.

(No. 25.) DECREE of January 29, 1932, in further amendment of the general administrative regulations under Articles 5, 9, and 17 of the Shipping Law, (promulgated by Royal Decree of September 22, 1909 (*Official Gazette* No. 315), last amended by Royal Decree of November 4, 1926 (*Official Gazette* No. 369).

WE WILHELMINA, BY THE GRACE OF GOD, QUEEN OF THE NETHERLANDS, PRINCESS OF ORANGE-NASSAU, ETC., ETC., ETC.

On the recommendation of Our Minister of Waterways, of January 9, 1932, La. G.G., Transportation and Mining Division;

The Council of State having been consulted, opinion of January 19, 1932, No. 21;

In view of the further report of Our Minister aforesaid, of January 25, 1932, La. F., Transportation and Mining Division;

Referring to articles 5, 9 and 17 of the Shipping Law;

Have approved and agreed:

The following amendment is made to the general administrative regulations mentioned in articles 5, 9 and 17 of the Shipping Law, promulgated by Royal Decree of September 22, 1909 (*Official Gazette* No. 315), last amended by Royal Decree of November 4, 1926 (*Official Gazette* No. 369):

ARTICLE I.

A new paragraph is added to article 54, reading as follows:

"3. Whenever it can be done without danger to ship and crew, a smaller freeboard may be permitted by the commission mentioned in article 39, under the stipulations to be made by it, than in accordance with the provisions of this decree, provided that as a minimum the requirements established concerning the freeboard of ships by the convention concluded at London on July 5, 1930, be met."

ARTICLE II.

This decree goes into effect on the second day after the date of the *Official Gazette* in which it appears.

Our Minister of Waterways is intrusted with the execution of this decree, which is to be inserted in the *Official Gazette*, and a copy of which shall be sent to the Council of State.

The Hague, January 29, 1932.

WILHELMINA.

The Minister of Waterways,
P. J. REYMER.

Published February 11, 1932.
The Minister of Justice,
J. DONNER.

[No. 42]

October 22, 1932. *Arrangement between the United States of America and Belgium for the reciprocal recognition of certificates of airworthiness for imported aircraft. Effected by exchange of notes, signed October 22, 1932; effective November 21, 1932.*

The American Ambassador (Gibson) to the Belgian Minister for Foreign Affairs (Hymans)

No. 907 EMBASSY OF THE UNITED STATES OF AMERICA,
Brussels, October 22, 1932.

MR. MINISTER,

Arrangement with Belgium for the reciprocal recognition of certificates of airworthiness for imported aircraft.

I have the honor to communicate to Your Excellency the text of the arrangement between the United States of America and Belgium, providing for the acceptance by the one country of certificates of airworthiness of aircraft imported from the other country as merchandise, as understood by me to have been agreed to in the negotiations which have just been concluded between our two Governments as follows:

AN ARRANGEMENT BETWEEN BELGIUM AND THE UNITED STATES OF AMERICA CONCERNING THE ACCEPTANCE BY ONE OF THE PARTIES OF CERTIFICATES OF AIRWORTHINESS FOR AIRCRAFT IMPORTED AS MERCHANDISE FROM THE TERRITORY OF THE OTHER PARTY.

1. The present arrangement applies to civil aircraft constructed in continental United States of America, exclusive of Alaska, and exported to Belgium; and to civil aircraft constructed in Belgium and exported to continental United States of America, exclusive of Alaska.

2. On condition that the agreement be reciprocal, certificates of airworthiness issued by the competent authorities of the Government of the United States in respect of aircraft subsequently registered in Belgium, shall have the same validity as if these certificates had been issued in accordance with the regulations in force on the subject in Belgium. However, the validity of a certificate issued in the United States shall in every case be subject to the issuance by the authorities of the Government of the United States of a special airworthiness certificate for exportation.

3. This arrangement shall apply to civil aircraft of all categories, including those used for public transportation or for private purposes.

4. Each of the Contracting Parties may terminate the present arrangement by giving to the other sixty days notice.

This arrangement will come into force thirty days after the date of this note.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

HUGH GIBSON

HIS EXCELLENCY
MONSIEUR PAUL HYMANS,
Minister for Foreign Affairs.

The Belgian Minister for Foreign Affairs (Hymans) to the American Ambassador (Gibson)

Agreement by Belgium.

Direction P, n° 49/8420.

MINISTÈRE DES AFFAIRES ÉTRANGÈRES,
Bruxelles, le 22 Octobre 1932.

MONSIEUR L'AMBASSADEUR,

J'ai l'honneur de faire savoir à Votre Excellence que le Gouvernement belge s'engage à observer vis-à-vis du Gouvernement des Etats-Unis d'Amérique les termes de l'arrangement suivant, relatif à la reconnaissance par l'une des Parties des certificats de navigabilité des aéronefs importés comme marchandise du territoire de l'autre Partie:

1) le présent arrangement s'applique aux aéronefs civils construits dans la partie continentale des Etats-Unis d'Amérique, à l'exclusion d'Alaska, et exportés en Belgique, et aux aéronefs civils construits en Belgique et exportés dans la partie continentale des Etats-Unis d'Amérique, à l'exclusion de l'Alaska.

2) Sous condition de réciprocité, les certificats de navigabilité aérienne délivrés par les autorités compétentes du Gouvernement des Etats-Unis pour des aéronefs immatriculés ensuite en Belgique, auront la même valeur que si ces certificats avaient été délivrés conformément aux règlements sur la matière en vigueur en Belgique. Toutefois, la validité d'un certificat délivré aux Etats-Unis sera, dans chaque cas subordonnée à la délivrance par les autorités du Gouvernement des Etats-Unis d'un certificat de navigabilité aérienne spécial pour l'exportation.

3) Le présent arrangement s'applique aux aéronefs civils de toutes catégories, y compris ceux qui sont utilisés à des transports publics ou à des usages privés.

4) Chacune des Parties contractantes pourra mettre fin au présent arrangement en donnant à l'autre un préavis de soixante jours.

Cet arrangement entrera en vigueur dans trente jours, à dater d'aujourd'hui.

Je saisis cette occasion, Monsieur l'Ambassadeur, de renouveler à Votre Excellence les assurances de ma très haute considération.

HYMANS

SON EXCELLENCE MONSIEUR HUGH GIBSON,
Ambassadeur des Etats-Unis d'Amérique,
Bruxelles.

[Translation]

Department P, No. 49/8420 MINISTRY OF FOREIGN AFFAIRS,
Brussels, October 22, 1932.

MR. AMBASSADOR,

I have the honor to inform Your Excellency that the Belgian Government undertakes to observe, in its relations with the Government of the United States of America, the terms of the following arrangement relative to the recognition by one of the Parties of certificates of airworthiness of aircraft imported as merchandise from the territory of the other Party:

[Here follows the French text of the arrangement, articles 1 to 4, inclusive, which is the equivalent of the English text of these articles contained in the note of October 22, 1932, from the American Ambassador in Brussels to the Minister for Foreign Affairs of Belgium.]

This agreement shall become effective 30 days from to-day's date.

I avail myself of this occasion, Mr. Ambassador, to renew to Your Excellency the assurance of my highest consideration.

HYMANS

HIS EXCELLENCY HUGH GIBSON,
Ambassador of the United States of America,
Brussels.

[No. 43]

Agreement between the United States of America and France interpreting Article 7 of the Consular Convention concluded February 23, 1853. Effected by exchange of notes, signed February 23 and March 4, 1933; effective March 4, 1933.

February 23, 1933.
March 4, 1933.

The American Ambassador (Edge) to the French Minister for Foreign Affairs (Paul-Boncour)

No. 2246 EMBASSY OF THE UNITED STATES OF AMERICA,
Paris, February 23, 1933

EXCELLENCY:

Agreement with France relating to rights of American citizens in connection with the French rent laws. Vol. 10. p. 996.

I have the honor to communicate to Your Excellency my Government's interpretation of Article 7 of the Consular Convention between the United States of America and France concluded February 23, 1853, in relation to the rights of American citizens in France in connection with the French rent laws. It is my understanding that the following interpretation which has prevailed in the past is concurred in by your Government for the future application of the convention.

The effect of the provisions of Article 7 is to establish the right of citizens of the United States in France to enjoy the same treatment as French citizens in matters relating to the ownership, possession and disposal of property. Accordingly, citizens of the United States are entitled, to enjoy in France the benefit of all the provisions, whether applicable to owners or tenants, contained in the French law of April 1, 1926, as amended by the law of June 29, 1929, governing the relations between lessors and lessees of premises used for residential purposes, and in the law of June 30, 1926, as amended by the law of April 22, 1927, governing the relations between tenants and landlords of premises used for commercial or industrial purposes, notwithstanding Article 11 of the Civil Code and the exceptions or restrictions applicable to foreigners under the aforesaid laws.

I may add that, under the laws of the states of the United States and the District of Columbia, French citizens in the United States enjoy the same treatment as American citizens with regard to the leasing and renting of real property.

I shall be glad to have your confirmation of the agreement thus reached.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration,

WALTER E. EDGE

HIS EXCELLENCY
MONSIEUR PAUL-BONCOUR
Minister for Foreign Affairs
Paris

The French Minister for Foreign Affairs (Paul-Boncour) to the American Ambassador (Edge)

MINISTERE
DES
AFFAIRES ETRANGERES.

SOUS-DIRECTION
DES CHANCELLERIES
ET DU
CONTENTIEUX.

CONTENTIEUX
Loyers.

PARIS, *le 4 Mars 1933*

MONSIEUR L'AMBASSADEUR,

Acceptance by France.

Par lettre du 23 du mois dernier vous m'avez fait connaître l'interprétation que votre Gouvernement donne de l'article 7 de la Convention consulaire conclue le 23 février 1853 entre la France et les Etats-Unis d'Amérique, au sujet des droits des citoyens américains en France, relativement à la loi française sur les loyers.

J'ai l'honneur d'informer Votre Excellence que le Gouvernement français accepte, pour l'application future de la Convention, l'interprétation suivante déjà valable dans le passé.

Les dispositions de l'article 7 ont pour effet d'assurer aux citoyens des Etats-Unis résidant en France le droit de jouir du même traitement que les citoyens français en matière de propriété, de possession et de disposition de biens immeubles. En conséquence, les citoyens des Etats-Unis jouiront en France du bénéfice de toutes les dispositions, applicables soit aux propriétaires soit aux locataires, de la loi française du 1er avril 1926, modifiée par celle du 29 juin 1929, régissant les relations entre bailleurs et preneurs de locaux à usage d'habitation, et de la loi du 30 juin 1926, modifiée par celle du 22 avril 1927, régissant les relations entre locataires et propriétaires de locaux à usage commercial ou industriel, nonobstant l'article 11 du Code Civil et les exceptions ou restrictions applicables aux étrangers en vertu des lois précitées.

Je prends acte de ce que, suivant les lois des différents Etats de l'Union et du District de Columbia, les citoyens français résidant aux Etats-Unis jouissent du même traitement que les citoyens américains lorsqu'il s'agit de donner ou de prendre à bail des propriétés immobilières./.

Veuillez agréer, Monsieur l'Ambassadeur, les assurances de ma très haute considération.

J. PAUL-BONCOUR.

SON EXCELLENCE
MONSIEUR WALTER EVANS EDGE
Ambassadeur des Etats-Unis d'Amérique
à Paris.

[Translation]

MINISTRY
FOR
FOREIGN AFFAIRS.

SUB-DIVISION OF
CHANCERIES AND
LEGAL MATTERS.

LEGAL MATTERS.
Rents.

PARIS, *March 4, 1933.*

MR. AMBASSADOR,

By a letter of the 23d of last month you acquainted me with your Government's interpretation of article 7 of the consular convention concluded on February 23, 1853, between France and the United States of America, dealing with the rights of American citizens in France in relation to the French rent law.

I have the honor to inform Your Excellency that the French Government accepts, for the future application of the convention, the following interpretation, already valid in the past.

The effect of the provisions of article 7 is to secure for citizens of the United States residing in France the right to enjoy the same treatment as French citizens in matters relating to the ownership, possession, and disposal of real property. Consequently, citizens of the United States will enjoy in France the benefit of all the provisions, whether applicable to owners or tenants, of the French law of April 1, 1926, amended by the law of June 29, 1929, governing the relations between lessors and lessees of premises used for residential purposes, and the law of June 30, 1926, amended by the law of April 22, 1927, governing the relations between tenants and landlords of premises used for commercial and industrial purposes, notwithstanding article 11 of the Civil Code and the exceptions or restrictions applicable to foreigners under the aforesaid laws.

I take note that, under the laws of the different States of the United States and of the District of Columbia, French citizens residing in the United States enjoy the same treatment as American citizens in regard to the leasing or renting of real property.

Kindly accept, Mr. Ambassador, the assurances of my very high consideration.

J. PAUL-BONCOUR.

HIS EXCELLENCY
MR. WALTER EVANS EDGE,
Ambassador of the United States of America,
Paris.

[No. 44]

February 8, 11, 12, 1933.

Agreement extending duration of agreement and attached notes of February 17, 1930, respecting Chinese courts in the International Settlement at Shanghai effected by exchanges of notes, signed February 8, 11, and 12, 1933; and a unilateral declaration renewing the unilateral declaration of February 17, 1930, signed, February 8, 1933.

The Foreign Signatories to the Chinese Minister for Foreign Affairs (Lo)

NANKING, *8th February, 1933.*

SIR,

Chinese courts in the International Settlement at Shanghai. Proposal to extend agreement respecting.

Article 10 of the Agreement signed at Nanking on February 17th, 1930, between the representative of the Chinese Government on the one hand and the representatives of the Brazilian, American, French, United Kingdom, Norwegian and Netherlands Governments on the other hand relating to the Chinese courts in the International Settlement at Shanghai provides as follows:—

Vol. 47, p. 2715.

"The present Agreement and the attached Notes shall enter into effect on April 1st, 1930, and shall continue in force for a period of three years from that date, provided that they may be extended for an additional period upon mutual consent of the parties thereto."

It is now proposed, as arranged between us, that the said Agreement and attached Notes shall be extended for a period of three years from April 1st, 1933; that either of the parties thereto may notify the other, six months before the expiration of the period, of their desire to denounce them; and that in case both parties fail to do so in time, the Agreement and attached Notes shall continue in force thereafter, until they are denounced by either of the parties thereto, of which denunciation six months prior notice shall be given to the other party.

We have the honour on behalf of our respective Governments to agree to the proposed arrangements set forth above for the extension of the said Agreement and attached Notes and to request Your Excellency's confirmation thereof.

We avail ourselves of this opportunity to renew to Your Excellency the assurance of our highest consideration.

WILLYS R. PECK
Counsellor of Legation
on behalf of the American Minister

PHILIPPE BAUDET
in the name of the French Minister

E. M. B. INGRAM
on behalf of His Majesty's Minister

N. AALL
Norwegian Chargé d'Affaires a.i.

THORBECKE
Netherlands Minister

AF. LOPES DE ALMEIDA
in the name of the Brazilian Minister.

HIS EXCELLENCY
DOCTOR LO WEN-KAN,
Minister for Foreign Affairs,
Nanking.

The Chinese Minister for Foreign Affairs (Lo) to the American Minister (Johnson)

No. 577

WAICHIAOPU
Nanking, February 8, 1933.

EXCELLENCY:

I have the honor to acknowledge receipt of your Note of to-day's date which reads as follows: Confirmation by China.

"Article 10 of the Agreement signed at Nanking on February 17th, 1930, between the representative of the Chinese Government on the one hand and the representatives of the Brazilian, American, French, United Kingdom, Norwegian and Netherlands Governments on the other hand relating to the Chinese courts in the International Settlement at Shanghai provides as follows:—

> 'The present Agreement and the attached Notes shall enter into effect on April 1st, 1930, and shall continue in force for a period of three years from that date, provided that they may be extended for an additional period upon mutual consent of the parties thereto.'

"It is now proposed, as arranged between us, that the said Agreement and attached Notes shall be extended for a period of three years from April 1st, 1933, that either of the parties thereto may notify the other, six months before the expiration of the period, of their desire to denounce them; and that, in case both parties fail to do so in time, the Agreement and attached Notes shall continue in force thereafter until they are denounced by either of the parties thereto, of which denunciation six months prior notice shall be given to the other party.

"We have the honor on behalf of our respective Governments to agree to the proposed arrangements set forth above for the extension of the said Agreement and attached Notes and to request Your Excellency's confirmation thereof."

In reply I have the honor to confirm that the Chinese Government agrees to the proposed arrangements as set forth above.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

LO WEN-KAN.

HIS EXCELLENCY
MR. NELSON T. JOHNSON,
American Minister to China.
American Legation,
Peiping.

The Foreign Signatories to the Chinese Minister for Foreign Affairs (Lo)

NANKING, *11th February, 1933.*

SIR,

Checking undue delay in civil proceedings.

With reference to our recent conversations we understand that measures are now under contemplation by the Chinese authorities for checking undue delay in civil proceedings, with special reference to matters of appeal and execution of judgment, and that such measures, when adopted, will apply also to the Courts functioning in the International Settlement at Shanghai. We should be grateful for Your Excellency's confirmation of the above understanding.

We avail ourselves of this opportunity to renew to Your Excellency the assurance of our highest consideration.

E. M. B. INGRAM
on behalf of His Majesty's Minister

WILLYS R. PECK
Counsellor of Legation
on behalf of the American Minister

N. AALL
Norwegian Chargé d'Affaires a.i.

THORBECKE
Netherlands Minister

PHILIPPE BAUDET
in the name of the French Minister

AF. LOPES DE ALMEIDA,
in the name of the Brazilian Minister.

HIS EXCELLENCY
DR. LO WEN-KAN,
Minister for Foreign Affairs,
Nanking.

The Chinese Minister for Foreign Affairs (Lo) to the American Minister (Johnson)

WAICHIAOPU
Nanking, February 12, 1933.

EXCELLENCY:

Confirmation by China.

I have the honor to acknowledge the receipt of your Note of yesterday's date which reads as follows:

"With reference to our recent conversations we understand that measures are now under contemplation by the Chinese authorities for checking undue delay in civil proceedings, with special reference

to matters of appeal and execution of judgment and that such measures, when adopted, will apply also to the Courts functioning in the International Settlement at Shanghai. We should be grateful for Your Excellency's confirmation of the above understanding."

In reply I have the honor to confirm that the above understanding is correct.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

LO WEN-KAN

HIS EXCELLENCY
MR. NELSON T. JOHNSON,
American Minister to China,
American Legation,
Peiping.

Unilateral Declaration of the Foreign Signatories to the Chinese Minister for Foreign Affairs (Lo)

NANKING, *8th February, 1933.*

SIR,

Unilateral declaration.

With reference to the Notes which we have exchanged to-day relating to the extension of the Agreement concerning the Shanghai Courts, we have the honour to renew the declaration made in our Note of February 17th, 1930, as follows:

Vol. 47, p. 2717.

"We desire to point out that such Agreement cannot in any way affect or invalidate rights guaranteed to the Powers concerned and to their nationals under existing Treaties between such Powers and China and we accordingly reserve our full rights in this regard. We further reserve the right to object to the enforcement in the International Settlement of any future Chinese laws that affect or in any way invalidate the Land Regulations or Byelaws of the International Settlement or that may be considered prejudicial to the maintenance of peace and order within this area."

We avail ourselves of this opportunity to renew to Your Excellency the assurance of our highest consideration.

E. M. B. INGRAM
on behalf of His Majesty's Minister

WILLYS R. PECK
Counsellor of Legation
on behalf of the American Minister

N. AALL
Norwegian Chargé d'Affaires a.i.

THORBECKE
Netherlands Minister

PHILIPPE BAUDET
in the name of the French Minister

AF. LOPES DE ALMEIDA,
in the name of the Brazilian Minister.

HIS EXCELLENCY
DR. LO WEN-KAN,
Minister for Foreign Affairs,
Nanking.

[No. 45]

August 7, 1933.

Agreement between the United States of America and Haiti concerning Haitianization of the Garde, withdrawal of military forces from Haiti, and financial arrangement. Signed August 7, 1933.

SECTION I

Haitianization of the Garde d'Haiti and Withdrawal of Military Forces from Haiti.

Haitianization of the Garde and withdrawal of military forces.

The undersigned plenipotentiaries, duly authorized by their respective governments, have agreed upon the following Accord:

ARTICLE I

The American officers now serving with the Garde d'Haiti will be replaced in such a manner that by October 1, 1934, the Garde shall be completely commanded by Haitian officers.

ARTICLE II

On October 1, 1934, the Garde, under complete command of Haitian officers, will be turned over to a Colonel in active service whom the President of the Republic shall designate as Commandant.

ARTICLE III

The promotions to be effected until the complete Haitianization of the Garde will be made after examinations held in the presence of the representative of the Government of Haiti in conformity with Article X of the Treaty of September 16, 1915.

Vol. 39, p. 1658.

TITRE I

Haitianization de la Garde et desoccupation militaire du territoire de la Republique.

Les plénipotentiaires, soussignés, dûment autorisés par leurs Gouvernements respectifs, ont convenu de l'arrangement suivant:

ARTICLE I

Les officiers américains servant actuellement dans la Garde d'Haiti seront remplacés de manière que, au 1er octobre 1934, la Garde soit complètement commandée par des officiers haitiens.

ARTICLE II

Au 1er octobre 1934, la Garde, entièrement commandée par des officiers haitiens, sera remise à un Colonel en service actif que le Président de la République désignera comme commandant.

ARTICLE III

Les promotions à faire pendant le cours de l'haitianisation de la Garde seront faites après examens passés en présence d'un représentant du Gouvernement haitien en conformité de l'article X du Traité du 16 septembre 1915.

ARTICLE IV

To complete the instruction, training and discipline of the Garde the President of Haiti, may, if he consider it desirable, request the President of the United States to designate a Military Mission of not more than seven members among the American officers who have served in Haiti. The powers to be granted to this Mission will be determined by a decree of the President of Haiti. The services of this Mission shall terminate at the request of either party to the agreement upon sixty days notice given by either party.

ARTICLE V

The withdrawal of the Marine Brigade of the United States and the American Scientific Mission established by the Accord of August 5, 1931, shall commence on October 1, 1934, and shall be completed within thirty days.

ARTICLE VI

The Government of Haiti, in order to preserve public order, assumes the obligation of maintaining strict discipline in the Garde and of applying for this purpose the present regulations of the Garde d'Haiti.

It will enact a statute which will fix the conditions of appointment, promotion and retirement in the Garde. It will also take all legislative measures recognized as necessary to guarantee public peace and security.

ARTICLE IV

Pour compléter l'instruction, l'entrainement et la discipline de la Garde, le Président d'Haiti, s'il le juge utile, pourra demander au Président des Etats-Unis de désigner une Mission Militaire de sept membres au plus parmi les officiers américains qui ont servi en Haiti. Les pouvoirs à conférer à cette Mission feront l'objet d'un arrêté du Président d'Haiti. Les services de cette Mission prendront fin à la requête de l'une ou l'autre des deux hautes parties après un préavis de soixante jours donné par la partie requérante à l'autre partie.

ARTICLE V

Le retrait de la Brigade de Marine des Etats-Unis et de la Mission Scientifique américaine établie par l'Accord du 5 août 1931 commencera le 1er octobre 1934 et devra être complet dans les trente jours qui suivront.

Vol. 47, p. 2659.

ARTICLE VI

Le Gouvernement d'Haiti pour la garantie de l'ordre public, assume la responsabilité de maintenir dans la Garde une stricte discipline et d'appliquer dans ce but les règlements actuels de la Garde d'Haiti.

Il sera établi un statut légal qui déterminera les conditions de nomination, de promotion et de retraite dans la Garde. Il sera également pris toutes mesures législatives reconnues nécessaires pour garantir la paix et la sécurité publique.

SECTION II

Financial Arrangement. Adjustment of financial guarantees stipulated in the Protocol of 1919 and the loan contract of 1922.

ARTICLE VII

Financial arrangement; adjustment of guarantees.

Beginning January 1, 1934, the services of the Financial Adviser-General Receiver and of the Deputy General Receiver shall be carried on, in fulfillment of the obligations and guarantees undertaken in order to obtain the loan issued in accord with the Protocol of October 3, 1919, by a Fiscal Representative and a Deputy Fiscal Representative, appointed by the President of the Republic upon nomination of the President of the United States, who shall exercise the powers hereinafter set forth.

ARTICLE VIII

As the Customs Revenues constitute the principal pledge to the holders of the bonds of the 1922 loan, the Fiscal Representative will have under his direction, until the complete amortization or the prior refunding of the loan under reference, the Customs Service and the application of the laws relative thereto. In addition he shall inspect the activities of the Internal Revenue Service and make appropriate recommendations for its proper operation; he shall be in charge of the existing Service of Payments, reserve being made of the provisions of Article XII hereafter; he shall maintain adequate records of receipts and disbursements which records shall be open to inspec-

Post, p. 1782.

TITRE II

Arrangement Financier. Amenagement des Garanties financières stipulées dans le protocole de 1919 et le contrat d'emprunt de 1922.

ARTICLE VII

A partir du 1er janvier 1934, les services du Conseiller Financier-Receveur Général et du Receveur Général-adjoint seront transmis à un Représentant Fiscal et à un Représentant Fiscal-adjoint commissioné par le Président d'Haiti, sur la proposition du Président des Etats-Unis d'Amerique. Pour remplir les obligations et les garanties stipulées en vue d'obtenir l'emprunt émis conformément au Protocole du 3 octobre 1919, le Représentant Fiscal et le Représentant Fiscal-adjoint exerceront les attributions ci-après déterminées.

ARTICLE VIII

Les droits de douane constituant le gage principal des porteurs des obligations de l'emprunt de 1922, le Représentant Fiscal aura dans ses attributions, jusqu'au remboursement ou rachat anticipé du dit emprunt, la direction du Service douanier et l'application des lois y relatives. Il inspectera, en outre, toutes les activités de l'Administration générale des Contributions, et fera les recommandations utiles pour la bonne marche de cette administration; il sera chargé du service des Paiements existant, sous réserve des dispositions de l'article XII ci-après; il tiendra pour toutes les recettes et dépenses, des comptes adéquats, lesquels seront ouverts à l'examen et à la

tion and verification by the appropriate authorities; and he shall submit monthly reports of his activities to the Secretary of State for Finance and the Secretary of State of the United States.

In order properly to carry out his duties, the Fiscal Representative shall have such employees and assistants as may appear necessary. The number of Americans so employed shall not exceed eighteen. The President of Haiti, upon the presentation which will be made to him by the Secretary of State for Finance, will commission as of January 1, 1934, the employees occupying positions of authority and trust under the Fiscal Representative and recommended by the latter. Thereafter, any position which may become vacant among the commissioned employees shall be filled by examination, the form and procedure of which shall be determined by an accord between the Secretary of State for Finance and the Fiscal Representative. The successful competitor in such examination shall be recommended for the vacancy and will be commissioned by the President of Haiti. Such commissioned employees may be suspended without pay by the Fiscal Representative, on charges filed with the Secretary of State for Finance and such employee or assistant shall not be reinstated unless the charges shall have been disproved to the satisfaction of the Secretary of State for Finance, and of the Fiscal Representative. Pending the hearing of the charges made, the Fiscal Representative, after a report to the Secretary of State for Finance, may fill the

vérification des autorités compétentes; il fera un rapport mensuel de ses activités au Secrétaire d'Etat des Finances et au Secrétaire d'Etat des Etats-Unis.

En vue de bien remplir les obligations de sa charge, le Représentant Fiscal pourra avoir tous employés et assistants qui pourront paraître nécessaires. Le nombre des américains ainsi employés ne devra pas excéder dix-huit. Le Président d'Haiti, sur la présentation qui lui en sera faite par le Secrétaire d'Etat des Finances, commissionnera à la date du 1er janvier 1934, les employés occupant les postes d'autorité et de confiance dans les services du Représentant Fiscal et recommandés par ce dernier. Dans la suite, tout poste qui pourra devenir vacant parmi les employés commissionnés, sera comblé par la voie d'un concours dont le mode et la procédure seront arrêtés par le Secrétaire d'Etat des Finances d'accord avec le Représentant Fiscal. Le concurrent qui aura triomphé sera recommandé pour le poste vacant et sera commissionné par le Président d'Haiti. Un employé commissionné pourra être suspendu avec perte de salaire, par le Représentant Fiscal, sur des griefs présentés au Secrétaire d'Etat des Finances; un tel employé ne sera pas réintégré, si les charges contre lui ne sont pas réfutées à la satisfaction du Secrétaire d'Etat des Finances et du Représentant Fiscal. Pendant l'enquête sur les griefs avancés, le Représentant Fiscal, aprés rapport au Secrétaire d'Etat des Finances, pourra combler la va-

vacancy provisionally, if necessary, until the charges have been disproved or a new commission issued.

ARTICLE IX

The salaries of the Fiscal Representative and of the Deputy Fiscal Representative shall be made the subject of an accord between the two Governments. These salaries, together with the expenses of the activities of the Fiscal Representative, but excluding the expenses of the Internal Revenue Inspection Service, may not exceed five per centum of customs receipts except by agreement between the two Governments.

ARTICLE X

The Internal Revenue Service, the personnel of which shall be exclusively Haitian, shall be placed in charge of a Haitian Director under the Secretary of State for Finance.

Nevertheless, if the Fiscal Representative should notify the Secretary of State for Finance and the Director General of Internal Revenue in writing that there is reason to suppose any officer or employee of the Internal Revenue Service is inefficient, or that his action is not correct, such officer or employee shall be suspended, and not reinstated unless the charges shall have been disproved to the satisfaction of the Secretary of State for Finance.

The expenses of the Internal Revenue Service shall be paid from the funds set aside for this purpose by the National Bank

cance provisoirement, si c'est nécessaire, jusqu'à ce que les charges aient été réfutées ou qu'une nouvelle commission ait été émise.

ARTICLE IX

Les salaires du Représentant Fiscal et du Représentant Fiscal-adjoint feront l'objet d'un accord entre les deux Gouvernements. Ces deux salaires, ainsi que l'ensemble des dépenses des services placés sous les ordres du Représentant Fiscal, non compris les dépenses du Service d'inspection des Recettes internes, ne doivent pas excéder cinq p. 100 des recettes douanières, sauf entente entre les deux Gouvernements.

ARTICLE X

Un Directeur haitien sera chargé de l'Administration générale des Contributions, sous le contrôle du Secrétaire d'Etat des Finances, et avec un personnel exclusivement haitien.

Néanmoins, si le Représentant Fiscal faisait rapport par écrit au Directeur général des Contributions et au Secrétaire d'Etat des Finances qu'il y avait motif à supposer qu'un fonctionnaire ou employé quelconque de l'administration des Contributions fut inférieur à sa tâche, ou que ses actes ne fussent pas corrects, ce fonctionnaire ou employé sera suspendu de ses fonctions, et il ne sera pas réintégré tout le temps que les charges portées n'auront pas été réfutées à la satisfaction du Secrétaire d'Etat des Finances.

Les dépenses de l'Administration générale des Contributions seront effectuées sur les fonds mis de côté à cette fin, par la

of the Republic of Haiti in accordance with schedules of payments agreed upon between the Secretary of State for Finance and the Fiscal Representative. These expenses shall not exceed ten per centum of internal revenue receipts, and the expenses of the Internal Revenue Inspection Service shall not exceed five per centum of internal revenue receipts. Any sums not required by the Internal Revenue Inspection Service within this allowance shall be made available to the Internal Revenue Service.

ARTICLE XI

On and after January 1, 1934, all monies received by or for the Haitian Government shall be deposited in the National Bank of the Republic of Haiti to the credit of the Haitian Government with the exception of the five per centum of customs revenues foreseen in Article IX above and the amounts needed for payments connected with execution of the loan contracts, which amounts shall be credited to the Fiscal Representative. The National Bank of the Republic of Haiti also shall set aside preferentially each month to the credit of the Fiscal Representative the amounts provided in Article X above for the expenses of the Internal Revenue Service and of the Internal Revenue Inspection Service.

In order to assure the maintenance of public order, the monthly allocation for the Garde d'Haiti will be set aside preferentially by the National Bank of the Republic of Haiti for the exclusive use of the Garde from the funds thereafter remaining.

Banque Nationale de la République d'Haiti, et suivant des états de paiement convenus entre le Secrétaire d'Etat des Finances et le Représentant Fiscal. Ces dépenses ne devront pas excéder dix p. 100 des recettes internes; et les dépenses du Service d'inspection des Recettes internes ne devront pas excéder cinq p. 100 des dites recettes. Toute somme non requise pour le Service d'inspection des Recettes internes, dans les limites de l'allocation pour ce Service, sera mise à la disposition de l'Administration générale des Contributions.

ARTICLE XI

A partir du 1er janvier 1934, tous les fonds recouvrés pour le Gouvernement haitien seront déposés, au nom du Gouvernement haitien, à la Banque Nationale de la République d'Haiti, à l'exception des cinq p. 100 des recettes douanières prévus à l'article IX ci-dessus et des fonds exigibles pour les paiements afférents au service des contrats d'emprunt, lesquelles valeurs seront portées au crédit du Représentant Fiscal. La Banque Nationale de la République d'Haiti prélèvera et mettra de coté aussi, chaque mois, et portera au crédit du Représentant Fiscal, les valeurs prévues à l'Article X ci-dessus pour les dépenses de l'Adminstration générale des Contributions et du Service d'inspection des Recettes internes.

Ante, p. 1780.

En vue d'assurer le maintien de l'ordre public, l'allocation mensuelle de la Garde d'Haiti sera ensuite prélevée et mise de côté par la Banque Nationale de la République d'Haiti et affectée exclusivement à l'usage de la Garde d'Haiti.

ARTICLE XII

All payments of Government funds shall continue to be made by checks prepared by the Service of Payments. The existing arrangement, as agreed upon between the two Governments on August 5, 1931, shall continue to govern this service except that all checks henceforth will be signed by the Secretary of State for Finance, or his delegate, reserve being made in the case of those checks drawn against the funds deposited at the National Bank of the Republic of Haiti to the credit of the Fiscal Representative, which checks shall be signed only by the latter, or his delegate.

ARTICLE XIII

Each year, by January 31st at the latest, the Fiscal Representative shall present a detailed estimate of receipts for the following fiscal year. Except by special agreement, the budget of the Republic shall not exceed the amount of probable ways and means which the Secretary of State for Finance and the Fiscal Representative shall have agreed upon.

ARTICLE XIV

The Haitian Government may authorize any appropriations whatsoever if unobligated funds are available, or derivable at an early date from the ordinary revenues, to cover such appropriations after setting up such reserves as may appear to the Secretary of State for Finance and the Fiscal Representative to be necessary.

ARTICLE XII

Tous les paiements sur les fonds du Gouvernement continueront à être effectués par chèques préparés par le Service des Paiements. L'arrangement existant, suivant l'Accord du 5 août 1931, entre les deux Gouvernements, continuera à régir ce service, sauf que tous les chèques seront dorénavant signés par le Secrétaire d'Etat des Finances ou son délégué, réserve faite des chèques tirés sur les fonds déposés à la Banque Nationale de la République d'Haiti au crédit du Représentant Fiscal, lesquels seront signés par ce dernier seulement, ou son délégué.

ARTICLE XIII

Chaque année au 31 janvier au plus tard, le Représentant Fiscal présentera une estimation détaillée des recettes pour l'année budgétaire suivante. Le budget de la République, à moins d'une entente spéciale, ne devra pas dépasser le montant des voies et moyens probable qui aura été arrêté par le Secretaire d'Etat des Finances et le Représentant Fiscal.

ARTICLE XIV

Le Gouvernement haitien est libre d'autoriser tout crédit quel qu'il soit, si des fonds non affectés sont disponibles ou peuvent, à une date rapprochée, être tirés des recettes ordinaires, pour servir de voies et moyens à ce crédit, après la constitution des réserves qui pourront paraitre nécessaires au Secrétaire d'Etat des Finances et au Représentant Fiscal.

ARTICLE XV

In case of a probable budgetary deficit, expenditures must be brought to the level of ways and means, either by reducing expenditures or by the creation of new receipts. In every case, it will not be possible without the accord of the Fiscal Representative to cover a deficit by calling upon the reserve funds of the Government.

ARTICLE XVI

There shall be included annually in the budget of the Republic the amounts necessary for the regular service of the funded debt and other contractual obligations, as well as two lump sums representing five per centum of customs and five per centum of internal revenues, respectively, for the payment of the expenses of the Fiscal Representative, and those of the Internal Revenue Inspection Service, and finally a lump sum representing ten per centum of internal revenue receipts for the payment of the expenses of the Internal Revenue Service. The balance may be apportioned by the Haitian Government between the budgets of the various departments as it may see fit. If the revenues received in any month shall be insufficient to meet the full debt service and expenses of collection, the Government will make available the amount required to make up the difference.

ARTICLE XVII

Without the accord of the Fiscal Representative no new financial obligation will be assumed

ARTICLE XV

En cas de déficit probable au budget, les dépenses devront être ramenées au niveau des voies et moyens, soit par compression des dépenses, soit par création de nouvelles recettes. Toutefois, il ne sera pas possible de couvrir un déficit budgétaire en faisant appel aux fonds de réserve du Gouvernement, sans l'accord du Représentant Fiscal.

ARTICLE XVI

Il sera inscrit chaque année au Budget de la République les valeurs nécessaires pour le service régulier des obligations de la dette publique et autres obligations contractuelles, ainsi que les deux valeurs globales représentant respectivement les cinq p. 100 des recettes douanières et des recettes internes pour le paiement des dépenses du Représentant Fiscal, et du Service d'inspection des Recettes internes, et aussi une valeur globale représentant dix p. 100 des recettes internes pour le paiement des dépenses de l'Administration générale des Contributions. Le solde restant pourra être réparti par le Gouvernement haitien entre les budgets des divers départements ministériels comme bon lui semblera. Si les revenus recouvrés au cours d'un mois quelconque sont insuffisants pour couvrir le service intégral de la dette et les dépenses de perception, le Gouvernement rendra disponible la valeur requise pour couvrir le déficit.

ARTICLE XVII

Le Gouvernement haitien n'assumera aucune nouvelle obligation financière, à moins que les

unless the ordinary revenues of the Republic, after defraying the expenses of the Government, shall be adequate to assure the final discharge of such obligation.

ARTICLE XVIII

The Government will not dispose of its investments except with the accord of the Fiscal Representative.

ARTICLE XIX

The present finance law shall be the organic act of the Republic so far as concerns the administration of government finances.

ARTICLE XX

The Government of Haiti agrees not to reduce the tariff nor to modify the taxes and internal revenues in such a manner as to reduce the total amount thereof without the accord of the Fiscal Representative.

ARTICLE XXI

The Custom Houses of the Republic will have an exclusively Haitian personnel and the title of Director shall be reestablished in lieu of that of Collector. However, inspectors of the Customs Service may be assigned, either temporarily or permanently, to oversee the operation and the strict application of the customs laws.

ARTICLE XXII

In case of payment under protest of customs duties or internal revenue taxes, and where restitu-

revenus ordinaires de la République, après que les dépenses courantes du Gouvernement auront été défrayées, ne soient suffisants pour assurer l'acquittement de l'obligation et cela d'accord avec le Représentant Fiscal.

ARTICLE XVIII

Le Gouvernement haitien ne disposera pas de ses placements, si ce n'est d'accord avec le Représentant Fiscal.

ARTICLE XIX

La loi de Finances actuelle deviendra une loi organique de la République en ce qui concerne l'administration des Finances du Gouvernement.

ARTICLE XX

Le Gouvernement Haitien convient de ne pas réduire le tarif, ni modifier les taxes internes, de manière à en réduire le rendement total, sans l'accord du Représentant Fiscal.

ARTICLE XXI

Les Douanes de la République auront un personnel exclusivement haitien et le titre de Directeur sera rétabli en lieu et place de celui de Collecteur. Cependant des inspecteurs du Service du Représentant Fiscal, pourront y être délégués, soit temporairement, soit à poste fixe, pour en surveiller les opérations et la stricte application des lois douanières.

ARTICLE XXII

En cas de paiement sous protêt de droits de douane ou de taxes internes, et au cas où une resti-

tion of such payment is requested, a written claim shall be presented to the competent service within a time limit of thirty working days beginning with the date on which the duties or taxes were paid. If the decision is not accepted, the matter shall be presented to a commission composed of a representative of the Secretary of State for Finance and a representative of the Fiscal Representative.

If there should still be failure to reach an agreement, the claim for restitution shall be decided by legal proceedings, but the State may not be liable for any compensatory or punitive damages.

tution du montant payé est demandée, une réclamation écrite sera faite au service compétent dans le délai de trente jours ouvrables commençant à la date à laquelle les droits ou les taxes auront été payés. Si la décision n'est pas acceptée, l'affaire sera présentée à une commission formée d'un délégué du Secrétaire d'Etat des Finances et d'un délégué du Représentant Fiscal.

Si le désaccord persiste, la demande de restitution sera décidée par la voie judiciaire, sans que l'Etat puisse être condamné à des dommages-intérêts ou astreintes.

ARTICLE XXIII

In view of the fact that under normal conditions the operation of the sinking fund will result in retirement of the outstanding series of the loan authorized by the law of June 26, 1922, approximately by the year 1944, and inasmuch as any further issue of the loan would necessarily extend the operation of this agreement, to a period beyond that year, which extension is contrary to their desire, it is hereby agreed by both Governments that the loan shall be considered closed and that no additional series shall be issued thereunder.

ARTICLE XXIII

Vu que, dans les conditions normales, le paiement régulier des fonds d'amortissement aura pour résultat le retrait, vers l'année 1944, des séries en circulation de l'emprunt autorisé par la loi du 26 juin 1922, et vu que l'émission d'une autre série de l'emprunt prolongerait nécessairement, au-delà de cette date, la durée du présent accord, ce qui serait contraire au désir des deux Gouvernements, les deux Gouvernements conviennent que l'emprunt est considéré comme fermé et qu'aucune série additionnelle ne sera émise.

ARTICLE XXIV

In case there should appear to be occasion for judicial proceedings against the Fiscal Representative or his American assistants, the two Governments, in order to avoid possible misunderstand-

ARTICLE XXIV

Dans le cas où l'occasion se présenterait d'exercer une action judiciaire contre le Représentant Fiscal, ou ses assistants américains, les deux Gouvernements, dans le but d'éviter toute possi-

ing, agree to examine each case impartially and to agree upon the legal action which might be appropriate.

ARTICLE XXV

The Haitian Government, upon the signature of the present agreement, will issue irrevocable instructions to the National Bank of the Republic of Haiti in order that there may be full and complete execution of the clauses herein respecting the deposit and disbursement of the funds of the Government.

ARTICLE XXVI

The Haitian Government reserves the right to retire the bonds issued in accord with the Protocol of October 3, 1919, in advance of their due date; and the Government of the United States will not invoke the provisions of Article VI of the Protocol as an obstacle to such retirement before the expiration of the period of fifteen years fixed therein, provided that the Haitian Government is able to make an arrangement for this purpose satisfactory to the holders of the outstanding bonds.

In this case the provisions of this accord shall automatically become null and void and of no effect upon the completion of the funding operation. The Haitian Government in order to hasten the retirement of the loan of 1922 may continue as rapidly as its resources will permit, to buy on the open market bonds of the several series of the said loan.

bilité de malentendu, conviennent d'examiner impartialement un tel cas, et de se mettre d'accord sur l'action légale appropriée.

ARTICLE XXV

Le Gouvernement haitien, dès la signature du présent Protocole, enverra des instructions irrévocables à la Banque Nationale de la République d'Haiti, afin qu'il y ait exécution pleine et entière des clauses des présentes, relatives au dépôt et à la sortie des fonds du Gouvernement.

ARTICLE XXVI

Le Gouvernement haitien se réserve le droit de racheter par anticipation les obligations émises en accord avec le Protocole du 3 octobre 1919, dont le Gouvernement des Etats-Unis n'invoquera pas l'article VI comme un obstacle à ce rachat avant l'expiration de la période de quinze ans fixée par ce Protocole, pourvu que le Gouvernement haitien puisse à cet effet faire des arrangements satisfaisants avec les porteurs des obligations en circulation.

En ce cas, les stipulations du présent Accord deviendront automatiquement nulles et non avenues à la réalisation de l'opération de rachat. Le Gouvernement Haitien, en vue de rapprocher l'échéance de l'emprunt de 1922, pourra continuer, au fur et à mesure que ses ressources le lui permettront, à acheter en marché ouvert les titres des diverses séries du dit emprunt.

ARTICLE XXVII

Any controversy which may arise between the two Governments on the subject of the clauses of the present accord shall be submitted to arbitration in case it cannot be settled through diplomatic channels, in accordance with the Arbitration Treaty of January 7, 1909 between the two countries.

Signed at Port-au-Prince in duplicate in the English and French languages, this seventh day of August, 1933.

[SEAL] NORMAN ARMOUR

[SEAL] A. BLANCHET

ARTICLE XXVII

Toutes les controverses qui pourraient s'élever entre les deux Gouvernements au sujet des clauses du présent accord, seront soumises à l'arbitrage, au cas où elles ne pourraient pas être réglées par la voie diplomatique conformément au Traité d'arbitrage du 7 janvier 1909 entre les deux pays.

Vol. 36, p. 2193.

Fait de bonne foi en double exemplaire en français et en anglais, à Port-au-Prince, le sept août 1933

Signatures.

[No. 46]

September 8, 9, 1933.

Arrangement between the United States of America and Sweden for air navigation. Effected by exchange of notes, signed September 8 and 9, 1933; effective October 9, 1933.

The Secretary of State (Hull) to the Swedish Chargé d'Affaires ad interim (Beck-Friis)

DEPARTMENT OF STATE,
Washington, September 8, 1933.

SIR:

Reciprocal arrangement with Sweden for air navigation.

Reference is made to the negotiations which have taken place between the Government of the United States of America and the Government of Sweden for the conclusion of a reciprocal air navigation arrangement between the United States of America and Sweden, governing the operation of civil aircraft of the one country in the other country.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:

Arrangement between the United States of America and Sweden concerning the operation of civil aircraft of the one country in the territory of the other country.

ARTICLE 1

Terms.

Pending the conclusion of a convention between the United States of America and Sweden on the subject of air navigation, the operation of civil aircraft of the one country in the other country shall be governed by the following provisions.

ARTICLE 2

Area affected.

The present arrangement shall apply to continental United States of America, exclusive of Alaska, and to Sweden, including the adjacent territorial waters of the two countries.

ARTICLE 3

Aircraft construed.

The term aircraft with reference to one or the other party to this arrangement shall be understood to mean civil aircraft, including state aircraft used exclusively for commercial purposes, duly registered in the territory of such party.

ARTICLE 4

Liberty of passage.

Each of the parties undertakes to grant liberty of passage above its territory in time of peace to the aircraft of the other party, provided that the conditions set forth in the present arrangement are observed.

Regular air routes.

It is, however, agreed that the establishment and operation of regular air routes by an air transport company of one of the parties within the territory of the other party or across the said territory,

with or without intermediary landing, shall be subject to the prior consent of the other party given on the principle of reciprocity and at the request of the party whose nationality the air transport company possesses.

Each party to this arrangement agrees that its consent for operations over its territory by air transport companies of the other party may not be refused on unreasonable or arbitrary grounds. The consent may be made subject to special regulations relating to aerial safety and public order.

The parties to this arrangement agree that the period in which pilots may, while holding valid pilot licenses issued or rendered valid by either country, operate registered aircraft of that country in the other country for non-industrial or non-commercial purposes shall be limited to a period not exceeding six months from the time of entry for the purpose of operating aircraft, unless prior to the expiration of this period the pilots obtain from the Government of the country in which they are operating, pilot licenses authorizing them to operate aircraft for non-industrial or non-commercial purposes.

ARTICLE 5

Jurisdiction over aircraft, etc.

The aircraft of each of the parties to this arrangement, their crews and passengers, shall, while within the territory of the other party, be subject to the general legislation in force in that territory as well as the regulations in force therein relating to air traffic in general, to the transport of passengers and goods and to public safety and order in so far as these regulations apply to all foreign aircraft, their crews and passengers.

Each of the parties to this arrangement shall permit the import or export of all merchandise which may be legally imported or exported and also the carriage of passengers, subject to any customs, immigration and quarantine restrictions, into or from their respective territories in the aircraft of the other party, and such aircraft, their passengers and cargoes, shall enjoy the same privileges as and shall not be subjected to any other or higher duties or charges than those which the aircraft of the country, imposing such duties or charges, engaged in international commerce, and their cargoes and passengers, or the aircraft of any foreign country likewise engaged, and their cargoes and passengers, enjoy or are subjected to.

Each of the parties to this arrangement may reserve to its own aircraft air commerce between any two points neither of which is in a foreign country. Nevertheless the aircraft of either party may proceed from any aerodrome in the territory of the other party which they are entitled to use to any other such aerodrome either for the purpose of landing the whole or part of their cargoes or passengers or of taking on board the whole or part of their cargoes or passengers, provided that such cargoes are covered by through bills of lading, and such passengers hold through tickets, issued respectively for a journey whose starting place and destination both are not points between which air commerce has been duly so reserved, and such aircraft, while proceeding as aforesaid, from one aerodrome to another, shall, notwithstanding that such aerodromes are points between which air commerce has been duly reserved, enjoy all the privileges of this arrangement.

ARTICLE 6

Reservation of right to forbid flights over designated areas.

Each of the parties to this arrangement reserves the right to forbid flights over certain areas of its territory which are or may hereafter be designated as prohibited areas.

Each of the parties reserves the right under exceptional circumstances in time of peace and with immediate effect temporarily to limit or prohibit air traffic above its territory on condition that in this respect no distinction is made between the aircraft of the other party and the aircraft of any foreign country.

ARTICLE 7

Aircraft over prohibited area.

Any aircraft which finds itself over a prohibited area shall, as soon as it is aware of the fact, give the signal of distress prescribed in the Rules of the Air in force in the territory flown over and shall land as soon as possible at an aerodrome situated in such territory outside of but as near as possible to such prohibited area.

ARTICLE 8

Identification.

All aircraft shall carry clear and visible nationality and registration marks whereby they may be recognized during flight. In addition, they must bear the name and address of the owner.

All aircraft shall be provided with certificates of registration and of airworthiness and with all the other documents prescribed for air traffic in the territory in which they are registered.

The members of the crew who perform, in an aircraft, duties for which a special permit is required in the territory in which such aircraft is registered, shall be provided with all documents and in particular with the certificates and licenses prescribed by the regulations in force in such territory.

The other members of the crew shall carry documents showing their duties in the aircraft, their profession, identity and nationality.

The certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one of the parties to this arrangement in respect of an aircraft registered in its territory or of the crew of such aircraft shall have the same validity in the territory of the other party as the corresponding documents issued or rendered valid by the latter.

Each of the parties reserves the right for the purpose of flight within its own territory to refuse to recognize certificates of competency and licenses issued to nationals of that party by the other party.

ARTICLE 9

Radio regulations.

Aircraft of either of the parties to this arrangement may carry wireless apparatus in the territory of the other party only if a license to install and work such apparatus shall have been issued by the competent authorities of the party in whose territory the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the territory within whose air space the aircraft is navigating.

Such apparatus shall be used only by such members of the crew as are provided with a special license for the purpose issued by the Government of the territory in which the aircraft is registered.

The parties to this arrangement reserve respectively the right, for reasons of safety, to issue regulations relative to the obligatory equipment of aircraft with wireless apparatus.

ARTICLE 10

Transportation of munitions prohibited.

No arms of war, explosives of war, or munitions of war shall be carried by aircraft of either party above the territory of the other party or by the crew or passengers, except by permission of the competent authorities of the territory within whose air space the aircraft is navigating.

ARTICLE 11

Upon the departure or landing of any aircraft each party may within its own territory and through its competent authorities search the aircraft of the other party and examine the certificates and other documents prescribed. Inspection.

ARTICLE 12

Aerodromes open to public air traffic in the territory of one of the parties to this arrangement shall in so far as they are under the control of the party in whose territory they are situated be open to all aircraft of the other party, which shall also be entitled to the assistance of the meteorological services, the wireless services, the lighting services and the day and night signalling services, in so far as the several classes of services are under the control of the party in whose territory they respectively are rendered. Any scale of charges made, namely, landing, accomodation or other charge, with respect to the aircraft of each party in the territory of the other party, shall in so far as such charges are under the control of the party in whose territory they are made be the same for the aircraft of both parties. Aerodromes.

ARTICLE 13

All aircraft entering or leaving the territory of either of the parties to this arrangement shall land at or depart from an aerodrome open to public air traffic and classed as a customs aerodrome at which facilities exist for enforcement of immigration regulations and clearance of aircraft, and no intermediary landing shall be effected between the frontier and the aerodrome. In special cases the competent authorities may allow aircraft to land at or depart from other aerodromes, at which customs, immigration and clearance facilities have been arranged. The prohibition of any intermediary landing applies also in such cases. Landings.

In the event of a forced landing outside the aerodromes, referred to in the first paragraph of this article, the pilot of the aircraft, its crew and the passengers shall conform to the customs and immigration regulations in force in the territory in which the landing has been made.

Aircraft of each party to this arrangement are accorded the right to enter the territory of the other party subject to compliance with quarantine regulations in force therein.

The parties to this arrangement shall exchange lists of the aerodromes in their territories designated by them as ports of entry and departure.

ARTICLE 14

Each of the parties to this arrangement reserves the right to require that all aircraft crossing the frontiers of its territory shall do so either between certain points, or close by an aviation customs office in that territory, at such altitude that signals can be received, even though there should be no landing of the aircraft. The contracting parties shall inform each other of the points where the respective frontiers thus may be crossed. Flight restrictions.

It is understood that neither of the courses mentioned in the preceding paragraph exempts aircraft crossing the frontiers of either party from the obligation of landing at a regular airport of entry, as stipulated in Article 13.

ARTICLE 15

As ballast, only fine sand or water may be dropped from an aircraft. Ballast.

ARTICLE 16

Permits to unload.

No article or substance, other than ballast, may be unloaded or otherwise discharged in the course of flight unless special permission for such purpose shall have been given by the authorities of the territory in which such unloading or discharge takes place.

ARTICLE 17

Nationality of aircraft.

Whenever questions of nationality arise in carrying out the present arrangement, it is agreed that every aircraft shall be deemed to possess the nationality of the party in whose territory it is duly registered.

ARTICLE 18

Intercommunication of regulations.

The parties to this arrangement shall communicate to each other the regulations relative to air traffic in force in their respective territories.

ARTICLE 19

Duration.

The present arrangement shall be subject to termination by either party upon sixty days' notice given to the other party or by the enactment by either party of legislation inconsistent therewith.

I shall be glad to have you inform me whether the text of the arrangement herein set forth is as agreed to by your Government. If so, it is suggested that it should be understood that the arrangement will become effective on October 9, 1933.

Accept, Sir, the renewed assurances of my high consideration.

CORDELL HULL

BARON JOHAN BECK-FRIIS,
Chargé d'Affaires ad interim of Sweden.

The Swedish Chargé d'Affaires ad interim (Beck-Friis) to the Secretary of State (Hull)

LEGATION OF SWEDEN,
Washington, D.C., September 8, 1933.

SIR:

Reference is made to the negotiations which have taken place between the Government of Sweden and the Government of the United States of America for the conclusion of a reciprocal air navigation arrangement between Sweden and the United States of America, governing the operation of civil aircraft of the one country in the other country.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:

"Avtal mellan Sverige och Amerikas Förenta Stater angående framförande av i det ena landet hemmahörande civila luftfartyg inom det andra landets område.

Medlemmar av besättningen, som ombord å luftfartyg fullgöra åligganden, för vilka särskilt tillstånd fordras inom det område, varest sådant luftfartyg är registrerat, skola vara försedda med alla de handlingar och särskilt med de certifikat och tillståndsbevis, som föreskrivas genom bestämmelser, som äro gällande inom ifrågavarande område.

Övriga medlemmar av besättningen skola innehava handlingar, utvisande deras åligganden ombord å luftfartyget samt deras yrke, identitet och nationalitet.

Luftvärdighetsbevis, behörighetscertifikat och tillståndsbevis, som utfärdats eller förklarats giltiga av en av de kontraherande parterna beträffande luftfartyg, registrerat inom dess område, eller beträffande besättningen å sådant luftfartyg, skola hava samma giltighet inom den andra partens område som motsvarande handlingar, vilka utfärdats eller förklarats giltiga av den sistnämnda parten.

Envar av de fördragsslutande parterna förbehåller sig rätt att, i fråga om luftfart inom dess eget område, vägra att erkänna behörighetscertifikat och tillståndsbevis, som utfärdats för en av dess egna medborgare av den andra parten.

ARTIKEL 9.

Luftfartyg tillhörande en av de fördragsslutande parterna äger medföra radioapparat inom den andra partens område endast om tillstånd till installerande och begagnande av dylik apparat meddelats av vederbörande myndighet i den stat, inom vars område luftfartyget är registrerat. Begagnande av sådana apparater skall ske i överensstämmelse med de bestämmelser i ämnet, som utfärdats av vederbörande myndigheter i det land, inom vars luftområde luftfartyget framföres.

Dylik apparat må endast brukas av sådana medlemmar av besättningen, som äro i besittning av särskilt för sådant ändamål av regeringen i det område, inom vilket luftfartyget är registrerat, utfärdat certifikat.

De fördragsslutande parterna förbehålla sig rätt att, av säkerhetsskäl, var för sig utfärda bestämmelser beträffande skyldighet att förse luftfartyg med radioapparater.

ARTIKEL 10.

Krigsvapen, explosiva varor eller krigsammunition få icke befordras å luftfartyg, tillhörigt endera parten, över den andra partens område eller av besättning eller passagerare, såvida icke tillstånd erhållits av vederbörande myndighet i det land, inom vars luftområde luftfartyget framföres.

ARTIKEL 11.

Vid ett luftfartygs avgång eller landning må vardera parten inom sitt eget område och genom dess vederbörande myndigheter visitera den andra partens luftfartyg samt granska certifikat och andra föreskrivna handlingar.

ARTIKEL 12.

Flygplats upplåten för allmän lufttrafik inom en av de fördragsslutande parternas område skall, i den mån den står under kontroll av den part, inom vilkens område den är belägen, vara öppen för alla den andra partens luftfartyg, vilka också skola vara berättigade att erhålla väderlekstjänst, radiotjänst, belysningstjänst samt signaltjänst såväl dag som natt, i den mån de olika slagen av tjänster äro

Envar av de fördragsslutande staterna skall tillåta att med den andra partens luftfartyg till och från parternas respektive områden dels importeras och exporteras alla varor, som lagligen må importeras och exporteras, dels befordras passagerare, allt dock i den mån tull-, immigrations- och karantänsbestämmelser så medgiva. Sådana luftfartyg, deras passagerare och last skola komma i åtnjutande av samma förmåner som och skola icke påläggas andra eller högre avgifter eller pålagor än dem, som gälla för i internationell lufttrafik använda luftfartyg tillhörande det land, som pålägger nämnda avgifter och pålagor, eller dessa luftfartygs laster och passagerare eller på liknande sätt använda luftfartyg, tillhöriga någon främmande nation och dessa luftfartygs laster och passagerare.

Envar av de fördragsslutande parterna har rätt att förbehålla sina egna luftfartyg handelsluftfart mellan två punkter, av vilka ingendera är belägen i ett främmande land. Dock må luftfartyg, tillhörande en av parterna, framföras från en inom den andra partens område belägen flygplats, som den är berättigad att begagna, till en annan sådan flygplats vare sig i avsikt att urlasta hela eller en del av lasten eller att avlämna en eller flera passagerare eller att taga ombord hela eller en del av lasten eller en eller flera passagerare. Förutsättning för nämnda medgivande är emellertid, att sådan last är upptagen å genomgående fraktsedel och att sådana passagerare innehava genomgående biljetter, utställda för en resa, vars såväl avgångs- som adresstation icke äro belägna å ställen, mellan vilka luftfart i behörig ordning förbehållits det egna landets luftfartyg. Luftfartyg, vilket, såsom förut sagts, framföres från en flygplats till en annan, skall åtnjuta alla de förmåner, som stadgas i detta avtal, oaktat flygplatserna äro belägna å orter, mellan vilka luftfart i behörig ordning förbehållits det egna landets luftfartyg.

ARTIKEL 6.

Envar av de fördragsslutande parterna förbehåller sig rätt att förbjuda luftfart över vissa områden av dess territorium, vilka äro eller hädanefter må bliva betecknade som förbjudna områden.

Envar av de fördragsslutande parterna förbehåller sig rätt att, till följd av undantagsvis föreliggande omständigheter, i fredstid, med omedelbar verkan temporärt inskränka eller förbjuda luftfart över dess territorium under villkor att i förevarande hänseende ingen skillnad göres mellan luftfartyg tillhörande den andra parten och luftfartyg tillhörande annan främmande stat.

ARTIKEL 7.

Varje luftfartyg, som finner sig hava inkommit över ett förbjudet område, skall, så snart det blir varse detta, giva den nödsignal, som är föreskriven i de luftfartsbestämmelser, som äro gällande inom det territorium, som överflyges, och skall landa så snart som möjligt å en flygplats belägen inom detta territorium utanför, men så nära som möjligt, det förbjudna området.

ARTIKEL 8.

Alla luftfartyg skola föra tydliga och synliga nationalitets- och registreringsmärken, genom vilka de skola kunna igenkännas under luftfärden. Dessutom skola å desamma ägarens namn och adress vara anbragta.

Å alla luftfartyg skola medföras registrerings- och luftvärdighetsbevis samt alla de övriga handlingar, som äro föreskrivna för lufttrafik inom det område, varest luftfartygen äro registrerade.

ARTIKEL 17.

Då fråga angående nationalitet uppkommer vid tillämpningen av detta avtal, är det överenskommet, att varje luftfartyg skall anses hava det lands nationalitet, inom vars område det är i vederbörlig ordning registrerat.

ARTIKEL 18.

De fördragsslutande parterna skola ömsesidigt meddela varandra de bestämmelser beträffande lufttrafik, som äro gällande inom deras respektive områden.

ARTIKEL 19.

Detta avtal kan frånträdas av endera parten genom uppsägning sextio dagar i förväg hos den andra parten eller genom att endera parten antager en författning, som strider mot avtalet."

I shall be glad to have Your Excellency inform me whether the text of the arrangement herein set forth is as agreed to by your Government. If so, it is suggested that it should be understood that the arrangement will become effective on October 9, 1933.

With renewed assurances of my highest consideration, I have the honour to remain, Sir,

Your most obedient servant,

JOHAN BECK-FRIIS

THE HONOURABLE
CORDELL HULL,
Secretary of State,
etc. etc. etc.

The Swedish Chargé d'Affaires ad interim (Beck-Friis) to the Secretary of State (Hull)

LEGATION OF SWEDEN,
Washington, D.C., September 9, 1933.

SIR:

Acceptance by Sweden.

I have the honour to acknowledge receipt of Your Excellency's communication of September 8, 1933, and to state that the text given therein of the arrangement between Sweden and the United States of America, governing the operation of civil aircraft of the one country in the other country, meets with the approval of the Swedish Government. There is agreement to the effect that the arrangement shall become effective on October 9, 1933.

With renewed assurances of my highest consideration, I have the honour to remain, Sir,

Your most obedient servant,

JOHAN BECK-FRIIS

THE HONOURABLE
CORDELL HULL,
Secretary of State,
etc. etc. etc.

under kontroll av den part, inom vilkens område de tillhandahållas. Varje taxa å avgifter för landning, hangarplats eller annat bistånd, som tillhandahålles den ena partens luftfartyg inom den andra partens område, skall, i den mån sådana avgifter äro under kontroll av den part, inom vilkens område de tillhandahållas, vara lika för båda parternas luftfartyg.

ARTIKEL 13.

Luftfartyg, som ankommer till eller avgår från en av de fördragsslutande parternas område, skall landa å eller starta från en flygplats, upplåten för allmän lufttrafik och betecknad som tullflygplats och varest möjlighet finnes för fullgörande av bestämmelser för immigration och klarering av luftfartyg, och ingen mellanlandning må äga rum mellan gränsen och denna flygplats. I särskilda fall må vederbörande myndighet tillåta luftfartyg att landa å eller starta från annan flygplats, varest möjlighet till tullbehandling, immigration och klarering ordnats. Förbudet mot mellanlandning avser även sådana fall.

Har nödlandning ägt rum utanför flygplats, som omförmäles i första stycket av denna artikel, skola luftfartygets förare, dess besättning och passagerare ställa sig till efterrättelse de tull- och immigrationsbestämmelser, som gälla inom det område, varest landningen ägt rum.

Luftfartyg hemmahörande i en av de fördragsslutande staterna, skola hava rätt att inkomma å den andra partens område, under förutsättning att de ställa sig till efterrättelse därstädes gällande karantänsföreskrifter.

De fördragsslutande parterna skola till varandra överlämna förteckningar å de inom deras områden belägna flygplatser, vilka av dem utsetts till ankomst- och avgångsorter.

ARTIKEL 14.

Envar av de fördragsslutande parterna förbehåller sig rätt att fordra, att alla luftfartyg, som överskrida gränserna för dess område, skola göra det antingen mellan vissa punkter eller i närheten av en tullflygplats inom dess område, på sådan höjd att signalering kan uppfattas, även om luftfartyget icke där landar. De kontraherande parterna skola underrätta varandra om de punkter, varest, i enlighet med vad sålunda bestämts, deras respektive gränser må passeras.

Det förutsättes, att ingen av de föreskrifter rörande inflygningsleder, vilka omförmälas i föregående stycke, befriar luftfartyg, som passerar endera partens gränser, från skyldighet att landa å flygplats, som, enligt bestämmelserna i artikel 13, är fastställd såsom inflygningsort.

ARTIKEL 15.

Från luftfartyg i luften må ej utkastas annan ballast än fin sand eller vatten.

ARTIKEL 16.

Under luftfärd må intet föremål eller ämne annat än ballast lossas eller på annat sätt avlastas, utan att särskilt tillstånd härtill givits av myndighet inom det område, varest sådan lossning eller avlastning skall äga rum.

Arrangement between the United States of America and Sweden concerning pilot licenses to operate civil aircraft. Effected by exchange of notes, signed September 8 and 9, 1933; effective October 9, 1933.

September 8 and 9, 1933.

The Secretary of State (Hull) to the Swedish Chargé d'Affaires ad interim (Beck-Friis)

DEPARTMENT OF STATE,
Washington, September 8, 1933.

SIR:

Reciprocal arrangement with Sweden concerning pilot licenses to operate civil aircraft.

Reference is made to the negotiations which have taken place between the Government of the United States of America and the Government of Sweden for the conclusion of a reciprocal arrangement between the United States of America and Sweden providing for the issuance by the one country of licenses to nationals of the other country authorizing them to pilot civil aircraft.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:

Arrangement between the United States of America and Sweden concerning the issuance by the one country of licenses to nationals of the other country authorizing them to pilot civil aircraft.

ARTICLE 1

Scope of arrangement.

The present arrangement between the United States of America and Sweden relates to the issuance by each country of licenses to nationals of the other country for the piloting of civil aircraft. The term "civil aircraft" shall be understood to mean aircraft used for private, industrial, commercial or transport purposes.

ARTICLE 2

Issue of licenses.

(*a*) The Office of Civil Aviation (Luftfartsmyndigheten) of Sweden will issue pilots' licenses to American nationals upon a showing that they are qualified under the regulations of that Office covering the licensing of pilots.

(*b*) The Department of Commerce of the United States of America will issue pilots' licenses to Swedish nationals upon a showing that they are qualified under the regulations of that Department covering the licensing of pilots.

ARTICLE 3

Privileges accorded.

(*a*) Pilots' licenses issued by the Department of Commerce of the United States of America to Swedish nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to American nationals.

The Secretary of State (Hull) to the Swedish Chargé d'Affaires ad interim (Beck-Friis)

DEPARTMENT OF STATE,
Washington, September 9, 1933.

SIR:

Acceptance by the United States.

I have the honor to acknowledge receipt of your communication of September 8, 1933, and to state that the text given therein of the arrangement between the United States of America and Sweden, governing the operation of civil aircraft of the one country in the other country, meets with the approval of the Government of the United States. There is agreement to the effect that the arrangement shall become effective on October 9, 1933.

Accept, Sir, the renewed assurances of my high consideration.

CORDELL HULL

BARON JOHAN BECK-FRIIS,
Chargé d'Affaires ad interim of Sweden.

[No. 47]

for the issuance of pilot licenses; and the conditions under which pilots of the nationality of either country may operate aircraft of the other country, as provided for in this article, shall be in accordance with the requirements of such other country.

ARTICLE 7

The present arrangement shall be subject to termination by either party upon sixty days' notice given to the other party or by the enactment by either party of legislation inconsistent therewith. Duration.

I shall be glad to have you inform me whether the text of the arrangement herein set forth is as agreed to by your Government. If so, it is suggested that it should be understood that the arrangement will become effective on October 9, 1933.

Accept, Sir, the renewed assurances of my high consideration.

CORDELL HULL

BARON JOHAN BECK-FRIIS,
Chargé d'Affaires ad interim of Sweden.

The Swedish Chargé d'Affaires ad interim (Beck-Friis) to the Secretary of State (Hull)

LEGATION OF SWEDEN,
Washington, D.C., September 8, 1933.

SIR:

Reference is made to the negotiations which have taken place between the Government of Sweden and the Government of the United States of America for the conclusion of a reciprocal arrangement between Sweden and the United States of America providing for the issuance by the one country of licenses to nationals of the other country authorizing them to pilot civil aircraft. Confirmation by Sweden.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:

"Avtal mellan Sverige och Amerikas Förenta Stater angående föreskrifter rörande utfärdande av det ena landet av certifikat för det andra landets medborgare, berättigande dem att föra civila luftfartyg.

ARTIKEL 1.

Detta avtal mellan Sverige och Amerikas Förenta Stater hänför sig till utfärdande av ettdera landet av certifikat för det andra landets medborgare att föra civila luftfartyg. Med uttrycket 'civilt luftfartyg' förstås luftfartyg, som brukas för privat, industriellt, kommersiellt eller transport-ändamål.

ARTIKEL 2.

a) Svenska luftfartsmyndigheten skall utfärda förarcertifikat för amerikanska undersåtar, sedan det styrkts, att de uppfylla denna myndighets bestämmelser för erhållande av sådana certifikat.

(*b*) Pilots' licenses issued by the Office of Civil Aviation (Luftfartsmyndigheten) of Sweden to American nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to Swedish nationals.

ARTICLE 4

Registration rights denied.

Pilots' licenses issued to nationals of the one country by the competent authority of the other country shall not be construed to accord to the licensees the right to register aircraft in such other country.

ARTICLE 5

Operations reserved to national aircraft.

Pilots' licenses issued to nationals of the one country by the competent authority of the other country shall not be construed to accord to the licensees the right to operate aircraft in air commerce wholly within territory of such other country reserved to national aircraft, unless the aircraft have been registered under the laws of the country issuing the pilots' licenses.

ARTICLE 6

Operations permitted.

(*a*) Swedish nationals shall while holding valid pilot licenses issued by the Office of Civil Aviation (Luftfartsmyndigheten) of Sweden be permitted to operate in Continental United States of America, exclusive of Alaska, for non-industrial or non-commercial purposes for a period not exceeding six months from the time of entering that country, any civil aircraft registered by the Office of Civil Aviation (Luftfartsmyndigheten) of Sweden, and/or any civil aircraft registered by the United States Department of Commerce. The period of validity of the licenses first mentioned in this paragraph shall, for the purpose of this paragraph, include any renewal of the license by the pilot's own government made after the pilot has entered Continental United States of America. No person to whom this provision applies shall be allowed to operate civil aircraft in Continental United States of America, exclusive of Alaska, for non-industrial or non-commercial purposes for a period of more than six months from the time of entering that country unless he shall, prior to the expiration of such period, have obtained a pilot license from the United States Department of Commerce in the manner provided for in this arrangement.

(*b*) American nationals shall while holding valid pilot licenses issued by the United States Department of Commerce be permitted to operate in Sweden for non-industrial or non-commercial purposes for a period not exceeding six months from the time of entering that country, any civil aircraft registered by the United States Department of Commerce, and/or any civil aircraft registered by the Office of Civil Aviation (Luftfartsmyndigheten) of Sweden. The period of validity of the licenses first mentioned in this paragraph shall, for the purpose of this paragraph, include any renewal of the license by the pilot's own government made after the pilot has entered Sweden. No person to whom this provision applies shall be allowed to operate civil aircraft in Sweden for non-industrial or non-commercial purposes for a period of more than six months from the time of entering that country unless he shall, prior to the expiration of such period, have obtained a pilot's license from the Office of Civil Aviation (Luftfartsmyndigheten) of Sweden in the manner provided for in this arrangement.

Conditions.

(*c*) The conditions under which pilots of the nationality of either country may operate aircraft of their country in the other country, as provided for in this article, shall be as stipulated in the air navigation arrangement in force between the parties to this arrangement

registrerat av svenska luftfartsmyndigheten. Giltighetstiden för i detta stycke förut omnämnda certifikat skall, i vad angår det i samma stycke lämnade medgivandet, innefatta varje förnyelse av certifikat, som efter det föraren anlänt till Sverige, verkställes av vederbörande myndighet i förarens hemland. Ingen, å vilken förevarande bestämmelse äger tillämpning, skall tillåtas föra civilt luftfartyg inom Sverige för icke industriellt eller icke kommersiellt ändamål under en period av mer än sex månader från det han anlänt till Sverige, såvida han icke, före denna periods utgång, av svenska luftfartsmyndigheten erhållit förarcertifikat i den ordning, som är föreskriven i detta avtal.

c) De villkor, under vilka förare, som innehar ettdera landets nationalitet, må, i enlighet med bestämmelserna i denna artikel, inom det andra landet föra luftfartyg hemmahörande i sitt hemland, skola vara de, som beträffande utfärdande av förarcertifikat äro stadgade i det luftfartsavtal, som är gällande mellan de fördragsslutande parterna; och de villkor, under vilka förare, som innehar ettdera landets nationalitet, må, i enlighet med bestämmelserna i denna artikel, föra i det andra landet hemmahörande luftfartyg, skola vara i överensstämmelse med fordringarna i det andra landet.

ARTIKEL 7.

Detta avtal kan frånträdas av endera parten genom uppsägning sextio dagar i förväg hos den andra parten eller genom att endera parten genomför en lagstiftning, som strider mot avtalet."

I shall be glad to have Your Excellency inform me whether the text of the arrangement herein set forth is as agreed to by your Government. If so, it is suggested that it should be understood that the arrangement will become effective on October 9, 1933.

With renewed assurances of my highest consideration, I have the honour to remain, Sir,

Your most obedient servant,

JOHAN BECK-FRIIS

THE HONOURABLE
CORDELL HULL,
Secretary of State,
etc. etc. etc.

The Swedish Chargé d'Affaires ad interim (Beck-Friis) to the Secretary of State (Hull)

LEGATION OF SWEDEN,
Washington, D.C., September 9, 1933.

SIR:

Acceptance by Sweden.

I have the honour to acknowledge receipt of Your Excellency's communication of September 8, 1933, and to state that the text given therein of the arrangement between Sweden and the United States of America, providing for the issuance by the one country of licenses to nationals of the other country authorizing them to pilot civil aircraft,

b) Amerikas Förenta Staters handelsdepartement skall utfärda förarcertifikat för svenska undersåtar, sedan det styrkts, att de uppfylla detta departements bestämmelser för erhållande av sådana certifikat.

ARTIKEL 3.

a) Förarcertifikat, som av Amerikas Förenta Staters handelsdepartement utfärdas för svenska undersåtar, skall giva dem samma rättigheter, som tillförsäkras genom förarcertifikat, utfärdade för amerikanska medborgare.

b) Förarcertifikat, som av svenska luftfartsmyndigheten utfärdas för amerikanska medborgare, skall giva dem samma rättigheter, som tillförsäkras genom förarcertifikat, utfärdade för svenska medborgare.

ARTIKEL 4.

Förarcertifikat, som för medborgare i det ena landet utfärdas av vederbörande myndighet i det andra landet, skola icke för certifikatets innehavare medföra rätt att få luftfartyg registrerade inom det andra landet.

ARTIKEL 5.

Förarcertifikat, som för medborgare i det ena landet utfärdas av vederbörande myndighet i det andra landet, skall icke anses medföra rätt för certifikatets innehavare att framföra luftfartyg i kommersiell luftfart, som helt och hållet äger rum inom sådant område i det andra landet, som reserverats för det egna landets luftfartyg, såvida icke luftfartyget registrerats enligt de lagar, som gälla i det land, som utfärdat förarcertifikatet.

ARTIKEL 6.

a) Svensk medborgare, som innehar giltigt förarcertifikat, utfärdat av svenska luftfartsmyndigheten, skall tillåtas att inom Amerikas Förenta Staters fastlandsområde med undantag av Alaska under en period icke överstigande sex månader från det han anlänt till Amerikas Förenta Stater, för icke industriellt eller icke kommersiellt ändamål, föra civilt luftfartyg, registrerat av svenska luftfartsmyndigheten eller civilt luftfartyg registrerat av Amerikas Förenta Staters handelsdepartement. Giltighetstiden för i detta stycke förut omnämnda certifikat skall, i vad angår det i samma stycke lämnade medgivandet, innefatta varje förnyelse av certifikat, som efter det föraren anlänt till Amerikas Förenta Staters fastlandsområde, verkställes av vederbörande myndighet i förarens hemland. Ingen, å vilken förevarande bestämmelse äger tillämpning, skall tillåtas föra civilt luftfartyg inom Amerikas Förenta Staters fastlandsområde, med undantag av Alaska, för icke industriellt eller icke kommersiellt ändamål under en period av mer än sex månader från det han anlänt till Amerikas Förenta Staters fastlandsområde, såvida han icke, före denna periods utgång, av Amerikas Förenta Staters handelsdepartement erhållit förarcertifikat i den ordning, som är föreskriven i detta avtal.

b) Amerikansk medborgare, som innehar giltigt förarcertifikat, utfärdat av Amerikas Förenta Staters handelsdepartement, skall tillåtas att, inom Sverige, under en period icke överstigande sex månader från det han anlänt till Sverige, för icke industriellt eller icke kommersiellt ändamål, föra civilt luftfartyg, registrerat av Amerikas Förenta Staters handelsdepartement eller civilt luftfartyg

Arrangement between the United States of America and Sweden for the reciprocal recognition of certificates of airworthiness for imported aircraft. Effected by exchange of notes, signed September 8 and 9, 1933; effective October 9, 1933.

September 8 and 9, 1933.

The Secretary of State (Hull) to the Swedish Chargé d'Affaires ad interim (Beck-Friis)

DEPARTMENT OF STATE,
Washington, September 8, 1933.

SIR:

Arrangement with Sweden for the reciprocal recognition of certificates of airworthiness for imported aircraft.

Reference is made to the negotiations which have taken place between the Government of the United States of America and the Government of Sweden for the conclusion of a reciprocal arrangement between the United States of America and Sweden providing for the acceptance by the one country of certificates of airworthiness for aircraft exported from the other country as merchandise.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:

Arrangement between the United States of America and Sweden concerning the acceptance by the one country of certificates of airworthiness for aircraft exported from the other country as merchandise.

ARTICLE 1

Applicability.

The present arrangement applies to civil aircraft constructed in continental United States of America, exclusive of Alaska, and exported to Sweden; and to civil aircraft constructed in Sweden and exported to continental United States of America, exclusive of Alaska.

ARTICLE 2

Validity of certificates.

The same validity shall be conferred on certificates of airworthiness issued by the competent authorities of the Government of the United States in respect of aircraft subsequently registered in Sweden as if they had been issued under the regulations in force on the subject in Sweden provided that in each case a certificate of airworthiness for export has also been issued by the United States authorities in respect of the individual aircraft, and provided that certificates of airworthiness issued by the competent authorities of Sweden in respect of aircraft subsequently registered in the United States of America are similarly given the same validity as if they had been issued under the regulations in force on the subject in the United States.

meets with the approval of the Swedish Government. There is agreement to the effect that the arrangement shall become effective on October 9, 1933.

With renewed assurances of my highest consideration, I have the honour to remain, Sir,

Your most obedient servant,

JOHAN BECK-FRIIS

THE HONOURABLE
CORDELL HULL,
Secretary of State,
etc. etc. etc.

The Secretary of State (Hull) to the Swedish Chargé d'Affaires ad interim (Beck-Friis)

DEPARTMENT OF STATE,
Washington, September 9, 1933.

SIR:

Acceptance by the United States.

I have the honor to acknowledge receipt of your communication of September 8, 1933, and to state that the text given therein of the arrangement between the United States of America and Sweden, providing for the issuance by the one country of licenses to nationals of the other country authorizing them to pilot civil aircraft, meets with the approval of the Government of the United States. There is agreement to the effect that the arrangement shall become effective on October 9, 1933.

Accept, Sir, the renewed assurances of my high consideration.

CORDELL HULL

BARON JOHAN BECK-FRIIS,
Chargé d'Affaires ad interim of Sweden.

[No. 48]

ARTIKEL 2.

Samma giltighet skall tillerkännas luftvärdighetsbevis, utfärdat av vederbörande statsmyndighet i Amerikas Förenta Stater med avseende å luftfartyg, vilket sedermera registreras i Sverige, som om det hade utfärdats i enlighet med i förevarande hänseende i kraft varande bestämmelser i Sverige, under förutsättning att i varje fall ett luftvärdighetsbevis för export utfärdats av amerikansk myndighet med avseende å det särskilda luftfartyget samt under förutsättning att luftvärdighetsbevis, utfärdat av vederbörande myndighet i Sverige med avseende å luftfartyg, som sedermera registreras i Amerikas Förenta Stater, tillerkännes samma giltighet som om det hade utfärdats i enlighet med i förevarande hänseende i kraft varande bestämmelser i Förenta Staterna.

ARTIKEL 3.

Förevarande avtal omfattar civila luftfartyg av alla slag, inbegripet sådana som användas för yrkesmässig trafik och sådana som användas för privata ändamål samt luftfartygsmotorer och reservdelar till luftfartyg och motorer.

ARTIKEL 4.

Detta avtal kan frånträdas av endera regeringen genom uppsägning sextio dagar i förväg hos den andra regeringen. Om emellertid endera regeringen skulle genom blivande lagstiftning förhindras att i full omfattning tillämpa bestämmelserna i detta avtal, skall det automatiskt upphöra att gälla."

I shall be glad to have Your Excellency inform me whether the text of the arrangement herein set forth is as agreed to by your Government. If so, it is suggested that it should be understood that the arrangement will become effective on October 9, 1933.

With renewed assurances of my highest consideration, I have the honour to remain, Sir,

Your most obedient servant,

JOHAN BECK-FRIIS

THE HONOURABLE
CORDELL HULL,
Secretary of State,
etc. etc. etc.

The Swedish Chargé d'Affaires ad interim (Beck-Friis) to the Secretary of State (Hull)

LEGATION OF SWEDEN,
Washington, D.C., September 9, 1933.

SIR:

I have the honour to acknowledge receipt of Your Excellency's communication of September 8, 1933, and to state that the text given therein of the arrangement between Sweden and the United States of America, providing for the acceptance by the one country of certificates

Acceptance by Sweden.

ARTICLE 3

Extent of arrangement.

This arrangement will extend to civil aircraft of all categories, including those used for public transport and those used for private purposes, and to aircraft engines and spare parts of aircraft and engines.

ARTICLE 4

Duration.

The present arrangement may be terminated by either Government on sixty days' notice given to the other Government. In the event, however, that either Government should be prevented by future action of its legislature from giving full effect to the provisions of this arrangement it shall automatically lapse.

I shall be glad to have you inform me whether the text of the arrangement herein set forth is as agreed to by your Government. If so, it is suggested that it should be understood that the arrangement will become effective on October 9, 1933.

Accept, Sir, the renewed assurances of my high consideration.

CORDELL HULL

BARON JOHAN BECK-FRIIS,
Chargé d'Affaires ad interim of Sweden.

The Swedish Chargé d'Affaires ad interim (Beck-Friis) to the Secretary of State (Hull)

LEGATION OF SWEDEN,
Washington, D.C., September 8, 1933.

SIR:

Reference is made to the negotiations which have taken place between the Government of Sweden and the Government of the United States of America for the conclusion of a reciprocal arrangement between Sweden and the United States of America providing for the acceptance by the one country of certificates of airworthiness for aircraft exported from the other country as merchandise.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:

"Avtal mellan Sverige och Amerikas Förenta Stater angående godkännande i det ena landet av luftvärdighetsbevis för luftfartyg, exporterade från det andra landet såsom gods.

ARTIKEL 1.

Detta avtal har avseende å civila luftfartyg, tillverkade inom Amerikas Förenta Staters fastlandsområde, med undantag av Alaska, och exporterade till Sverige, samt å civila luftfartyg, tillverkade i Sverige och exporterade till Amerikas Förenta Staters fastland, med undantag av Alaska.

Arrangement between the United States of America and Norway for air navigation. Effected by exchange of notes, signed October 16, 1933; effective November 15, 1933.

October 16, 1933.

The Secretary of State (Hull) to the Norwegian Minister (Bachke)

DEPARTMENT OF STATE,
Washington, October 16, 1933.

SIR:

Reference is made to the negotiations which have taken place between the Government of the United States of America and the Government of Norway for the conclusion of a reciprocal air navigation arrangement between the United States of America and Norway, governing the operation of civil aircraft of the one country in the other country. Reciprocal arrangement with Norway for operating, etc., aircraft.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows: Terms.

ARTICLE 1

Pending the conclusion of a convention between the United States of America and Norway on the subject of air navigation, the operation of civil aircraft of the one country in the other country shall be governed by the following provisions. Tentative provisions.

ARTICLE 2

The present arrangement shall apply to the United States of America and Norway and likewise territories and possessions over which they respectively exercise jurisdiction, including territorial waters, with the exception of the Philippine Islands, Hawaiian Islands and the Panama Canal Zone. Area affected.

ARTICLE 3

The term aircraft with reference to one or the other Party to this arrangement shall be understood to mean civil aircraft, including state aircraft used exclusively for commercial purposes, duly registered in the territory of such Party. Aircraft construed.

ARTICLE 4

Each of the parties undertakes to grant liberty of passage above its territory in time of peace to the aircraft of the other party, provided that the conditions set forth in the present arrangement are observed. Liberty of passage.

It is, however, agreed that the establishment and operation of regular air routes by an air transport company of one of the parties within the territory of the other party or across the said territory, with or without intermediary landing, shall be subject to the prior Regular air routes by transport company. Consent required.

of airworthiness for aircraft exported from the other country as merchandise, meets with the approval of the Swedish Government. There is agreement to the effect that the arrangement shall become effective on October 9, 1933.

With renewed assurances of my highest consideration, I have the honour to remain, Sir,

Your most obedient servant,

JOHAN BECK-FRIIS

THE HONOURABLE
CORDELL HULL,
Secretary of State,
etc. etc. etc.

The Secretary of State (Hull) to the Swedish Chargé d'Affaires ad interim (Beck-Friis)

DEPARTMENT OF STATE,
Washington, September 9, 1933.

SIR:

Acceptance by the United States.

I have the honor to acknowledge receipt of your communication of September 8, 1933, and to state that the text given therein of the arrangement between the United States of America and Sweden, providing for the acceptance by the one country of certificates of airworthiness for aircraft exported from the other country as merchandise, meets with the approval of the Government of the United States. There is agreement to the effect that the arrangement shall become effective on October 9, 1933.

Accept, Sir, the renewed assurances of my high consideration.

CORDELL HULL

BARON JOHAN BECK-FRIIS,
Chargé d'Affaires ad interim of Sweden.

[No. 49]

Arrangement between the United States of America and Norway for air navigation. Effected by exchange of notes, signed October 16, 1933; effective November 15, 1933.

October 16, 1933.

The Secretary of State (Hull) to the Norwegian Minister (Bachke)

DEPARTMENT OF STATE,
Washington, October 16, 1933.

SIR:

Reciprocal arrangement with Norway for operating, etc., aircraft.

Reference is made to the negotiations which have taken place between the Government of the United States of America and the Government of Norway for the conclusion of a reciprocal air navigation arrangement between the United States of America and Norway, governing the operation of civil aircraft of the one country in the other country.

Terms.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:

ARTICLE 1

Tentative provisions.

Pending the conclusion of a convention between the United States of America and Norway on the subject of air navigation, the operation of civil aircraft of the one country in the other country shall be governed by the following provisions.

ARTICLE 2

Area affected.

The present arrangement shall apply to the United States of America and Norway and likewise territories and possessions over which they respectively exercise jurisdiction, including territorial waters, with the exception of the Philippine Islands, Hawaiian Islands and the Panama Canal Zone.

ARTICLE 3

Aircraft construed.

The term aircraft with reference to one or the other Party to this arrangement shall be understood to mean civil aircraft, including state aircraft used exclusively for commercial purposes, duly registered in the territory of such Party.

ARTICLE 4

Liberty of passage.

Each of the parties undertakes to grant liberty of passage above its territory in time of peace to the aircraft of the other party, provided that the conditions set forth in the present arrangement are observed.

Regular air routes by transport company.

It is, however, agreed that the establishment and operation of regular air routes by an air transport company of one of the parties within the territory of the other party or across the said territory, with or without intermediary landing, shall be subject to the prior

Consent required.

consent of the other party given on the principle of reciprocity and at the request of the party whose nationality the air transport company possesses.

Each party to this arrangement agrees that its consent for operations over its territory by air transport companies of the other party may not be refused on unreasonable or arbitrary grounds. The consent may be made subject to special regulations relating to aerial safety and public order.

The parties to this arrangement agree that the period in which pilots may, while holding valid pilot licenses issued or rendered valid by either country, operate registered aircraft of that country in the other country for non-industrial or non-commercial purposes shall be limited to a period not exceeding six months from the time of entry for the purpose of operating aircraft, unless prior to the expiration of this period the pilots obtain from the Government of the country in which they are operating, pilot licenses authorizing them to operate aircraft for non-industrial or non-commercial purposes.

ARTICLE 5

Jurisdiction over aircraft.

The aircraft of each of the Parties to this arrangement, their crews and passengers, shall, while within the territory of the other Party, be subject to the general legislation in force in that territory as well as the regulations in force therein relating to air traffic in general, to the transport of passengers and goods and to public safety and order in so far as these regulations apply to all foreign aircraft, their crews and passengers.

Each of the Parties to this arrangement shall permit the import or export of all merchandise which may be legally imported or exported and also the carriage of passengers, subject to any customs, immigration and quarantine restrictions, into or from their respective territories in the aircraft of the other Party, and such aircraft, their passengers and cargoes, shall enjoy the same privileges as and shall not be subjected to any other or higher duties or charges than those which the aircraft of the country imposing such duties or charges, engaged in international commerce, and their cargoes and passengers, or the aircraft of any foreign country likewise engaged, and their cargoes and passengers, enjoy or are subjected to.

Each of the parties to this arrangement may reserve to its own aircraft air commerce as defined in the last paragraph of this article. Nevertheless the aircraft of each party may proceed from any aerodrome in the territory of the other party which they are entitled to use to any other such aerodrome either for the purpose of landing the whole or part of their cargoes or passengers or of taking on board the whole or part of their cargoes or passengers, provided that such cargoes are covered by through bills of lading, and such passengers hold through tickets, issued respectively for a journey whose starting place and destination are not both points between which air commerce has been duly so reserved, and such aircraft, while proceeding as aforesaid, from one aerodrome to another, shall, notwithstanding that both such aerodromes are points between which air commerce has been duly reserved, enjoy all the privileges of this arrangement.

The term "air commerce" as used in the preceding paragraph shall, with respect to the Parties to this arrangement, be understood to mean:—(a) navigation of aircraft in territory of either Party in furtherance of a business; (b) navigation of aircraft from one place in territory of either Party to another place in that territory in the conduct of a business; (c) the commercial transport of persons or goods between any two points in the territory of either Party.

ARTICLE 6

Restricted areas.

Each of the Parties to this arrangement reserves the right to forbid flights over certain areas of its territory which are or may hereafter be designated as prohibited areas.

Each of the Parties reserves the right under exceptional circumstances in time of peace and with immediate effect temporarily to limit or prohibit air traffic above its territory on condition that in this respect no distinction is made between the aircraft of the other Party and the aircraft of any foreign country.

ARTICLE 7

Aircraft over prohibited areas.

Any aircraft which finds itself over a prohibited area shall, as soon as it is aware of the fact, give the signal of distress prescribed in the Rules of the Air in force in the territory flown over and shall land as soon as possible at an aerodrome situated in such territory outside of but as near as possible to such prohibited area.

ARTICLE 8

Identification.

All aircraft shall carry clear and visible nationality and registration marks whereby they may be recognized during flight. In addition, they must bear the name and address of the owner.

All aircraft shall be provided with certificates of registration and of airworthiness and with all the other documents prescribed for air traffic in the territory in which they are registered.

The members of the crew who perform, in an aircraft, duties for which a special permit is required in the territory in which such aircraft is registered, shall be provided with all documents and in particular with the certificates and licenses prescribed by the regulations in force in such territory.

The other members of the crew shall carry documents showing their duties in the aircraft, their profession, identity and nationality.

The certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one of the Parties to this arrangement in respect of an aircraft registered in its territory or of the crew of such aircraft shall have the same validity in the territory of the other Party as the corresponding documents issued or rendered valid by the latter.

Each of the Parties reserves the right for the purpose of flight within its own territory to refuse to recognize certificates of competency and licenses issued to nationals of that Party by the other Party.

ARTICLE 9

Radio regulations.

Aircraft of either of the Parties to this arrangement may carry wireless apparatus in the territory of the other Party only if a license to install and work such apparatus shall have been issued by the competent authorities of the Party in whose territory the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the territory within whose air space the aircraft is navigating.

Such apparatus shall be used only by such members of the crew as are provided with a special license for the purpose issued by the Government of the territory in which the aircraft is registered.

The Parties to this arrangement reserve respectively the right, for reasons of safety, to issue regulations relative to the obligatory equipment of aircraft with wireless apparatus.

ARTICLE 10

Transportation of munitions prohibited.

No arms of war, explosives of war, or munitions of war shall be carried by aircraft of either Party above the territory of the other Party or by the crew or passengers, except by permission of the competent authorities of the territory within whose air space the aircraft is navigating.

ARTICLE 11

Inspection.

Upon the departure or landing of any aircraft each Party may within its own territory and through its competent authorities search the aircraft of the other Party and examine the certificates and other documents prescribed.

ARTICLE 12

Aerodromes, etc.

Aerodromes open to public air traffic in the territory of one of the Parties to this arrangement shall in so far as they are under the control of the Party in whose territory they are situated be open to all aircraft of the other Party, which shall also be entitled to the assistance of the meteorological services, the wireless services, the lighting services, and the day and night signalling services, in so far as the several classes of services are under the control of the Party in whose territory they respectively are rendered. Any scale of charges made, namely, landing, accommodation or other charge, with respect to the aircraft of each Party in the territory of the other Party, shall in so far as such charges are under the control of the Party in whose territory they are made be the same for the aircraft of both Parties.

ARTICLE 13

Landings, etc.

All aircraft entering or leaving the territory of either of the Parties to this arrangement shall land at or depart from an aerodrome open to public air traffic and classed as a customs aerodrome at which facilities exist for enforcement of immigration regulations and clearance of aircraft, and no intermediary landing shall be effected between the frontier and the aerodrome. In special cases the competent authorities may allow aircraft to land at or depart from other aerodromes, at which customs, immigration and clearance facilities have been arranged. The prohibition of any intermediary landing applies also in such cases.

In the event of a forced landing outside the aerodromes, referred to in the first paragraph of this article, the pilot of the aircraft, its crew and the passengers shall conform to the customs and immigration regulations in force in the territory in which the landing has been made.

Aircraft of each Party to this arrangement are accorded the right to enter the territory of the other Party subject to compliance with quarantine regulations in force therein.

The Parties to this arrangement shall exchange lists of the aerodromes in their territories designated by them as ports of entry and departure.

ARTICLE 14

Flight restrictions.

Each of the Parties to this arrangement reserves the right to require that all aircraft crossing the frontiers of its territory shall do so between certain points. Subject to the notification of any such requirements by one Party to the other Party, and to the right to prohibit air traffic over certain areas as stipulated in Article 6, the frontiers of the territories of the Parties to this arrangement may be crossed at any point.

ARTICLE 15

Ballast.

As ballast, only fine sand or water may be dropped from an aircraft.

ARTICLE 16

No article or substance, other than ballast, may be unloaded or otherwise discharged in the course of flight unless special permission for such purpose shall have been given by the authorities of the territory in which such unloading or discharge takes place. Permit to unload.

ARTICLE 17

Whenever questions of nationality arise in carrying out the present arrangement, it is agreed that every aircraft shall be deemed to possess the nationality of the Party in whose territory it is duly registered. Nationality of aircraft.

ARTICLE 18

The Parties to this arrangement shall communicate to each other the regulations relative to air traffic in force in their respective territories. Exchange of regulations.

ARTICLE 19

The present arrangement shall be subject to termination by either Party upon sixty days' notice given to the other Party or by the enactment by either Party of legislation inconsistent therewith. Duration.

I shall be glad to have you inform me whether it is the understanding of your Government that the arrangement agreed to in the negotiations is as herein set forth. If so, it is suggested that the arrangement become effective on November 15, 1933. Effective date.

Accept, Sir, the renewed assurances of my highest consideration.

[SEAL] CORDELL HULL

MR. HALVARD H. BACHKE,
Minister of Norway.

The Norwegian Minister (Bachke) to the Secretary of State (Hull)

ROYAL NORWEGIAN LEGATION,
Washington, D.C., October 16, 1933.

SIR:

I have the honor to acknowledge the receipt of the note of October 16, 1933 in which Your Excellency communicated to me the text of the reciprocal air navigation arrangement between Norway and the United States of America, governing the operation of civil aircraft of the one country in the other country, as understood by Your Excellency to have been agreed to during the negotiations, now terminated, between the two countries. Acceptance by Norway.

The text communicated to me by Your Excellency is reproduced below:

ARTICLE 1

Pending the conclusion of a convention between Norway and the United States of America on the subject of air navigation, the operation of civil aircraft of the one country in the other country shall be governed by the following provisions.

ARTICLE 2

The present arrangement shall apply to Norway and the United States of America and likewise territories and possessions over which they respectively exercise jurisdiction, including territorial waters, with the exception of the Philippine Islands, Hawaiian Islands and the Panama Canal Zone.

ARTICLE 3

The term aircraft with reference to one or the other Party to this arrangement shall be understood to mean civil aircraft, including state aircraft used exclusively for commercial purposes, duly registered in the territory of such Party.

ARTICLE 4

Each of the parties undertakes to grant liberty of passage above its territory in time of peace to the aircraft of the other party, provided that the conditions set forth in the present arrangement are observed.

It is, however, agreed that the establishment and operation of regular air routes by an air transport company of one of the parties within the territory of the other party or across the said territory, with or without intermediary landing, shall be subject to the prior consent of the other party given on the principle of reciprocity and at the request of the party whose nationality the air transport company possesses.

Each party to this arrangement agrees that its consent for operations over its territory by air transport companies of the other party may not be refused on unreasonable or arbitrary grounds. The consent may be made subject to special regulations relating to aerial safety and public order.

The parties to this arrangement agree that the period in which pilots may, while holding valid pilot licenses issued or rendered valid by either country, operate registered aircraft of that country in the other country for non-industrial or non-commercial purposes shall be limited to a period not exceeding six months from the time of entry for the purpose of operating aircraft, unless prior to the expiration of this period the pilots obtain from the Government of the country in which they are operating, pilot licenses authorizing them to operate aircraft for non-industrial or non-commercial purposes.

ARTICLE 5

The aircraft of each of the parties to this arrangement, their crews and passengers, shall, while within the territory of the other party, be subject to the general legislation in force in that territory as well as the regulations in force therein relating to air traffic in general, to the transport of passengers and goods and to public safety and order in so far as these regulations apply to all foreign aircraft, their crews and passengers.

Each of the parties to this arrangement shall permit the import or export of all merchandise which may be legally imported or exported and also the carriage of passengers, subject to any customs, immigration and quarantine restrictions, into or from their respective territories in the aircraft of the other party, and such aircraft, their passengers and cargoes, shall enjoy the same privileges as and shall not be subjected to any other or higher duties or charges than those which the aircraft of the country imposing such duties or charges, engaged in international commerce, and their cargoes and passengers, or the aircraft of any foreign country likewise engaged, and their cargoes and passengers, enjoy or are subjected to.

Each of the parties to this arrangement may reserve to its own aircraft air commerce as defined in the last paragraph of this article. Nevertheless the aircraft of each party may proceed from any aerodrome in the territory of the other party which they are entitled to use to any other such aerodrome either for the purpose of landing the whole or part of their cargoes or passengers or of taking on board the whole or part of their cargoes or passengers, provided that such cargoes are covered by through bills of lading, and such passengers hold through tickets, issued respectively for a journey whose starting place and destination are not both points between which air commerce has been duly so reserved, and such aircraft, while proceeding as aforesaid, from one aerodrome to another, shall, notwithstanding that both such aerodromes are points between which air commerce has been duly reserved, enjoy all the privileges of this arrangement.

The term "air commerce" as used in the preceding paragraph shall, with respect to the parties to this arrangement, be understood to mean:—(a) navigation of aircraft in territory of either party in furtherance of a business; (b) navigation of aircraft from one place in territory of either party to another place in that territory in the conduct of a business; (c) the commercial transport of persons or goods between any two points in the territory of either party.

ARTICLE 6

Each of the Parties to this arrangement reserves the right to forbid flights over certain areas of its territory which are or may hereafter be designated as prohibited areas.

Each of the Parties reserves the right under exceptional circumstances in time of peace and with immediate effect temporarily to limit or prohibit air traffic above its territory on condition that in this respect no distinction is made between the aircraft of the other Party and the aircraft of any foreign country.

ARTICLE 7

Any aircraft which finds itself over a prohibited area shall, as soon as it is aware of the fact, give the signal of distress prescribed in the Rules of the Air in force in the territory flown over and shall land as soon as possible at an aerodrome situated in such territory outside of but as near as possible to such prohibited area.

ARTICLE 8

All aircraft shall carry clear and visible nationality and registration marks whereby they may be recognized during flight. In addition, they must bear the name and address of the owner.

All aircraft shall be provided with certificates of registration and of airworthiness and with all the other documents prescribed for air traffic in the territory in which they are registered.

The members of the crew who perform, in an aircraft, duties for which a special permit is required in the territory in which such aircraft is registered, shall be provided with all documents and in particular with the certificates and licenses prescribed by the regulations in force in such territory.

The other members of the crew shall carry documents showing their duties in the aircraft, their profession, identity and nationality.

The certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one of the parties to this arrangement in respect of an aircraft registered in its territory or of the crew of such aircraft shall have the same validity in the territory of the other party as the corresponding documents issued or rendered valid by the latter.

Each of the parties reserves the right for the purpose of flight within its own territory to refuse to recognize certificates of competency and licenses issued to nationals of that party by the other party.

ARTICLE 9

Aircraft of either of the parties to this arrangement may carry wireless apparatus in the territory of the other party only if a license to install and work such apparatus shall have been issued by the competent authorities of the party in whose territory the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the territory within whose air space the aircraft is navigating.

Such apparatus shall be used only by such members of the crew as are provided with a special license for the purpose issued by the Government of the territory in which the aircraft is registered.

The parties to this arrangement reserve respectively the right, for reasons of safety, to issue regulations relative to the obligatory equipment of aircraft with wireless apparatus.

ARTICLE 10

No arms of war, explosives of war, or munitions of war shall be carried by aircraft of either party above the territory of the other party or by the crew or passengers, except by permission of the competent authorities of the territory within whose air space the aircraft is navigating.

ARTICLE 11

Upon the departure or landing of any aircraft each party may within its own territory and through its competent authorities search the aircraft of the other party and examine the certificates and other documents prescribed.

ARTICLE 12

Aerodromes open to public air traffic in the territory of one of the parties to this arrangement shall in so far as they are under the control of the party in whose territory they are situated be open to all aircraft of the other party, which shall also be entitled to the assistance of the meteorological services, the wireless services, the lighting services, and the day and night signalling services, in so far as the several classes of services are under the control of the party in whose territory they respectively are rendered. Any scale of charges made, namely, landing, accommodation or other charge, with respect to the aircraft of each party in the territory of the other party, shall in so far as such charges are under the control of the party in whose territory they are made be the same for the aircraft of both parties.

ARTICLE 13

All aircraft entering or leaving the territory of either of the parties to this arrangement shall land at or depart from an aerodrome open to public air traffic and classed as a customs aerodrome at which facilities exist for enforcement of immigration regulations and clearance of aircraft, and no intermediary landing shall be effected between the frontier and the aerodrome. In special cases the competent authorities may allow aircraft to land at or depart from other aerodromes, at which customs, immigration and clearance facilities have been arranged. The prohibition of any intermediary landing applies also in such cases.

In the event of a forced landing outside the aerodromes, referred to in the first paragraph of this article, the pilot of the aircraft, its crew

and the passengers shall conform to the customs and immigration regulations in force in the territory in which the landing has been made.

Aircraft of each party to this arrangement are accorded the right to enter the territory of the other party subject to compliance with quarantine regulations in force therein.

The parties to this arrangement shall exchange lists of the aerodromes in their territories designated by them as ports of entry and departure.

ARTICLE 14

Each of the parties to this arrangement reserves the right to require that all aircraft crossing the frontiers of its territory shall do so between certain points. Subject to the notification of any such requirements by one party to the other party, and to the right to prohibit air traffic over certain areas as stipulated in Article 6, the frontiers of the territories of the parties to this arrangement may be crossed at any point.

ARTICLE 15

As ballast, only fine sand or water may be dropped from an aircraft.

ARTICLE 16

No article or substance, other than ballast, may be unloaded or otherwise discharged in the course of flight unless special permission for such purpose shall have been given by the authorities of the territory in which such unloading or discharge takes place.

ARTICLE 17

Whenever questions of nationality arise in carrying out the present arrangement, it is agreed that every aircraft shall be deemed to possess the nationality of the party in whose territory it is duly registered.

ARTICLE 18

The parties to this arrangement shall communicate to each other the regulations relative to air traffic in force in their respective territories.

ARTICLE 19

The present arrangement shall be subject to termination by either party upon sixty days notice given to the other party or by the enactment by either party of legislation inconsistent therewith.

I am glad to assure Your Excellency that the foregoing text is what has been accepted by my Government in the course of the negotiations and is approved by it.

In accordance with the suggestion of Your Excellency it is understood that the arrangement will come into force on November 15, 1933.

Accept, Sir, the renewed assurances of my highest consideration.

[SEAL] H. H. BACHKE

HONORABLE CORDELL HULL,
Secretary of State,
Washington, D.C.

[No. 50]

October 16, 1933. *Arrangement between the United States of America and Norway relating to issue of pilot licenses to operate civil aircraft. Effected by exchange of notes, signed October 16, 1933; effective November 15, 1933.*

The Secretary of State (Hull) to the Norwegian Minister (Bachke)

DEPARTMENT OF STATE,
Washington, October 16, 1933.

SIR:

Reciprocal arrangement with Norway providing for issuance of pilot licenses to operate aircraft.

Reference is made to the negotiations which have taken place between the Government of the United States of America and the Government of Norway for the conclusion of a reciprocal arrangement between the United States of America and Norway providing for the issuance by the one country of licenses to nationals of the other country authorizing them to pilot civil aircraft.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:

ARTICLE 1

Scope of arrangement.

"Civil aircraft" construed.

The present arrangement between the United States of America and Norway relates to the issuance by each country of licenses to nationals of the other country for the piloting of civil aircraft. The term "civil aircraft" shall be understood to mean aircraft used for private, industrial, commercial or transport purposes.

ARTICLE 2

Issue of licenses.

(a) The Ministry of Defense of Norway will issue pilots' licenses to American nationals upon a showing that they are qualified under the regulations of that Ministry covering the licensing of pilots.

(b) The Department of Commerce of the United States of America will issue pilots' licenses to Norwegian nationals upon a showing that they are qualified under the regulations of that Department covering the licensing of pilots.

ARTICLE 3

Privileges accorded.

(a) Pilots' licenses issued by the Department of Commerce of the United States of America to Norwegian nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to American nationals.

(b) Pilots' licenses issued by the Ministry of Defense of Norway to American nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to Norwegian nationals.

ARTICLE 4

Registration rights denied.

Pilots' licenses issued to nationals of the one country by the competent authority of the other country shall not be construed to accord to the licensees the right to register aircraft in such other country.

ARTICLE 5

Operations reserved to national aircraft.

Pilots' licenses issued to nationals of the one country by the competent authority of the other country shall not be construed to accord to the licensees the right to operate aircraft in air commerce wholly within territory of such other country reserved to national aircraft, unless the aircraft have been registered under the laws of the country issuing the pilots' licenses.

ARTICLE 6

Operations permitted.

(a) Norwegian nationals shall while holding valid pilot licenses issued by the Ministry of Defense of Norway be permitted to operate in Continental United States of America, exclusive of Alaska, for non-industrial or non-commercial purposes for a period not exceeding six months from the time of entering that country, any civil aircraft registered by the Ministry of Defense of Norway, and/or any civil aircraft registered by the United States Department of Commerce. The period of validity of the licenses first mentioned in this paragraph shall, for the purpose of this paragraph, include any renewal of the license by the pilot's own Government made after the pilot has entered Continental United States of America. No person to whom this paragraph applies shall be allowed to operate civil aircraft in Continental United States of America, exclusive of Alaska, for non-industrial or non-commercial purposes for a period of more than six months from the time of entering that country, unless he shall, prior to the expiration of such period, have obtained a pilot license from the United States Department of Commerce in the manner provided for in this arrangement.

(b) American nationals shall while holding valid pilot licenses issued by the United States Department of Commerce be permitted to operate in Norway for non-industrial or non-commercial purposes for a period not exceeding six months from the time of entering that country, any civil aircraft registered by the United States Department of Commerce, and/or any civil aircraft registered by the Ministry of Defense of Norway. The period of validity of the licenses first mentioned in this paragraph shall, for the purpose of this paragraph, include any renewal of the license by the pilot's own Government made after the pilot has entered Norway. No person to whom this paragraph applies shall be allowed to operate civil aircraft in Norway for non-industrial or non-commercial purposes for a period of more than six months from the time of entering that country, unless he shall, prior to the expiration of such period, have obtained a pilot's license from the Ministry of Defense of Norway in the manner provided for in this arrangement.

Conditions.

(c) The conditions under which pilots of the nationality of either country may operate aircraft of their country in the other country, as provided for in this article, shall be as stipulated in the air navigation arrangement in force between the parties to this arrangement for the issuance of pilot licenses; and the conditions under which pilots of the nationality of either country may operate aircraft of the other country, as provided for in this article, shall be in accordance with the requirements of such other country.

ARTICLE 7

Duration.

The present arrangement shall be subject to termination by either Party upon sixty days' notice given to the other Party or by the enactment by either Party of legislation inconsistent therewith.

I shall be glad to have you inform me whether it is the understanding of your Government that the arrangement agreed to in the negotiations is as herein set forth. If so, it is suggested that the arrangement become effective on November 15, 1933.

Accept, Sir, the renewed assurances of my highest consideration.

[SEAL] CORDELL HULL

MR. HALVARD H. BACHKE,
Minister of Norway.

The Norwegian Minister (Bachke) to the Secretary of State (Hull)

ROYAL NORWEGIAN LEGATION,
Washington, D.C., October 16, 1933.

SIR:

Acceptance by Norway.

I have the honor to acknowledge the receipt of the note of October 16, 1933 in which Your Excellency communicated to me the text of the reciprocal arrangement between Norway and the United States of America providing for the issuance by the one country of licenses to nationals of the other country authorizing them to pilot civil aircraft, as understood by Your Excellency to have been agreed to during the negotiations, now terminated, between the two countries.

The text communicated to me by Your Excellency is reproduced below:

ARTICLE 1

The present arrangement between Norway and the United States of America relates to the issuance by each country of licenses to nationals of the other country for the piloting of civil aircraft. The term "civil aircraft" shall be understood to mean aircraft used for private, industrial, commercial or transport purposes.

ARTICLE 2

(a) The Ministry of Defense of Norway will issue pilots' licenses to American nationals upon a showing that they are qualified under the regulations of that Ministry covering the licensing of pilots.

(b) The Department of Commerce of the United States of America will issue pilots' licenses to Norwegian nationals upon a showing that they are qualified under the regulations of that Department covering the licensing of pilots.

ARTICLE 3

(a) Pilots' licenses issued by the Department of Commerce of the United States of America to Norwegian nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to American nationals.

(b) Pilots' licenses issued by the Ministry of Defense of Norway to American nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to Norwegian nationals.

ARTICLE 4

Pilots' licenses issued to nationals of the one country by the competent authority of the other country shall not be construed to accord to the licensees the right to register aircraft in such other country.

ARTICLE 5

Pilots' licenses issued to nationals of the one country by the competent authority of the other country shall not be construed to accord to the licensees the right to operate aircraft in air commerce wholly within territory of such other country reserved to national aircraft, unless the aircraft have been registered under the laws of the country issuing the pilots' licenses.

ARTICLE 6

(a) Norwegian nationals shall while holding valid pilot licenses issued by the Ministry of Defense of Norway be permitted to operate in Continental United States of America, exclusive of Alaska, for non-industrial or non-commercial purposes for a period not exceeding six months from the time of entering that country, any civil aircraft registered by the Ministry of Defense of Norway, and/or any civil aircraft registered by the United States Department of Commerce. The period of validity of the licenses first mentioned in this paragraph shall, for the purpose of this paragraph, include any renewal of the license by the pilot's own Government made after the pilot has entered Continental United States of America. No person to whom this paragraph applies shall be allowed to operate civil aircraft in Continental United States of America, exclusive of Alaska, for non-industrial or non-commercial purposes for a period of more than six months from the time of entering that country, unless he shall, prior to the expiration of such period, have obtained a pilot license from the United States Department of Commerce in the manner provided for in this arrangement.

(b) American nationals shall while holding valid pilot licenses issued by the United States Department of Commerce be permitted to operate in Norway for non-industrial or non-commercial purposes for a period not exceeding six months from the time of entering that country, any civil aircraft registered by the United States Department of Commerce, and/or any civil aircraft registered by the Ministry of Defense of Norway. The period of validity of the licenses first mentioned in this paragraph shall, for the purpose of this paragraph, include any renewal of the license by the pilot's own Government made after the pilot has entered Norway. No person to whom this paragraph applies shall be allowed to operate civil aircraft in Norway for non-industrial or non-commercial purposes for a period of more than six months from the time of entering that country, unless he shall, prior to the expiration of such period, have obtained a pilot's license from the Ministry of Defense of Norway in the manner provided for in this arrangement.

(c) The conditions under which pilots of the nationality of either country may operate aircraft of their country in the other country, as provided for in this article, shall be as stipulated in the air navigation arrangement in force between the parties to this arrangement for the issuance of pilot licenses; and the conditions under which pilots of the nationality of either country may operate aircraft of the other country, as provided for in this article, shall be in accordance with the requirements of such other country.

ARTICLE 7

The present arrangement shall be subject to termination by either Party upon sixty days' notice given to the other Party or by the enactment by either Party of legislation inconsistent therewith.

I am glad to assure Your Excellency that the foregoing text is what has been accepted by my Government in the course of the negotiations and is approved by it.

In accordance with the suggestion of Your Excellency it is understood that the arrangement will come into force on November 15, 1933.

Accept, Sir, the renewed assurances of my highest consideration.

[SEAL] H. H. BACHKE

HONORABLE CORDELL HULL,
Secretary of State,
Washington, D.C.

[No. 51]

Arrangement between the United States of America and Norway for the reciprocal recognition of certificates of airworthiness for imported aircraft. Effected by exchange of notes, signed October 16, 1933; effective November 15, 1933.

October 16, 1933.

The Secretary of State (Hull) to the Norwegian Minister (Bachke)

DEPARTMENT OF STATE,
Washington, October 16, 1933.

SIR:

Arrangement with Norway for the reciprocal recognition of certificates of airworthiness for imported aircraft.

Reference is made to the negotiations which have taken place between the Government of the United States of America and the Government of Norway for the conclusion of a reciprocal arrangement between the United States of America and Norway providing for the acceptance by the one country of certificates of airworthiness for aircraft exported from the other country as merchandise.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:

ARTICLE 1

Applicability.

The present arrangement applies to civil aircraft constructed in continental United States of America, exclusive of Alaska, and exported to Norway; and to civil aircraft constructed in Norway and exported to continental United States of America, exclusive of Alaska.

ARTICLE 2

Validity of certificates.

The same validity shall be conferred on certificates of airworthiness issued by the competent authorities of the Government of the United States for aircraft subsequently to be registered in Norway as if they had been issued under the regulations in force on the subject in Norway, provided that in each case a certificate of airworthiness for export has also been issued by the United States authorities for the individual aircraft, and provided that certificates of airworthiness issued by the competent authorities of Norway for aircraft subsequently to be registered in the United States of America are similarly given the same validity as if they had been issued under the regulations in force on the subject in the United States.

ARTICLE 3

Extent of arrangement.

The above arrangement will extend to civil aircraft of all categories, including those used for public transport and those used for private purposes.

ARTICLE 4

Duration. The present arrangement may be terminated by either Government on sixty days' notice given to the other Government. In the event, however, that either Government should be prevented by future action of its legislature from giving full effect to the provisions of this arrangement it shall automatically lapse.

I shall be glad to have you inform me whether it is the understanding of your Government that the arrangement agreed to in the negotiations is as herein set forth. If so, it is suggested that the arrangement become effective on November 15, 1933.

Accept, Sir, the renewed assurances of my highest consideration.

[SEAL] CORDELL HULL

MR. HALVARD H. BACHKE,
Minister of Norway.

The Norwegian Minister (Bachke) to the Secretary of State (Hull)

ROYAL NORWEGIAN LEGATION,
Washington, D.C., October 16, 1933.

SIR:

Agreement by Norway. I have the honor to acknowledge the receipt of the note of October 16, 1933 in which Your Excellency communicated to me the text of the reciprocal arrangement between Norway and the United States of America providing for the acceptance by the one country of certificates of airworthiness for aircraft exported from the other country as merchandise, as understood by Your Excellency to have been agreed to during the negotiations, now terminated, between the two countries.

The text communicated to me by Your Excellency is reproduced below:

ARTICLE 1

The present arrangement applies to civil aircraft constructed in Norway and exported to continental United States of America, exclusive of Alaska; and to civil aircraft constructed in continental United States of America, exclusive of Alaska, and exported to Norway.

ARTICLE 2

The same validity shall be conferred on certificates of airworthiness issued by the competent authorities of the Government of the United States for aircraft subsequently to be registered in Norway as if they had been issued under the regulations in force on the subject in Norway, provided that in each case a certificate of airworthiness for export has also been issued by the United States authorities for the individual aircraft, and provided that certificates of airworthiness issued by the competent authorities of Norway for aircraft subsequently to be registered in the United States of America are similarly given the same validity as if they had been issued under the regulations in force on the subject in the United States.

ARTICLE 3

The above arrangement will extend to civil aircraft of all categories, including those used for public transport and those used for private purposes.

ARTICLE 4

The present arrangement may be terminated by either Government on sixty days' notice given to the other Government. In the event, however, that either Government should be prevented by future action of its legislature from giving full effect to the provisions of this arrangement it shall automatically lapse.

I am glad to assure Your Excellency that the foregoing text is what has been accepted by my Government in the course of the negotiations and is approved by it.

In accordance with the suggestion of Your Excellency it is understood that the arrangement will come into force on November 15, 1933.

Accept, Sir, the renewed assurances of my highest consideration.

[SEAL] H. H. BACHKE

HONORABLE CORDELL HULL,
Secretary of State,
Washington, D.C.

[No. 52]

November 7, 1933. *Provisional agreement between the United States of America and the Kingdom of Saudi Arabia in regard to diplomatic and consular representation, juridical protection, commerce and navigation.*[1] *Signed November 7, 1933.*

Agreement with Saudi Arabia in regard to diplomatic, etc., representation, juridical protection, commerce and navigation.

The Undersigned,

Mr. Robert Worth Bingham, Ambassador Extraordinary and Plenipotentiary of the United States of America at London, and Sheikh Hafiz Wahba, Minister of the Kingdom of Saudi Arabia at London, desiring to confirm and make a record of the understanding which they have reached in the course of recent conversations in the names of their respective Governments in regard to diplomatic and consular representation, juridical protection, commerce and navigation, have signed this Provisional Agreement:

ARTICLE I.

The diplomatic representatives of each country shall enjoy in the territories of the other the privileges and immunities derived from generally recognized international law. The consular representatives of each country, duly provided with exequatur, will be permitted to reside in the territories of the other in the places wherein consular representatives are by local laws permitted to reside; they shall enjoy the honorary privileges and the immunities accorded to such officers by general international usage; and they shall not be treated in a manner less favorable than similar officers of any other foreign country.

ARTICLE II.

Subjects of His Majesty the King of the Kingdom of Saudi Arabia in the United States of America, its territories and possessions, and nationals of the United States of America, its territories and possessions, in the Kingdom of Saudi Arabia shall be received and treated in accordance with the requirements and practices of generally recognized international law. In respect of their persons, possessions and rights, they shall enjoy the fullest protection of the laws and authorities of the country, and they shall not be treated in regard to their persons, property, rights and interests, in any manner less favorable than the nationals of any other foreign country.

ARTICLE III.

In respect of import, export and other duties and charges affecting commerce and navigation, as well as in respect of transit, warehousing and other facilities, the United States of America, its territories and possessions, will accord to the Kingdom of Saudi Arabia, and the Kingdom of Saudi Arabia will accord to the United States of America, its territories and possessions, unconditional most-favored nation treatment. Every concession with respect to any

[1] Arabic text not printed.

duty, charge or regulation affecting commerce or navigation now accorded or that may hereafter be accorded by the United States of America, its territories and possessions, or by the Kingdom of Saudi Arabia to any foreign country will become immediately applicable without request and without compensation to the commerce and navigation of the Kingdom of Saudi Arabia and of the United States of America, its territories and possessions, respectively.

ARTICLE IV.

The stipulations of this Agreement shall not extend to the treatment which is accorded by the United States of America to the commerce of Cuba under the provisions of the Commercial Convention concluded between the United States and Cuba on December 11, 1902, or the provisions of any other commercial convention which hereafter may be concluded between the United States of America and Cuba. Such stipulations, moreover, shall not extend to the treatment which is accorded to the commerce between the United States of America and the Panama Canal Zone or any of the dependencies of the United States of America or to the commerce of the dependencies of the United States of America with one another under existing or future laws.

Nothing in this Agreement shall be construed as a limitation of the right of either Government to impose, on such terms as it may see fit, prohibitions or restrictions of a sanitary character designed to protect human, animal, or plant life, or regulations for the enforcement of police or revenue laws.

Nothing in this Agreement shall be construed to affect existing statutes of either country in relation to the immigration of aliens or the right of either Government to enact such statutes.

ARTICLE V.

The present stipulations shall become operative on the day of signature hereof and shall remain respectively in effect until the entry in force of a definitive treaty of commerce and navigation, or until thirty days after notice of their termination shall have been given by the Government of either country, but should the Government of the United States of America be prevented by future action of its legislature from carrying out the terms of these stipulations, the obligations thereof shall thereupon lapse.

ARTICLE VI.

The English and Arabic texts of the present agreement shall be of equal validity.

Signed at London this seventh day of November, one thousand nine hundred and thirty-three.

ROBERT WORTH BINGHAM [SEAL]
[Signature and seal of SHEIKH HAFIZ WAHBA]

[No. 53]

March 17, 1933.
September 20, 1933.

Arrangement between the United States of America and the Union of South Africa concerning air navigation. Effected by exchange of notes, signed March 17 and September 20, 1933; effective September 20, 1933.

The American Minister (Totten) to the Minister of External Affairs of the Union of South Africa (Hertzog)

No. 166. LEGATION OF THE UNITED STATES OF AMERICA,
Pretoria, March 17, 1933.

SIR:

Arrangement with the Union of South Africa concerning air navigation.

I have the honor to communicate the text of the arrangement between the United States of America and the Union of South Africa providing for navigation by aircraft of each country in the territory of the other, as understood by me to have been agreed to in the negotiations which have just been concluded between the Legation and your Ministry, as evidenced by your note of March 13, 1933 [1] (File No. P.M. 66/1/1).

AIR NAVIGATION ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOUTH AFRICA.

ARTICLE 1

Tentative provisions.

Pending the conclusion of a convention between the United States of America and the Union of South Africa on the subject of air navigation, the operation of civil aircraft of the one country in the other country shall be governed by the following provisions.

ARTICLE 2

Area affected.

The present arrangement shall apply to Continental United States of America, exclusive of Alaska, and to the Union of South Africa, including the adjacent territorial waters of the two countries.

ARTICLE 3

Aircraft construed.

The term aircraft with reference to one or the other Party to this arrangement shall be understood to mean civil aircraft, including state aircraft used exclusively for commercial purposes, duly registered in the territory of such Party.

ARTICLE 4

Freedom of passage.

Each of the Parties undertakes to grant liberty of passage above its territory in time of peace to the aircraft of the other Party, provided that the conditions set forth in the present arrangement are observed.

Regular air routes by transport company.

It is, however, agreed that the establishment and operation of regular air routes by an air transport company of one of the Parties within the territory of the other Party or across the said

[1] Not printed.

territory, with or without intermediary landing, shall be subject to the prior consent of the other Party given on the principle of reciprocity and at the request of the party whose nationality the air transport company possesses. Consent required.

The parties to this arrangement agree that the period in which pilots may, while holding valid pilot licenses issued or rendered valid by either country, operate registered aircraft of that country in the other country for non-industrial or non-commercial purposes shall be limited to a period not exceeding six months from the time of entry for the purpose of operating aircraft, unless prior to the expiration of this period the pilots obtain from the Government of the country in which they are operating, pilot licenses authorizing them to operate aircraft for non-industrial or non-commercial purposes. Limit on pilot's licenses.

ARTICLE 5

The aircraft of each of the Parties to this arrangement, their crews and passengers, shall, while within the territory of the other Party, be subject to the general legislation in force in that territory, as well as the regulations in force therein relating to air traffic in general, to the transport of passengers and goods and to public safety and order in so far as these regulations apply to all foreign aircraft, their crews and passengers. Jurisdiction over aircraft.

Each of the Parties to this arrangement shall permit the import or export of all merchandise which may be legally imported or exported and also the carriage of passengers, subject to any customs immigration and quarantine restrictions, into or from their respective territories in the aircraft of the other Party, and such aircraft, their passengers and cargoes, shall enjoy the same privileges as and shall not be subjected to any other or higher duties or charges than those which the aircraft of the country, imposing such duties or charges, engaged in international commerce, and their cargoes and passengers, or the aircraft of any foreign country likewise engaged, and their cargoes and passengers, enjoy or are subjected to.

Each of the Parties to this arrangement may reserve to its own aircraft air commerce between any two points neither of which is in a foreign country. Nevertheless the aircraft of either Party may proceed from any aerodrome in the territory of the other Party which they are entitled to use to any other such aerodrome either for the purpose of landing the whole or part of their cargoes or passengers or of taking on board the whole or part of their cargoes or passengers, provided that such cargoes are covered by through bills of lading, and such passengers hold through tickets, issued respectively for a journey whose starting place and destination both are not points between which air commerce has been duly so reserved, and such aircraft, while proceeding as aforesaid, from one aerodrome to another, shall, notwithstanding that such aerodromes are points between which air commerce has been duly reserved, enjoy all the privileges of this arrangement.

ARTICLE 6

Each of the Parties to this arrangement shall have the right to prohibit air traffic over certain areas of its territory, provided that no distinction in this matter is made between its aircraft engaged in international commerce and the aircraft of the other Party likewise engaged. The areas above which air traffic is thus prohibited by either Party must be notified to the other Party. Restricted areas.

Each of the Parties reserves the right under exceptional circumstances in time of peace and with immediate effect temporarily to limit or prohibit air traffic above its territory on condition that in this respect no distinction is made between the aircraft of the other Party and the aircraft of any foreign country.

ARTICLE 7

Conduct if accidentally entering.

Any aircraft which finds itself over a prohibited area shall, as soon as it is aware of the fact, give the signal of distress prescribed in the Rules of the Air in force in the territory flown over and shall land as soon as possible at an aerodrome situated in such territory outside of but as near as possible to such prohibited area.

ARTICLE 8

Identification of aircraft.

All aircraft shall carry clear and visible nationality and registration marks whereby they may be recognized during flight. In addition, they must bear the name and address of the owner.

All aircraft shall be provided with certificates of registration and of airworthiness and with all the other documents prescribed for air traffic in the territory in which they are registered.

The members of the crew who perform, in an aircraft, duties for which a special permit is required in the territory in which such aircraft is registered, shall be provided with all documents and in particular with the certificates and licenses prescribed by the regulations in force in such territory.

The other members of the crew shall carry documents showing their duties in the aircraft, their profession, identity and nationality.

The certificate of airworthiness, certificates of competency and licenses issued or rendered valid by one of the Parties to this arrangement in respect of an aircraft registered in its territory or of the crew of such aircraft shall have the same validity in the territory of the other Party as the corresponding documents issued or rendered valid by the latter.

Each of the Parties reserves the right for the purpose of flight within its own territory to refuse to recognize certificates of competency and licenses issued to nationals of that Party by the other Party.

ARTICLE 9

Radio regulations.

Aircraft of either of the Parties to this arrangement may carry wireless apparatus in the territory of the other Party only if a license to install and work such apparatus shall have been issued by the competent authorities of the Party in whose territory the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the territory within whose air space the aircraft is navigating.

Such apparatus shall be used only by such members of the crew as are provided with a special license for the purpose issued by the Government of the territory in which the aircraft is registered.

The Parties to this arrangement reserve respectively the right, for reasons of safety, to issue regulations relative to the obligatory equipment of aircraft with wireless apparatus.

ARTICLE 10

Transportation of munitions prohibited.

No arms of war, explosives of war, or munitions of war shall be carried by aircraft of either Party above the territory of the other Party or by the crew or passengers, except by permission of the competent authorities of the territory within whose air space the aircraft is navigating.

ARTICLE 11

Upon the departure or landing of any aircraft each Party may within its own territory and through its competent authorities search the aircraft of the other Party and examine the certificates and other documents prescribed. Inspection, etc.

ARTICLE 12

Aerodromes open to public air traffic in the territory of one of the Parties to this arrangement shall in so far as they are under the control of the Party in whose territory they are situated be open to all aircraft of the other Party, which shall also be entitled to the assistance of the meteorological services, the wireless services, the lighting services and the day and night signalling services, in so far as the several classes of services are under the control of the Party in whose territory they respectively are rendered. Any scale of charges made, namely, landing, accommodation or other charge, with respect to the aircraft of each Party in the territory of the other Party, shall in so far as such charges are under the control of the Party in whose territory they are made be the same for the aircraft of both Parties. Aerodromes, etc.

ARTICLE 13

All aircraft entering or leaving the territory of either of the Parties to this arrangement shall land at or depart from an aerodrome open to public air traffic and classed as a customs aerodrome at which facilities exist for enforcement of immigration regulations and clearance of aircraft, and no intermediary landing shall be effected between the frontier and the aerodrome. In special cases the competent authorities may allow aircraft to land at or depart from other aerodromes, at which customs, immigration and clearance facilities have been arranged. The prohibition of any intermediary landing applies also in such cases. Landings, etc.

In the event of a forced landing outside the aerodromes, referred to in the first paragraph of this article, the pilot of the aircraft, its crew and the passengers shall conform to the customs and immigration regulations in force in the territory in which the landing has been made.

Aircraft of each Party to this arrangement are accorded the right to enter the territory of the other Party subject to compliance with quarantine regulations in force therein.

The Parties to this arrangement shall exchange lists of the aerodromes in their territories designated by them as ports of entry and departure.

ARTICLE 14

Each of the Parties to this arrangement reserves the right to require that all aircraft crossing the frontiers of its territory shall do so between certain points. Subject to the notification of any such requirements by one Party to the other Party, and to the right to prohibit air traffic over certain areas as stipulated in Article 6, the frontiers of the territories of the Parties to this arrangement may be crossed at any point. Flight restrictions.

ARTICLE 15

As ballast, only fine sand or water may be dropped from an aircraft. Ballast.

ARTICLE 16

No article or substance, other than ballast, may be unloaded or otherwise discharged in the course of flight unless special permission for such purpose shall have been given by the authorities of the territory in which such unloading or discharge takes place. Unloading permits.

ARTICLE 17

Registry.

Whenever questions of nationality arise in carrying out the present arrangement, it is agreed that every aircraft shall be deemed to possess the nationality of the Party in whose territory it is duly registered.

ARTICLE 18

Regulations to be exchanged.

The Parties to this arrangement shall communicate to each other the regulations relative to air traffic in force in their respective territories.

ARTICLE 19

Duration of arrangement.

The present arrangement shall be subject to termination by either Party upon sixty days notice given to the other Party or by the enactment by either Party of legislation inconsistent therewith.

Ratification.

Effective date.

If you inform me that it is the understanding of your Government that the arrangement agreed upon is as herein set forth, the arrangement will be considered to be operative from the date of the receipt of your note so advising me.

I have the honor to be, Sir,

Your obedient servant,

RALPH J. TOTTEN,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

THE HONORABLE
J. B. M. HERTZOG,
Minister for External Affairs,
Pretoria.

The Minister of External Affairs of the Union of South Africa (Hertzog) to the American Minister (Totten)

P.M. 66/1/1

DEPARTMENT OF EXTERNAL AFFAIRS,
Pretoria, 20th September, 1933.

SIR,

Acceptance by the Union of South Africa.

I have the honour to refer to your letter No. 166 of the 17th March last regarding the arrangement between the Union of South Africa and the United States of America providing for navigation by aircraft of each country in the territory of the other and to inform you that His Majesty's Government in the Union of South Africa are in accord with the terms of the arrangement which is, word for word, as follows:—

"AIR NAVIGATION ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOUTH AFRICA.

ARTICLE 1.

Pending the conclusion of a convention between the United States of America and the Union of South Africa on the subject of air navigation, the operation of civil aircraft of the one country in the other country shall be governed by the following provisions.

ARTICLE 2.

The present arrangement shall apply to Continental United States of America, exclusive of Alaska, and to the Union of South Africa, including the adjacent territorial waters of the two countries.

ARTICLE 3.

The term aircraft with reference to one or the other Party to this arrangement shall be understood to mean civil aircraft, including state aircraft used exclusively for commercial purposes, duly registered in the territory of such Party.

ARTICLE 4.

Each of the Parties undertakes to grant liberty of passage above its territory in time of peace to the aircraft of the other Party, provided that the conditions set forth in the present arrangement are observed.

It is, however, agreed that the establishment and operation of regular air routes by an air transport company of one of the Parties within the territory of the other Party or across the said territory, with or without intermediary landing, shall be subject to the prior consent of the other Party given on the principle of reciprocity and at the request of the party whose nationality the air transport company possesses.

The parties to this arrangement agree that the period in which pilots may, while holding valid pilot licenses issued or rendered valid by either country, operate registered aircraft of that country in the other country for non-industrial or non-commercial purposes shall be limited to a period not exceeding six months from the time of entry for the purpose of operating aircraft, unless prior to the expiration of this period the pilots obtain from the Government of the country in which they are operating, pilot licenses authorizing them to operate aircraft for non-industrial or non-commercial purposes.

ARTICLE 5.

The aircraft of each of the Parties to this arrangement, their crews and passengers, shall, while within the territory of the other Party, be subject to the general legislation in force in that territory, as well as the regulations in force therein relating to air traffic in general, to the transport of passengers and goods and to public safety and order in so far as these regulations apply to all foreign aircraft, their crews and passengers.

Each of the Parties to this arrangement shall permit the import or export of all merchandise which may be legally imported or exported and also the carriage of passengers, subject to any customs immigration and quarantine restrictions, into or from their respective territories in the aircraft of the other Party, and such aircraft, their passengers and cargoes, shall enjoy the same privileges as and shall not be subjected to any other or higher duties or charges than those which the aircraft of the country, imposing such duties or charges, engaged in international commerce, and their cargoes and passengers, or the aircraft of any foreign country likewise engaged, and their cargoes and passengers enjoy or are subjected to.

Each of the Parties to this arrangement may reserve to its own aircraft air commerce between any two points neither of which is in a foreign country. Nevertheless the aircraft of either Party may

proceed from any aerodrome in the territory of the other Party which they are entitled to use to any other such aerodrome either for the purpose of landing the whole or part of their cargoes or passengers, or of taking on board the whole or part of their cargoes or passengers, provided that such cargoes are covered by through bills of lading, and such passengers hold through tickets, issued respectively for a journey whose starting place and destination both are not points between which air commerce has been duly so reserved, and such aircraft, while proceeding as aforesaid, from one aerodrome to another, shall, notwithstanding that such aerodromes are points between which air commerce has been duly reserved, enjoy all the privileges of this arrangement.

ARTICLE 6.

Each of the Parties to this arrangement shall have the right to prohibit air traffic over certain areas of its territory, provided that no distinction in this matter is made between its aircraft engaged in international commerce and the aircraft of the other Party likewise engaged. The areas above which air traffic is thus prohibited by either Party must be notified to the other Party.

Each of the Parties reserves the right under exceptional circumstances in time of peace and with immediate effect temporarily to limit or prohibit air traffic above its territory on condition that in this respect no distinction is made between the aircraft of the other Party and the aircraft of any foreign country.

ARTICLE 7.

Any aircraft which finds itself over a prohibited area shall, as soon as it is aware of the fact, give the signal of distress prescribed in the Rules of the Air in force in the territory flown over and shall land as soon as possible at an aerodrome situated in such territory outside of but as near as possible to such prohibited area.

ARTICLE 8.

All aircraft shall carry clear and visible nationality and registration marks whereby they may be recognized during flight. In addition, they must bear the name and address of the owner.

All aircraft shall be provided with certificates of registration and of airworthiness and with all the other documents prescribed for air traffic in the territory in which they are registered.

The members of the crew who perform, in an aircraft, duties for which a special permit is required in the territory in which such aircraft is registered, shall be provided with all documents and in particular with the certificates and licenses prescribed by the regulations in force in such territory.

The other members of the crew shall carry documents showing their duties in the aircraft, their profession, identity and nationality.

The certificate of airworthiness, certificates of competency and licenses issued or rendered valid by one of the Parties to this arrangement in respect of an aircraft registered in its territory or of the crew of such aircraft shall have the same validity in the territory of the other Party as the corresponding documents issued or rendered valid by the latter.

Each of the Parties reserves the right for the purpose of flight within its own territory to refuse to recognize certificates of competency and licenses issued to nationals of that Party by the other Party.

ARTICLE 9.

Aircraft of either of the Parties to this arrangement may carry wireless apparatus in the territory of the other Party only if a license to install and work such apparatus shall have been issued by the competent authorities of the Party in whose territory the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the territory within whose air space the aircraft is navigating.

Such apparatus shall be used only by such members of the crew as are provided with a special license for the purpose issued by the Government of the territory in which the aircraft is registered.

The Parties to this arrangement reserve respectively the right, for reasons of safety, to issue regulations relative to the obligatory equipment of aircraft with wireless apparatus.

ARTICLE 10.

No arms of war, explosives of war, or munitions of war shall be carried by aircraft of either Party above the territory of the other Party or by the crew or passengers, except by permission of the competent authorities of the territory within whose air space the aircraft is navigating.

ARTICLE 11.

Upon the departure or landing of any aircraft each Party may within its own territory and through its competent authorities search the aircraft of the other Party and examine the certificates and other documents prescribed.

ARTICLE 12.

Aerodromes open to public air traffic in the territory of one of the Parties to this arrangement shall in so far as they are under the control of the Party in whose territory they are situated be open to all aircraft of the other Party, which shall also be entitled to the assistance of the meteorological services, the wireless services, the lighting services and the day and night signalling services, in so far as the several classes of services are under the control of the Party in whose territory they respectively are rendered. Any scale of charges made, namely, landing, accommodation, or other charge, with respect to the aircraft of each Party in the territory of the other Party, shall in so far as such charges are under the control of the Party in whose territory they are made be the same for the aircraft of both Parties.

ARTICLE 13.

All aircraft entering or leaving the territory of either of the Parties to this arrangement shall land at or depart from an aerodrome open to public air traffic and classed as a customs aerodrome at which facilities exist for enforcement of immigration regulations and clearance of aircraft, and no intermediary landing shall be effected between the frontier and the aerodrome. In special cases the competent authorities may allow aircraft to land at or depart from other aerodromes, at which customs, immigration and clearance facilities have been arranged. The prohibition of any intermediary landing applies also in such cases.

In the event of a forced landing outside the aerodromes, referred to in the first paragraph of this article, the pilot of the aircraft, its crew and the passengers shall conform to the customs and immigration regulations in force in the territory in which the landing has been made.

Aircraft of each Party to this arrangement are accorded the right to enter the territory of the other Party subject to compliance with quarantine regulations in force therein.

The Parties to this arrangement shall exchange lists of the aerodromes in their territories designated by them as ports of entry and departure.

ARTICLE 14.

Each of the Parties to this arrangement reserves the right to require that all aircraft crossing the frontiers of its territory shall do so between certain points. Subject to the notification of any such requirements by one Party to the other Party, and to the right to prohibit air traffic over certain areas as stipulated in Article 6, the frontiers of the territories of the Parties to this arrangement may be crossed at any point.

ARTICLE 15.

As ballast, only fine sand or water may be dropped from an aircraft.

ARTICLE 16.

No article or substance, other than ballast, may be unloaded or otherwise discharged in the course of flight unless special permission for such purpose shall have been given by the authorities of the territory in which such unloading or discharge takes place.

ARTICLE 17.

Whenever questions of nationality arise in carrying out the present arrangement, it is agreed that every aircraft shall be deemed to possess the nationality of the Party in whose territory it is duly registered.

ARTICLE 18.

The Parties to this arrangement shall communicate to each other the regulations relative to air traffic in force in their respective territories.

ARTICLE 19.

The present arrangement shall be subject to termination by either Party upon sixty days notice given to the other Party or by the enactment by either Party of legislation inconsistent therewith."

It is further agreed that the arrangement will be operative as from the date of this note.

I have the honour to be, Sir,
Your obedient servant,

J. B. M. HERTZOG.
Minister of External Affairs.

The ENVOY EXTRAORDINARY AND
MINISTER PLENIPOTENTIARY
OF THE UNITED STATES OF AMERICA,
Pretoria.

[No. 54]

Arrangement between the United States of America and the Union of South Africa governing pilot licenses to operate civil aircraft. Effected by exchange of notes, signed March 17 and September 20, 1933. Effective September 20, 1933.

March 17, 1933.
September 20, 1933.

The American Minister (Totten) to the Minister of External Affairs of the Union of South Africa (Hertzog)

No. 167. LEGATION OF THE UNITED STATES OF AMERICA,
Pretoria, March 17, 1933.

SIR:

I have the honor to communicate the text of the arrangement between the United States of America and the Union of South Africa providing for the issuance by each country of licenses to nationals of the other country authorizing them to pilot civil aircraft, as understood by me to have been agreed to in the negotiations which have just been concluded between the Legation and your Ministry, as evidenced by your note of March 13, 1933 [1] (File No. P.M. 66/1/1).

Arrangement with Union of South Africa governing pilot licenses to operate civil aircraft.

ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOUTH AFRICA PROVIDING FOR THE ISSUANCE BY EACH COUNTRY OF LICENSES TO NATIONALS OF THE OTHER COUNTRY AUTHORIZING THEM TO PILOT CIVIL AIRCRAFT

ARTICLE 1

The present arrangement between the United States of America and the Union of South Africa relates to the issuance by each country of licenses to nationals of the other country for the piloting of civil aircraft. The term "civil aircraft" shall be understood to mean aircraft used for private, industrial, commercial or transport purposes.

ARTICLE 2

(*a*) The Department of Defence of the Union of South Africa will issue pilots' licenses to American nationals upon a showing that they are qualified under the regulations of that Department covering the licensing of pilots.

(*b*) The Department of Commerce of the United States of America will issue pilots' licenses to nationals of the Union of South Africa upon a showing that they are qualified under the regulations of that Department covering the licensing of pilots.

ARTICLE 3

(*a*) Pilots' licenses issued by the Department of Commerce of the United States of America to nationals of the Union of South Africa shall entitle them to the same privileges as are granted by pilots' licenses issued to American nationals.

[1] Not printed.

(*b*) Pilots' licenses issued by the Department of Defence of the Union of South Africa to American nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to nationals of the Union of South Africa.

ARTICLE 4

Pilots' licenses issued to nationals of the one country by the competent authority of the other country shall not be construed to accord to the licensees the right to register aircraft in such other country.

ARTICLE 5

Pilots' licenses issued to nationals of the one country by the competent authority of the other country shall not be construed to accord to the licensees the right to operate aircraft in air commerce wholly within territory of such other country reserved to national aircraft, unless the aircraft have been registered under the laws of the country issuing the pilots' licenses.

ARTICLE 6

(*a*) Nationals of the Union of South Africa shall while holding valid pilot licenses issued by the Department of Defence of the Union of South Africa be permitted to operate in Continental United States of America, exclusive of Alaska, for non-industrial or non-commercial purposes for a period not exceeding six months from the time of entering that country, any civil aircraft registered by the Department of Defence of the Union of South Africa, and/or any civil aircraft registered by the United States Department of Commerce. The period of validity of the licenses first mentioned in this paragraph shall, for the purpose of this paragraph, include any renewal of the license by the pilot's own Government made after the pilot has entered Continental United States of America. No person to whom this paragraph applies shall be allowed to operate civil aircraft in Continental United States of America, exclusive of Alaska, for non-industrial or non-commercial purposes for a period of more than six months from the time of entering that country, unless he shall, prior to the expiration of such period, have obtained a pilot license from the United States Department of Commerce in the manner provided for in this arrangement.

(*b*) American nationals shall while holding valid pilot licenses issued by the United States Department of Commerce be permitted to operate in the Union of South Africa for non-industrial or non-commercial purposes for a period not exceeding six months from the time of entering that country, any civil aircraft registered by the United States Department of Commerce, and/or any civil aircraft registered by the Department of Defence of the Union of South Africa. The period of validity of the licenses first mentioned in this paragraph shall, for the purpose of this paragraph, include any renewal of the license by the pilot's own Government made after the pilot has entered the Union of South Africa. No person to whom this paragraph applies shall be allowed to operate civil aircraft in the Union of South Africa for non-industrial or non-commercial purposes for a period of more than six months from the time of entering that country, unless he shall, prior to the expiration of such period, have obtained a pilot's license from the Department of Defence of the Union of South Africa in the manner provided for in this arrangement.

(*c*) The conditions under which pilots of the nationality of either country may operate aircraft of their country in the other country,

as provided for in this article, shall be as stipulated in the air navigation arrangement in force between the parties to this arrangement for the issuance of pilot licenses; and the conditions under which pilots of the nationality of either country may operate aircraft of the other country, as provided for in this article, shall be in accordance with the requirements of such other country.

ARTICLE 7

The present arrangement shall be subject to termination by either Party upon sixty days' notice given to the other Party or by the enactment by either Party of legislation inconsistent therewith.

If you inform me that it is the understanding of your Government that the arrangement agreed upon is as herein set forth, the arrangement will be considered to be operative from the date of the receipt of your note so advising me.

I have the honor to be, Sir,

Your obedient servant,

RALPH J. TOTTEN,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

THE HONORABLE
J. B. M. HERTZOG,
Minister for External Affairs,
Pretoria

The Minister of External Affairs of the Union of South Africa (Hertzog) to the American Minister (Totten)

P.M. 66/1/1

DEPARTMENT OF EXTERNAL AFFAIRS,
Pretoria, 20th September, 1933.

SIR,

I have the honour to refer to your letter No. 167 of the 17th March last regarding the proposed arrangement between the Union of South Africa and the United States of America providing for the issuance by each country of licences to Nationals of the other country authorizing them to pilot civil aircraft, and to inform you that His Majesty's Government in the Union of South Africa are in accord with the terms of the arrangement which is, word for word, as follows:— Concurrence by Union of South Africa.

"ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOUTH AFRICA PROVIDING FOR THE ISSUANCE BY EACH COUNTRY OF LICENSES TO NATIONALS OF THE OTHER COUNTRY AUTHORIZING THEM TO PILOT CIVIL AIRCRAFT."

ARTICLE 1.

The present arrangement between the United States of America and the Union of South Africa relates to the issuance by each country of licenses to nationals of the other country for the piloting of

civil aircraft. The term "civil aircraft" shall be understood to mean aircraft used for private, industrial, commercial or transport purposes.

ARTICLE 2.

(*a*) The Department of Defence of the Union of South Africa will issue pilots' licenses to American nationals upon a showing that they are qualified under the regulations of that Department covering the licensing of pilots.

(*b*) The Department of Commerce of the United States of America will issue pilots' licenses to nationals of the Union of South Africa upon a showing that they are qualified under the regulations of that Department covering the licensing of pilots.

ARTICLE 3.

(*a*) Pilots' licenses issued by the Department of Commerce of the United States of America to nationals of the Union of South Africa shall entitle them to the same privileges as are granted by pilots' licenses issued to American nationals.

(*b*) Pilots' licenses issued by the Department of Defence of the Union of South Africa to American nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to nationals of the Union of South Africa.

ARTICLE 4.

Pilots' licenses issued to nationals of the one country by the competent authority of the other country shall not be construed to accord to the licensees the right to register aircraft in such other country.

ARTICLE 5.

Pilots' licenses issued to nationals of the one country by the competent authority of the other country shall not be construed to accord to the licensees the right to operate aircraft in air commerce wholly within territory of such other country reserved to national aircraft, unless the aircraft have been registered under the laws of the country issuing the pilots' licenses.

ARTICLE 6.

(*a*) Nationals of the Union of South Africa shall while holding valid pilot licenses issued by the Department of Defence of the Union of South Africa be permitted to operate in Continental United States of America, exclusive of Alaska, for non-industrial or non-commercial purposes for a period not exceeding six months from the time of entering that country, any civil aircraft registered by the Department of Defence of the Union of South Africa, and/or any civil aircraft registered by the United States Department of Commerce. The period of validity of the licenses first mentioned in this paragraph shall, for the purpose of this paragraph, include any renewal of the license by the pilot's own Government made after the pilot has entered Continental United States of America. No person to whom this paragraph applies shall be allowed to operate civil aircraft in Continental United States of America, exclusive of Alaska, for non-industrial or non-commercial purposes for a period of more than six months from the time of entering that country, unless he shall, prior to the expiration of such period, have obtained a pilot license from the United States Department of Commerce in the manner provided for in this arrangement.

(*b*) American nationals shall while holding valid pilot licenses issued by the United States Department of Commerce be permitted to operate in the Union of South Africa for non-industrial or non-commercial purposes for a period not exceeding six months from the time of entering that country, any civil aircraft registered by the United States Department of Commerce, and/or any civil aircraft registered by the Department of Defence of the Union of South Africa. The period of validity of the licenses first mentioned in this paragraph shall, for the purpose of this paragraph, include any renewal of the license by the pilot's own Government made after the pilot has entered the Union of South Africa. No person to whom this paragraph applies shall be allowed to operate civil aircraft in the Union of South Africa for non-industrial or non-commercial purposes for a period of more than six months from the time of entering that country, unless he shall, prior to the expiration of such period, have obtained a pilot's license from the Department of Defence of the Union of South Africa in the manner provided for in this arrangement.

(*c*) The conditions under which pilots of the nationality of either country may operate aircraft of their country in the other country, as provided for in this article, shall be as stipulated in the air navigation arrangement in force between the parties to this arrangement for the issuance of pilot licenses; and the conditions under which pilots of the nationality of either country may operate aircraft of the other country, as provided for in this article, shall be in accordance with the requirements of such other country.

ARTICLE 7.

The present arrangement shall be subject to termination by either Party upon sixty days' notice given to the other Party or by the enactment by either Party of legislation inconsistent therewith."

It is further agreed that the arrangement will be operative as from the date of this note.

I have the honour to be, Sir,

Your obedient Servant,

J. B. M. HERTZOG.
Minister of External Affairs.

The ENVOY EXTRAORDINARY AND
MINISTER PLENIPOTENTIARY
OF THE UNITED STATES OF AMERICA,
Pretoria.

[No. 55]

August 24, 1933.
January 9, 1934.

Arrangement between the United States of America and the Irish Free State, providing relief from double income tax on shipping profits. Effected by exchange of notes, signed August 24, 1933, and January 9, 1934.

The Chargé d'Affaires ad interim of the Irish Free State (Macaulay) to the Secretary of State

IRISH FREE STATE LEGATION,
Washington, D.C., 24th August, 1933.

SIR:

Double income tax on shipping profits.
Reciprocal exemptions, United States and Irish Free State.

I am requested by my Government to bring to the notice of the Government of the United States the provisions of Section 10 of the Finance Act, 1932 (No. 20 of 1932) which section reads as follows:

"10.—Subject to the provisions of this section, exemption shall be granted from income tax (including super-tax, or sur-tax, as the case may be) in respect of so much of the income of a citizen of the United States of America not resident in the Irish Free State or of a corporation organised in the United States of America as is derived from the operation of a ship or ships documented under the laws of the United States of America."

I have the honour to be, Sir,
Your obedient servant,

W J B MACAULAY
Chargé d'Affaires ad interim

Honourable CORDELL HULL
The Secretary of State of the United States
Washington, D.C.

The Acting Secretary of State to the Minister of the Irish Free State (MacWhite)

DEPARTMENT OF STATE,
Washington, January 9, 1934.

SIR:

Agreement by United States.

In a note dated August 24, 1933, Mr. Macaulay, as Chargé d'Affaires *ad interim*, brought to the notice of the Government of the United States the provisions of Section 10 of the Irish Free State Finance Act of 1932, which provides for the relief of American steamship owners from double income tax on shipping profits.

The text of Section 10 of the above law was brought to the attention of the Secretary of the Treasury, with the request that he inform the Department of State whether the Irish Free State satisfied the equivalent exemption requirements of Sections 212(*b*) and 231(*b*)

Vol. 47, pp. 228, 230.

of the United States Revenue Act of 1932. I have pleasure in informing you that I am now in receipt of a letter from the Acting Secretary of the Treasury dated December 14, 1933, which reads in part as follows:

"In view of the fact that the Irish Free State, under the provision of law quoted above, exempts from income tax so much of the income of a citizen of the United States not resident in the Irish Free State or of a corporation organized in the United States as is derived from the operation of a ship or ships documented under the laws of the United States, it is the opinion of this Department that the Irish Free State meets the reciprocal exemption provisions of sections 212(*b*) and 231(*b*) of the Revenue Act of 1932. The income of a non-resident alien individual and of a foreign corporation which consists exclusively of earnings derived from the operation of a ship or ships documented under the laws of the Irish Free State is, therefore, not required to be included in gross income and is exempt from income tax under the provisions of the Revenue Act of 1932. The exemption accorded herein is effective April 6, 1932, the beginning of the first income-tax taxable year to which Section 10 of the Finance Act of 1932 is applicable."

It will be observed that the Acting Secretary of the Treasury holds that in view of the fact that the Irish Free State, under the provisions of Section 10 of the Irish Free State Finance Act of 1932, exempts from income tax so much of the income of a citizen of the United States not resident in the Irish Free State or of a corporation organized in the United States as is derived from the operation of a ship or ships documented under the laws of the United States, the Irish Free State has satisfied the equivalent exemption provisions of Sections 212(*b*) and 231(*b*) of the United States Revenue Act of 1932. The exemption accorded to steamship owners of the Irish Free State under the above ruling of the Acting Secretary of the Treasury is effective as of April 6, 1932, the beginning of the first income-tax taxable year to which Section 10 of the Irish Free State Finance Act of 1932 is applicable.

Accept, Sir, the renewed assurances of my highest consideration.

For the Acting Secretary of State:

R. WALTON MOORE

Mr. MICHAEL MACWHITE,
Minister of the Irish Free State.

[No. 56]

April 24, 1934. *Protocol between the United States of America and Mexico relative to general claims. Signed April 24, 1934; effective April 24, 1934.*

Protocol with Mexico relative to General Claims Commission.

PROTOCOL RELATIVE TO CLAIMS PRESENTED TO THE GENERAL CLAIMS COMMISSION, ESTABLISHED BY THE CONVENTION OF SEPTEMBER 8, 1923.

PROTOCOLO RELATIVO A LAS RECLAMACIONES PRESENTADAS ANTE LA COMISION GENERAL DE RECLAMACIONES CREADA POR LA CONVENCION DE 8 DE SEPTIEMBRE DE 1923.

Plenipotentiaries.

Josephus Daniels, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Government of Mexico, and José Manuel Puig Casauranc, Secretary for Foreign Affairs of the United Mexican States, duly authorized, have agreed on behalf of their two Governments to conclude the following Protocol:

Whereas, It is the desire of the two Governments to settle and liquidate as promptly as possible those claims of each Government against the other which are comprehended by, and which have been filed in pursuance of, the General Claims Convention between the two Governments, concluded on September 8, 1923;

Vol. 43, p. 1730.

Whereas, It is not considered expedient to proceed, at the present time, to the formal arbitration of the said claims in the manner provided in that Convention;

Whereas, It is considered to be conducive to the best interests of the two Governments, to preserve the *status quo* of the General Claims Convention above men-

Josephus Daniels, Embajador Extraordinario y Plenipotenciario de los Estados Unidos de América ante el Gobierno de México, y José Manuel Puig Casauranc, Secretario de Relaciones Exteriores de los Estados Unidos Mexicanos, debidamente autorizados, convienen en firmar, en nombre de sus respectivos Gobiernos, el siguiente Protocolo:

Considerando que es el deseo de ambos Gobiernos arreglar y liquidar, tan pronto como sea posible, las reclamaciones de cada uno de los dos Gobiernos en contra del otro, comprendidas en la Convención General de Reclamaciones celebrada el 8 de septiembre de 1923 entre los dos Gobiernos y registradas de acuerdo con la misma;

Considerando que no se juzga viable, en los momentos actuales, proceder al arbitraje formal de dichas reclamaciones mediante el procedimiento que establece la Convención mencionada;

Considerando que se juzga conducente para los mejores intereses de ambos Gobiernos conservar el "*statu quo*" de la Convención General de Reclamaciones

tioned and the Convention extending the duration thereof, which latter was concluded on June 18, 1932, as well as the agreement relating to agrarian claims under Article I of the additional Protocol of June 18, 1932;

Whereas, It is advisable to endeavor to effect a more expeditious and more economical disposition of the claims, either by means of an *en bloc* settlement or a more simplified method of adjudication, and

Whereas, In the present state of development of the numerous claims the available information is not such as to permit the two Governments to appraise their true value with sufficient accuracy to permit of the successful negotiation of an *en bloc* settlement thereof at the present time;

Therefore, It is agreed that:

First.—The two Governments will proceed to an informal discussion of the agrarian claims now pending before the General Claims Commission, with a view to making an adjustment thereof that shall be consistent with the rights and equities of the claimants and the rights and obligations of the Mexican Government, as provided by the General Claims Protocol of June 18, 1932. Pending such discussion no agrarian claims will be presented to the Commissioners referred to in Clause Third nor, in turn, to the Umpire referred to in Clause Fifth of this Protocol; but memorials of cases not yet memorial-

arriba mencionada y de la Convención de Prórroga celebrada el 18 de junio de 1932, así como de lo convenido para las reclamaciones agrarias en el Artículo I del Protocolo adicional de 18 de junio de 1932;

Considerando que conviene intentar la resolución más rápida y más económica de las reclamaciones, ya sea por medio de un arreglo global o de un método más simplificado para fallarlas, y

Considerando que en el presente estado de tramitación de las numerosas reclamaciones, los datos de que se dispone son de tal naturaleza que no permiten a los dos Gobiernos estimar el verdadero valor de ellas con exactitud suficiente para permitir la negociación con éxito de un arreglo global de las mismas en los momentos actuales;

Por tanto, queda convenido que:

Primero.—Los dos Gobiernos procederán a discutir, de manera informal, las reclamaciones agrarias pendientes en la actualidad ante la Comisión General de Reclamaciones, con el propósito de llegar a un arreglo con respecto a ellas, en consonannancia con la equidad y con los derechos de los reclamantes y con los derechos y obligaciones del Gobierno Mexicano, según lo establecido por el Protocolo de la Comisión General de 18 de junio de 1932. Mientras esté pendiente esta discusión, no se presentarán reclamaciones agrarias a los Comisionados a que se refiere la Claúsula Tercera, ni, en su caso, al Arbitro a que alude

Proceedings.

ized may be filed in order to regularize the awards made upon the agreed adjustments.

Protocol to apply to agrarian claims only.

Consequently, the subsequent provisions of this Protocol shall apply to agrarian claims only insofar as they do not conflict with the status thereof, as exclusively fixed by the terms of the agreed Article I of the additional protocol to the extension of the General Claims Convention, signed June 18, 1932.

Procedure to be followed.

Second.—The two Governments shall proceed, in accordance with the provisions of clause Sixth below, promptly to complete the written pleadings and briefs in the remaining unpleaded and incompletely pleaded cases.

Each party to appoint a Commissioner.

Third.—Each Government shall promptly designate, from among its own nationals, a Commissioner, who shall be an outstanding jurist and whose function it shall be to appraise, on their merits, as rapidly as possible, the claims of both Governments which have already been fully pleaded and briefed and those in which the pleadings and briefs shall be completed in accordance herewith.

Qualifications of.

Reconciling appraisals.

Fourth.—Six months before the termination of the period herein agreed upon for the completion of the pleadings and briefs referred to in Clause Sixth or at an earlier time should they

la Claúsula Quinta de este Protocolo; pero podrán presentarse Memoriales de los casos en que aun no se hayan presentado, con objeto de formalizar los fallos que se dicten sobre los arreglos propalados.

Por consiguiente, las disposiciones subsecuentes de este Protocolo serán aplicables a las reclamaciones agrarias únicamente en lo que no se opongan a la situación de dichas reclamaciones, como está fijada exclusivamente por los términos del Artículo I pactado en el Protocolo adicional a la Convención de Prórroga de la Convención General de Reclamaciones, firmada en 18 de junio de 1932.

Segundo.—Los dos Gobiernos, de acuerdo con las disposiciones de la Cláusula Sexta de este Protocolo, procederán desde luego a completar los escritos y alegatos en los casos en que éstos no se hayan presentado o estén incompletos.

Tercero.—Cada uno de los dos Gobiernos designará en breve plazo a un Comisionado de su propia nacionalidad, quien deberá ser un destacado jurisconsulto y cuyas funciones serán las de estimar en cuanto a sus fundamentos y tan rápidamente como sea posible, las reclamaciones de ambos Gobiernos, en las cuales hayan sido completados todos los escritos y alegatos, así como aquellas en que hayan de completarse tales escritos y alegatos según lo dispuesto por este Protocolo.

Cuarto.—Seis meses antes de vencer el plazo para completar los escritos y alegatos a que se refiere la Cláusula Sexta, o en alguna fecha anterior, en caso de que así lo convengan, los referidos

so agree, the said Commissioners shall meet, at a place to be agreed upon by them, for the purpose of reconciling their appraisals. They shall, as soon as possible, and not later than six months from the date of the completion of the pleadings and briefs, submit to the two Governments a joint report of the results of their conferences, indicating those cases in which agreement has been reached by them with respect to the merits and the amount of liability, if any, in the individual cases and also those cases in which they shall have been unable to agree with respect to the merits or the amount of liability, or both.

Fifth.—The two Governments shall, upon the basis of such joint report, and with the least possible delay, conclude a convention for the final disposition of the claims, which convention shall take one or the other of the two following forms, namely, first, an agreement for an *en bloc* settlement of the claims wherein there shall be stipulated the net amount to be paid by either Government and the terms upon which payment shall be made; or, second, an agreement for the disposition of the claims upon their individual merits. In this latter event, the two above-mentioned Commissioners shall be required to record their agreements with respect to individual claims and the bases upon which their conclusions shall have been reached, in the respective cases.

Comisionados se reunirán en el lugar que designen de común acuerdo con el objeto de armonizar sus estimaciones. Tan pronto como sea posible y dentro de los seis meses contados desde la fecha en que se completen los escritos y alegatos, presentarán a los dos Gobiernos un dictamen conjunto sobre el resultado de sus conferencias, en el que indicarán los casos en que hayan llegado a un acuerdo en cuanto a los fundamentos y al monto de la responsabilidad, si alguna resultare, en cada caso, indicando asímismo los casos en que no hayan podido ponerse de acuerdo, ya sea respecto a los fundamentos o al monto de la responsabilidad, o a ambas cosas.

Joint report to be submitted.

Quinto.—Los dos Gobiernos, sobre la base del referido dictamen conjunto, y con el menor retardo posible, celebrarán una Convención para la resolución definitiva de las reclamaciones, debiendo en dicha Convención adoptarse una u otra de las dos formas siguientes, a saber: primero, la de un convenio para un arreglo global de las reclamaciones, en el que se estipulará la cantidad líquida que habrá de pagar alguno de los dos Gobiernos y las condiciones en que se habrá de efectuar tal pago; o, segundo, la de un convenio para la resolución de las reclamaciones sobre los fundamentos de cada una. En este último caso, se exigirá a los dos Comisionados arriba mencionados, que hagan constar los acuerdos celebrados por ellos con respecto a cada una de las reclamaciones y los fundamentos en que se basen sus conclusiones, en el caso respectivo.

Claims convention to follow.

Forms to be taken.

Report a final disposition of cases.

The report shall be accepted, by the convention to be concluded by the two Governments, as final and conclusive dispositions of those cases. With respect to

Cases in disagreement.

those cases in which the Commissioners shall not have been able to reach agreements, the two Governments shall, by the said convention, agree that the pleadings and briefs in such cases, together with the written views of

Reference to Umpire; effect of decisions.

the two Commissioners concerning the merits of the respective claims, be referred to an Umpire, whose written decisions shall also be accepted by both Governments as final and binding. All matters relating to the designation of an Umpire, time within which his decisions should be rendered and general provisions relating to his work shall be fixed in a Convention to be negotiated under provisions of this Clause.

Pleadings and briefs.

Sixth.—The procedure to be followed in the development of the pleadings and briefs, which procedure shall be scrupulously observed by the Agents of the two Governments, shall be the following:

(a) The time allowed for the completion of the pleadings and briefs shall be two years counting from a date hereafter to be agreed upon by the two Governments by an exchange of notes, which shall not be later than November 1, 1934.

(b) The pleadings and briefs of each Government shall be filed at the Embassy of the other Government.

(c) The pleadings and briefs to be filed shall be limited in number to four, namely, Memorial, Answer, Brief and Reply Brief. Only three copies of each need be

El dictamen que rindan será aceptado, por medio de la Convención que celebren los dos Gobiernos, como la resolución definitiva y final de dichos casos. Con respecto a los casos en que los Comisionados no hayan podido ponerse de acuerdo, los dos Gobiernos, en esa misma Convención, estipularán que los escritos y alegatos presentados en ellos, juntamente con las opiniones escritas de los dos Comisionados sobre los fundamentos de las reclamaciones respectivas, se someterán a un Arbitro cuyos fallos escritos serán aceptados también por ambos Gobiernos como definitivos y obligatorios. Todo lo que se refiere a designación de Arbitro, período de tiempo de que dispondrá para fallar y modalidades de su trabajo, serán fijados en la Convención de que habla esta Claúsula.

Sexto.—El procedimiento que se seguirá en el desarrollo de los escritos y alegatos, procedimiento que observarán escrupulosamente los Agentes de los dos Gobiernos, será el siguiente:

(a) El plazo concedido para completar los escritos y alegatos será de dos años contados desde la fecha en que posteriormente convengan los dos Gobiernos por medio de un cambio de notas, que no se efectuará más tarde del 1° de noviembre de 1934.

(b) Los escritos y alegatos de cada uno de los dos Gobiernos serán presentados en la Embajada del otro Gobierno.

(c) Los escritos y alegatos que se presenten quedan limitados a cuatro, a saber: el Memorial, la Contestación, el Alegato y el Alegato de Réplica. Sólo será ne-

presented to the other Agent, but four additional copies shall be retained by the filing Agency for possible use in future adjudication. Each copy of Memorial, Answer and Brief shall be accompanied by a copy of all evidence filed with the original thereof. The pleadings and briefs, which may be in either English or Spanish at the option of the filing Government, shall be signed by the respective Agents or properly designated substitutes.

cesario presentar tres copias de cada uno al otro Agente, pero la Agencia que los presente conservará cuatro ejemplares adicionales para que se puedan usar al resolverse los casos en el futuro. Cada una de las copias de tales Memoriales, Contestaciones y Alegatos irá acompañada de una copia de todas las pruebas presentadas con el escrito original. Los escritos y alegatos, que podrán presentarse en inglés o en español, a voluntad del Gobierno que los presente, estarán firmados por los Agentes respectivos o por substitutos de éstos designados en debida forma.

(d) With the Memorial the claimant Government shall file all the evidence on which it intends to rely. With the Answer the respondent Government shall file all the evidence upon which it intends to rely. No further evidence shall be filed by either side except such evidence, with the Brief, as rebuts evidence filed with the Answer. Such evidence shall be strictly limited to evidence in rebuttal and there shall be explained at the beginning of the Brief the alleged justification for the filing thereof. If the other side desires to object to such filing, its views may be set forth in the beginning of the Reply Brief, and the Commissioners, or the Umpire, as the case may require, shall decide the point, and if it is decided that the evidence is not in rebuttal to evidence filed with the Answer, the additional evidence shall be entirely disregarded in considering the merits of the claim.

(d) Con el Memorial, el Gobierno demandante presentará todas las pruebas en que se funde. Con su Contestación, el Gobierno demandado presentará todas las pruebas en que piense apoyarse. No se presentará prueba adicional alguna por ninguna de las dos partes exceptuando las pruebas que se presenten con el Alegato para refutar las pruebas presentadas con la Contestación. Tales constancias se limitarán a pruebas de refutación y se expresará al principio del Alegato las justificaciones que se tengan para presentar dichas pruebas. Si la otra parte deseare objetar su presentación, sus objeciones pueden manifestarse al principio del Alegato de Réplica, y los Comisionados o el Arbitro, según sea el caso, decidirán el punto. Si se resolviera que las pruebas no refutan las presentadas con la Contestación, las adicionales no se tomarán en cuenta al considerarse los fundamentos de la reclamación.

Commissioners may order further evidence.

The Commissioners may at any time order the production of further evidence.

Los Comisionados podrán en cualquier tiempo pedir que se presenten pruebas adicionales.

(e) In view of the desire to reduce the number of pleadings and briefs to a minimum in the interest of economy of time and expense, it shall be the obligation of both Agents fully and clearly to state in their Memorials the contention of the claimant Government with respect to both the factual bases of the claims in question and the legal principles upon which the claims are predicated and, in the Answer, the contentions of the respondent Government with regard to the facts and legal principles upon which the defense of the case rests. In cases in which Answers already filed do not sufficiently meet this provision so as to afford the claimant Government an adequate basis for preparing its legal Brief with full general knowledge of the factual and legal defenses of the respondent Government, it shall have the right to file a Counter Brief within thirty days following the date of filing the Reply Brief.

(f) For the purposes of the above pleadings and briefs, as well as the appraisals and decisions of the two Commissioners and the decisions of the Umpire, above mentioned, the provisions of the General Claims Convention of September 8, 1923, shall be considered as fully effective and binding upon the two Governments, except insofar as concerns the matter of procedure, which shall be that provided for herein.

(g) Whenever practicable, cases of a particular class shall be grouped for memorializing and/or for briefing.

(e) En vista del deseo que hay de reducir el número de los escritos y alegatos al mínimo, en provecho de la economía de tiempo y gastos, será obligación de ambos Agentes exponer amplia y claramente en sus Memoriales los argumentos del Gobierno demandante con respecto tanto a los hechos en que se base alguna reclamación como a los principios jurídicos en que se funde, y, en la Contestación, los argumentos del Gobierno demandado relativos a los hechos y principios jurídicos en que se apoye la defensa del caso. En los casos en que las Contestaciones ya presentadas no se ajusten exactamente a esta disposición para dar al Gobierno reclamante una base adecuada para la preparación de su Alegato con perfecto conocimiento de los hechos y excepciones legales del Gobierno demandado, tendrá el derecho de presentar un Contra-alegato dentro de los treinta días siguientes a la fecha de la presentación del Alegato de Réplica.

(f) Por lo que respecta a los escritos y alegatos arriba mencionados, así como a las estimaciones y fallos de los dos Comisionados y los fallos del Arbitro, se considerarán como plenamente efectivas y obligatorias para ambos Gobiernos las disposiciones de la Convención General de Reclamaciones de 8 de septiembre de 1923, salvo en lo que respecta a la materia de procedimientos, la cual se regirá por el presente Protocolo.

(g) Siempre que sea factible, se agruparán los casos de una clase determinada, para la presentación de los Memoriales y de los Alegatos, o de cualquiera de los dos.

(h) In order that the two Agents may organize their work in the most advantageous manner possible and in order that the two-year period allowed for pleadings and briefs may be utilized in a manner which shall be most equitable to both sides, each Agent shall, within thirty days from the beginning of the two-year pleading period, submit to the other Agent a tentative statement showing the total number of Memorials and Briefs such Agent intends to file. Six months after the beginning of the two-year pleading period, the two Agents shall respectively submit in the same manner statements setting out definitely by name and docket number the claims in which it is proposed to complete the pleadings and briefs, indicating those in which they intend to combine cases in the manner indicated in paragraph (g) above. The number of pleadings and briefs so indicated shall not, except by later agreement between the two Governments, be exceeded by more than ten percent.

(i) In order to enable the Agencies to distribute their work equally over the two-year pleading period, each Agency shall be under the obligation to file its Memorials at approximately equal intervals during the first seventeen months of the two-year period, thus allowing the remaining seven months of the period for the completion of the pleadings and briefs in the last case memorialized. The same obligation shall attach with re-

(h) Para que los dos Agentes puedan organizar sus trabajos en la forma más eficiente que sea posible, y para que el período de dos años concedidos para la presentación de escritos y alegatos se pueda aprovechar del modo más equitativo para ambas partes, cada uno de los dos Agentes, dentro de los treinta días siguientes al comienzo de dicho período de dos años para la presentación de tales escritos, deberá presentar al otro Agente un estado previo que demuestre el número total de Memoriales y Alegatos que piense presentar. A los seis meses contados desde el comienzo del referido período de dos años para la presentación de escritos, los dos Agentes presentarán respectivamente, en la misma forma, estados que expongan definitivamente, especificando los nombres y números de registro, las reclamaciones en las que se propongan completar los escritos y alegatos con la indicación de los casos en que piensen agruparlos del modo indicado en el inciso (g) anterior. El número de escritos y alegatos mencionados no deberá, salvo acuerdo posterior entre los dos Gobiernos, excederse en más de un diez por ciento.

(i) Para que las Agencias puedan distribuir sus trabajos uniformemente en todo el período de dos años para presentación de escritos, cada una de ellas estará obligada a presentar sus Memoriales a intervalos más o menos iguales durante los primeros diecisiete meses del referido período, a efecto de que durante los siete meses restantes se completen los escritos y alegatos en el último caso en que se hubiere presentado Memorial.

spect to the filing of the pleadings and briefs referred to in paragraph (k) below.

(j) The time to be allowed for filing Answers shall be seventy days from the date of filing Memorials. The time to be allowed for filing Briefs shall be seventy days from the date of filing the Answers. The time to be allowed for filing Reply Briefs shall be seventy days from the date of filing the Briefs.

(k) In those cases in which some pleadings or briefs were filed with the General Claims Commission before the date of signature hereof, the Agency which has the right to file the next pleading or brief shall be allowed to determine when that document shall be filed, taking into consideration the necessity of complying with the provisions of paragraph (i) above.

(l) In counting the seventy-day periods mentioned in paragraph (j) above, no deductions shall be made for either Sundays or holidays. The date of filing the above described pleadings and briefs shall be considered to be the date upon which they shall be delivered at the Embassy of the other Government. If the due date shall fall on Sunday or a legal holiday, the pleading or brief shall be filed upon the next succeeding business day. The two Governments shall, for this purpose, instruct their respective Embassies to receive and give receipts for such pleadings and

Esta misma obligación existirá con respecto a la presentación de los escritos y alegatos a que se refiere el inciso (k) más adelante.

(j) El plazo que se concede para la presentación de Contestaciones será de setenta días contados desde la fecha de la presentación de los Memoriales. El plazo para la presentación de Alegatos será de setenta días contados desde la fecha de la presentación de las Contestaciones. El plazo para la presentación del Alegato de Réplica será de setenta días, contados desde la fecha de la presentación de los Alegatos.

(k) En aquellos casos en que se hayan presentado algunos escritos o alegatos ante la Comisión General de Reclamaciones con anterioridad a la fecha de la firma del presente Protocolo, la Agencia que tenga derecho a presentar el escrito o alegato siguiente estará autorizada para determinar la fecha en que se haya de presentar tal documento, tomando en consideración la necesidad que hay de cumplir las disposiciones del inciso (i) anterior.

(l) Al contar los períodos de setenta días de que habla el inciso (j) anterior, no se harán deducciones por concepto de domingos ni días de fiesta. La fecha de la presentación de los escritos y alegatos antes mencionados se considerará que es la fecha en que sean entregados en la Embajada del otro Gobierno. Si la fecha de vencimiento cayere en algún domingo o día de fiesta oficial, el escrito o alegato se presentará en el día hábil siguiente. Los dos Gobiernos, con este objeto, darán instrucciones a sus Embajadas respectivas de recibir y dar recibos por tales escritos y

briefs any weekday between the hours of 10 and 16 (4 p.m.) except on the following legal holidays of both countries:

Of the United States	*Of Mexico*
January 1	January 1
February 22	February 5
May 30	May 1
July 4	May 5
First Monday in September	September 14
	September 15
Last Thursday in November	September 16
	October 12
December 25	November 20
	December 25
	December 31.

(m) In view of the herein prescribed limitations upon the time allowed for the completion of the work of the Agencies and the Commissioners, it is recognized that the success of this simplified plan of procedure depends fundamentally upon the prompt and regular filing of the pleadings and briefs in accordance with the provisions of this Protocol. It is agreed, therefore, that any pleading or brief which shall be filed more than thirty days after the due date for the filing thereof, shall be disregarded by the Commissioners and the Umpire, and that the respective case shall be considered by them upon the pleadings and briefs preceding the tardy pleadings and briefs, unless, by agreement of the two Governments, the continued pleading of the respective case shall be resumed.

(n) It shall not be necessary to present original evidence but all documents hereafter submitted as evidence shall be certified as true and complete copies of the

alegatos en todos los días hábiles, entre las 10 y las 16 horas, exceptuando los siguientes días de fiesta oficiales de ambos países:

De los Estados Unidos	*De México*
1° de enero	1° de enero
22 de febrero	5 de febrero
30 de mayo	1° de mayo
4 de julio	5 de mayo
Primer lunes de septiembre	14 de septiembre
	15 de septiembre
Ultimo jueves de noviembre	16 de septiembre
	12 de octubre
25 de diciembre	20 de noviembre
	25 de diciembre
	31 de diciembre.

(m) En vista de las limitaciones prescritas en este protocolo respecto al período de tiempo fijado para la terminación de las labores de las Agencias y de los Comisionados, se reconoce que el éxito de este plan simplificado de procedimiento depende, fundamentalmente, de la presentación puntual y regular de los escritos y alegatos en los términos establecidos por las disposiciones de este Protocolo. Se conviene, por consiguiente, que cualquier escrito o alegato que se entregue más de treinta días después de la fecha fijada para su presentación, no será tomado en cuenta por los Comisionados y el Arbitro, y que el caso de que se trate será considerado por ellos únicamente sobre la base de los escritos y alegatos que precedan al que se hubiere presentado extemporáneamente, a menos de que, por acuerdo entre ambos Gobiernos, se autorice la continuación de las alegaciones en el caso respectivo.

(n) No será necesario presentar las pruebas originales, pero todos los documentos que de hoy en adelante se presenten en calidad de pruebas, serán certificados

original if they be such. In the event that any particular document filed is not a true and complete copy of the original, that fact shall be so stated in the certificate.

(o) The complete original of any document filed, either in whole or in part, shall be retained in the Agency filing the document and shall be made available for inspection by any authorized representative of the Agent of the other side.

(p) Where the original of any document or other proof is filed at any Government office on either side, and cannot be conveniently withdrawn, and no copy of such document is in the possession of the Agent of the Government desiring to present the same to the Commissioners in support of the allegations set out in his pleadings or briefs, he shall notify the Agent of the other Government in writing of his desire to inspect such document. Should such inspection be refused, then the action taken in response to the request to inspect, together with such reasons as may be assigned for the action taken, shall be reported to the Commissioners and, in turn, to the Umpire mentioned in Clause Fifth of this Protocol, so that due notice thereof may be taken.

Signatures.

Done in duplicate in Mexico, D.F. in the English and Spanish languages this twenty fourth day of the month of April one thousand nine hundred and thirty four.

como copias fieles y completas de sus originales si así lo fueren. En el caso de que algún documento determinado que se presente no sea copia fiel y completa del original, ese hecho se hará constar en la certificación.

(o) El original completo de cualquier documento presentado, ya sea total o parcialmente, será conservado en la Agencia que lo presente y estará disponible para su inspección por cualquier representante autorizado del Agente de la otra parte.

(p) Cuando el original u otra prueba esté archivado en las oficinas de cualquiera de los dos Gobiernos, y no pueda ser retirado facilmente, ni exista copia de tal documento en poder del Agente del Gobierno que desee presentarlo a los Comisionados, en apoyo de los puntos contenidos en sus escritos o alegatos, entonces notificará por escrito al Agente de la parte contraria acerca de su deseo de examinar el referido documento. Si a una solicitud de examen se rehusa la exhibición del documento de que se trata, tal actitud, junto con las razones que se dieren para excusarla, serán puestas en conocimiento de los Comisionados y, en su caso, del Arbitro a que se refiere la Cláusula Quinta de este Protocolo, y ésto será tomado en cuenta por ellos.

Hecho por duplicado, en inglés y en español, en la Ciudad de México, el día veinticuatro del mes de abril del año de mil novecientos treinta y cuatro.

JOSEPHUS DANIELS [SEAL]
PUIG [SEAL]

Arrangement between the United States of America and Denmark for air navigation. Effected by exchange of notes, signed March 12 and 24, 1934. Effective April 16, 1934.

March 14, 24, 1934.

The American Minister (Owen) to the Danish Minister for Foreign Affairs (Munch)

No. 46. LEGATION OF THE UNITED STATES OF AMERICA,
Copenhagen, March 12, 1934.

EXCELLENCY:

Arrangement with Denmark governing air navigation.

Reference is made to the negotiations which have taken place between the Government of the United States of America and the Government of Denmark for the conclusion of a reciprocal air navigation arrangement between the United States of America and Denmark, governing the operation of civil aircraft of the one country in the other country.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:

ARTICLE 1

Tentative provisions.

Pending the conclusion of a convention between the United States of America and Denmark on the subject of air navigation, the operation of civil aircraft of the one country in the other country shall be governed by the following provisions:

ARTICLE 2

Area affected.

The present arrangement shall apply to the United States of America and Denmark, and likewise, subject to the provisions of the second paragraph of Article 6, the following possessions, territories or colonies over which they respectively exercise jurisdiction, including territorial waters:

(a) Alaska, Puerto Rico, Virgin Islands of the United States, and American Samoa.
(b) Greenland.

ARTICLE 3

Aircraft defined.

The term aircraft with reference to one or the other Party to this arrangement shall be understood to mean civil aircraft, including state aircraft used exclusively for commercial purposes, duly registered in the territory of such Party.

ARTICLE 4

Freedom of passage.

Each of the parties undertakes to grant liberty of passage above its territory in time of peace to the aircraft of the other party, provided that the conditions set forth in the present arrangement are observed.

Regular air routes by transport companies.

It is, however, agreed that the establishment and operation of regular air routes by an air transport company of one of the parties within the territory of the other party or across the said territory, with or without intermediary landing, shall be subject to the prior consent of the other party given on the principle of reciprocity and at the request of the party whose nationality the air transport company possesses.

Refusal only on reasonable grounds.

Each party to the arrangement agrees that its consent for operation over its territory by air transport companies of the other party may not be refused on unreasonable or arbitrary grounds. The consent may be made subject to special regulations relating to aerial safety and public order.

Pilot licenses.

The parties to this arrangement agree that the period in which pilots may, while holding valid pilot licenses issued or rendered valid by either country, operate registered aircraft of that country in the other country for non-industrial or non-commercial purposes shall be limited to a period not exceeding six months from the time of entry for the purpose of operating aircraft, unless prior to the expiration of this period the pilots obtain from the government of the country in which they are operating, pilot licenses authorizing them to operate aircraft for non-industrial or non-commercial purposes.

ARTICLE 5

Internal legislation to govern.

The aircraft of each of the Parties to this arrangement, their crews and passengers, shall while within the territory of the other Party, be subject to the general legislation in force in that territory as well as the regulations in force therein relating to air traffic in general, to the transport of passengers and goods and to public safety and order insofar as these regulations apply to all foreign aircraft, their crews and passengers.

Each of the Parties to this arrangement shall permit the import or export of all merchandise which may be legally imported or exported and also the carriage of passengers, subject to any customs, immigration and quarantine restrictions, into or from their respective territories in the aircraft of the other Party, and such aircraft, their passengers and cargoes, shall enjoy the same privileges as and shall not be subjected to any other or higher duties or charges than those which the aircraft of the country, imposing such duties or charges, engaged in international commerce, and their cargoes and passengers, or the aircraft of any foreign country likewise engaged, and their cargoes and passengers, enjoy or are subjected to.

Each of the Parties to this arrangement may reserve to its own aircraft air commerce between any two points neither of which is in a foreign country. Nevertheless the aircraft of either Party may proceed from any aerodrome in the territory of the other Party which they are entitled to use to any other such aerodrome either for the purpose of landing the whole or part of their cargoes or passengers or of taking on board the whole or part of their cargoes or passengers provided that such cargoes are covered by through bills of lading and such passengers hold through tickets, issued respectively for a journey whose starting place and destination both are not points between which air commerce has been duly so reserved, and such aircraft, while proceeding as aforesaid, from one aerodrome to another shall, notwithstanding that such aerodromes are points between which air commerce has been duly reserved, enjoy all the privileges of this arrangement.

ARTICLE 6

Restricted areas.

Each of the Parties to this arrangement shall have the right to prohibit air-traffic over certain areas of its territory, provided that no distinction in this matter is made between its aircraft engaged in international commerce and the aircraft of the other Party likewise engaged. The areas above which air traffic is thus prohibited by either Party must be notified to the other Party.

Each of the Parties may make the right to engage in air traffic over any of its possessions, territories or colonies, specified in subparagraphs (a) or (b) of Article 2, dependent upon the granting of a special permit and upon the fulfillment of special conditions and rules, provided that, subject to the right to reserve to national aircraft air commerce as described in the third paragraph of Article 5, no distinction in this matter is made between aircraft registered in its territory and aircraft registered in territory of the other Party. Each Party shall notify the other Party of its possession, territory or colony over which air traffic will not be permitted without a special permit.

Each of the Parties reserves the right under exceptional circumstances in time of peace and with immediate effect temporarily to limit or prohibit air traffic above its territory on condition that in this respect no distinction is made between the aircraft of the other Party and the aircraft of any foreign country.

ARTICLE 7

Aircraft entering restricted area accidentally.

Any aircraft which finds itself over a prohibited area referred to in the first paragraph of Article 6 shall, as soon as it is aware of the fact, give the signal of distress prescribed in the Rules of the Air in force in the territory flown over and shall land as soon as possible at an aerodrome situated in such territory outside of but as near as possible to such prohibited area.

ARTICLE 8

Distinctive, etc., marks.

All aircraft shall carry clear and visible nationality and registration marks whereby they may be recognized during flight. In addition, they must bear the name and address of the owner.

Certificates required.

All aircraft shall be provided with certificates of registration and of airworthiness and with all the other documents prescribed for air traffic in the territory in which they are registered.

The members of the crew who perform, in an aircraft, duties for which a special permit is required in the territory in which such aircraft is registered, shall be provided with all documents and in particular with the certificates and licenses prescribed by the regulations in force in such territory.

The other members of the crew shall carry documents showing their duties in the aircraft, their profession, identity and nationality.

Validity of certificates.

The certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one of the Parties to this arrangement in respect of an aircraft registered in its territory or of the crew of such aircraft shall have the same validity in the territory of the other Party as the corresponding documents issued or rendered valid by the latter.

Rights reserved.

Each of the Parties reserves the right for the purpose of flight within its own territory to refuse to recognize certificates of competency and licenses issued to nationals of that Party by the other Party.

ARTICLE 9

Radio regulations.

Aircraft of either of the Parties to this arrangement may carry wireless apparatus in the territory of the other Party only if a license to install and work such apparatus shall have been issued by the competent authorities of the Party in whose territory the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the territory within whose air space the aircraft is navigating.

Such apparatus shall be used only by such members of the crew as are provided with a special license for the purpose issued by the Government of the territory in which the aircraft is registered.

The Parties to this arrangement reserve respectively the right, for reasons of safety, to issue regulations relative to the obligatory equipment of aircraft with wireless apparatus.

ARTICLE 10

War materials restrictions.

No arms of war, explosives of war, or munitions of war shall be carried by aircraft of either Party above the territory of the other Party or by the crew or passengers, except by permission of the competent authorities of the territory within whose air space the aircraft is navigating.

ARTICLE 11

Inspection, etc.

Upon the departure or landing of any aircraft each Party may within its own territory and through its competent authorities search the aircraft of the other Party and examine the certificates and other documents prescribed.

ARTICLE 12

Aerodromes.

Aerodromes open to public air traffic in the territory of one of the Parties to this arrangement shall in so far as they are under the control of the Party in whose territory they are situated be open to all aircraft of the other Party, which shall also be entitled to the assistance of the meteorological services, the wireless services, the lighting services, and the day and night signalling services, in so far as the several classes of services are under control of the Party in whose territory they respectively are rendered. Any scale of charges made, namely, landing, accommodation or other charge, with respect to the aircraft of each Party in the territory of the other Party, shall in so far as such charges are under the control of the Party in whose territory they are made be the same for the aircraft of both Parties.

ARTICLE 13

Landings, etc.

All aircraft entering or leaving the territory of either of the Parties to this arrangement shall land at or depart from an aerodrome open to public air traffic and classed as a customs aerodrome at which facilities exist for enforcement of immigration regulations and clearance of aircraft, and no intermediary landing shall be effected between the frontier and the aerodrome. In special cases the competent authorities may allow aircraft to land at or depart from other aerodromes, at which customs, immigration and clearance facilities have been arranged. The prohibition of any intermediary landing applies also in such cases.

In the event of a forced landing outside the aerodromes, referred to in the first paragraph of this article, the pilot of the aircraft, its

crew and the passengers shall conform to the customs and immigration regulations in force in the territory in which the landing has been made.

Aircraft of each Party to this arrangement are accorded the right to enter the territory of the other Party subject to compliance with quarantine regulations in force therein.

The Parties to this arrangement shall exchange lists of the aerodromes in their territories designated by them as ports of entry and departure.

ARTICLE 14

Flight restrictions.

Each of the Parties to this arrangement reserves the right to require that all aircraft crossing the frontiers of its territory shall do so between certain points. Subject to the notification of any such requirements by one Party to the other Party, and to the right to prohibit air traffic over certain areas as stipulated in Article 6 the frontiers of the territories of the Parties to this arrangement may be crossed at any point.

ARTICLE 15

Ballast.

As ballast, only fine sand or water may be dropped from an aircraft.

ARTICLE 16

Permission required to discharge, etc.

No article or substance, other than ballast, may be unloaded or otherwise discharged in the course of flight unless special permission for such purpose shall have been given by the authorities of the territory in which such unloading or discharge takes place.

ARTICLE 17

Registry.

Whenever questions of nationality arise in carrying out the present arrangement, it is agreed that every aircraft shall be deemed to possess the nationality of the Party in whose territory it is duly registered.

ARTICLE 18

Exchange of ratifications.

The Parties to this arrangement shall communicate to each other the regulations relative to air traffic in force in their respective territories.

ARTICLE 19

Duration.

The present arrangement shall be subject to termination by by either Party upon sixty days' notice given to the other Party or by the enactment by either Party of legislation inconsistent therewith.

Ratification and effective date.

I shall be glad to have you inform me whether it is the understanding of your Government that the arrangement agreed to in the negotiations is as herein set forth. If so, it is suggested that the arrangement become effective on April 16, 1934.

Accept, Excellency, the renewed assurances of my highest consideration.

RUTH BRYAN OWEN.

His Excellency
Dr. P. MUNCH,
Royal Minister for Foreign Affairs,
Copenhagen.

The Danish Minister for Foreign Affairs (Munch) to the American Minister (Owen)

UDENRIGSMINISTERIET. Ø.P.I. Journal Nr. 93.D.32.

COPENHAGEN, *March 24, 1934.*

MADAM:—

Acceptance by Denmark.

I have the honour to acknowledge the receipt of the note of the 12th instant in which you communicated to me the text of the reciprocal air navigation arrangement between Denmark and the United States of America, governing the operation of civil aircraft of the one country in the other country, as understood by you to have been agreed to during the negotiations, now terminated, between the two countries.

The text which you have communicated to me is reproduced below:

ARTICLE 1.

Pending the conclusion of a convention between the United States of America and Denmark on the subject of air navigation, the operation of civil aircraft of the one country in the other country shall be governed by the following provisions:

ARTICLE 2.

The present arrangement shall apply to the United States of America and Denmark, and likewise, subject to the provisions of the second paragraph of Article 6, the following possessions, territories or colonies over which they respectively exercise jurisdiction, including territorial waters:

(a) Alaska, Puerto Rico, Virgin Islands of the United States, and American Samoa.
(b) Greenland.

ARTICLE 3.

The term aircraft with reference to one or the other Party to this arrangement shall be understood to mean civil aircraft, including state aircraft used exclusively for commercial purposes, duly registered in the territory of such Party.

ARTICLE 4.

Each of the parties undertakes to grant liberty of passage above its territory in time of peace to the aircraft of the other party, provided that the conditions set forth in the present arrangement are observed.

It is, however, agreed that the establishment and operation of regular air routes by an air transport company of one of the parties within the territory of the other party or across the said territory, with or without intermediary landing, shall be subject to the prior consent of the other party given on the principle of reciprocity and at the request of the party whose nationality the air transport company possesses.

Each party to the arrangement agrees that its consent for operations over its territory by air transport companies of the other party may not be refused on unreasonable or arbitrary grounds. The consent may be made subject to special regulations relating to aerial safety and public order.

The parties to this arrangement agree that the period in which pilots may, while holding valid pilot licences issued or rendered valid by either country, operate registered aircraft of that country in the other country for non-industrial or non-commercial purposes shall be limited to a period not exceeding six months from the time of entry for the purpose of operating aircraft, unless prior to the expiration of this period the pilots obtain from the Government of the country in which they are operating, pilot licenses authorizing them to operate aircraft for non industrial or non-commercial purposes.

ARTICLE 5.

The aircraft of each of the Parties to this arrangement, their crews and passengers, shall, while within the territory of the other Party, be subject to the general legislation in force in that territory as well as the regulations in force therein relating to air traffic in general, to the transport of passengers and goods and to public safety and order in so far as these regulations apply to all foreign aircraft, their crews and passengers.

Each of the Parties to this arrangement shall permit the import or export of all merchandise which may be legally imported or exported and also the carriage of passengers, subject to any customs, immigration and quarantine restrictions, into or from their respective territories in the aircraft of the other Party, and such aircraft, their passengers and cargoes, shall enjoy the same privileges as and shall not be subjected to any other or higher duties or charges than those which the aircraft of the country, imposing such duties or charges, engaged in international commerce, and their cargoes and passengers, or the aircraft of any foreign country likewise engaged, and their cargoes and passengers, enjoy or are subjected to.

Each of the Parties to this arrangement may reserve to its own aircraft air commerce between any two points neither of which is in a foreign country. Nevertheless the aircraft of either Party may proceed from any aerodrome in the territory of the other Party which they are entitled to use to any other such aerodrome either for the purpose of landing the whole or part of their cargoes or passengers or of taking on board the whole or part of their cargoes or passengers provided that such cargoes are covered by through bills of lading, and such passengers hold through tickets, issued respectively for a journey whose starting place and destination both are not points between which air commerce has been duly so reserved, and such aircraft, while proceeding as aforesaid, from one aerodrome to another, shall, notwithstanding that such aerodromes are points between which air commerce has been duly reserved, enjoy all the privileges of this arrangement.

ARTICLE 6.

Each of the Parties to this arrangement shall have the right to prohibit air traffic over certain areas of its territory, provided that no distinction in this matter is made between its aircraft engaged in international commerce and the aircraft of the other Party likewise engaged. The areas above which air traffic is thus prohibited by either Party must be notified to the other Party.

Each of the Parties may make the right to engage in air traffic over any of its possessions, territories or colonies, specified in subparagraphs (a) or (b) of Article 2, dependent upon the granting of a special permit and upon the fulfillment of special conditions and rules, provided that, subject to the right to reserve to national aircraft air commerce as described in the third paragraph of Article

5, no distinction in this matter is made between aircraft registered in its territory and aircraft registered in territory of the other Party. Each Party shall notify the other Party of its possession, territory or colony over which air traffic will not be permitted without a special permit.

Each of the Parties reserves the right under exceptional circumstances in time of peace and with immediate effect temporarily to limit or prohibit air traffic above its territory on condition that in this respect no distinction is made between the aircraft of the other Party and the aircraft of any foreign country.

ARTICLE 7.

Any aircraft which finds itself over a prohibited area referred to in the first paragraph of Article 6 shall, as soon as it is aware of the fact, give the signal of distress prescribed in the Rules of the Air in force in the territory flown over and shall land as soon as possible at an aerodrome situated in such territory outside of but as near as possible to such prohibited area.

ARTICLE 8.

All aircraft shall carry clear and visible nationality and registration marks whereby they may be recognized during flight. In addition, they must bear the name and address of the owner.

All aircraft shall be provided with certificates of registration and of airworthiness and with all the other documents prescribed for air traffic in the territory in which they are registered.

The members of the crew who perform, in an aircraft, duties for which a special permit is required in the territory in which such aircraft is registered, shall be provided with all documents and in particular with the certificates and licences prescribed by the regulations in force in such territory.

The other members of the crew shall carry documents showing their duties in the aircraft, their profession, identity and nationality.

The certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one of the Parties to this arrangement in respect of an aircraft registered in its territory or of the crew of such aircraft shall have the same validity in the territory of the other Party as the corresponding documents issued or rendered valid by the latter.

Each of the Parties reserves the right for the purpose of flight within its own territory to refuse to recognize certificates of competency and licenses issued to nationals of that Party by the other Party.

ARTICLE 9.

Aircraft of either of the Parties to this arrangement may carry wireless apparatus in the territory of the other Party only if a license to install and work such apparatus shall have been issued by the competent authorities of the Party in whose territory the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the territory within whose air space the aircraft is navigating.

Such apparatus shall be used only by such members of the crew as are provided with a special license for the purpose issued by the Government of the territory in which the aircraft is registered.

The Parties to this arrangement reserve respectively the right, for reasons of safety, to issue regulations relative to the obligatory equipment of aircraft with wireless apparatus.

ARTICLE 10.

No arms of war, explosives of war, or munitions of war shall be carried by aircraft of either Party above the territory of the other Party or by the crew or passengers, except by permission of the competent authorities of the territories within whose air space the aircraft is navigating.

ARTICLE 11.

Upon the departure or landing of any aircraft each Party may within its own territory and through its competent authorities search the aircraft of the other Party and examine the certificates and other documents prescribed.

ARTICLE 12.

Aerodromes open to public air traffic in the territory of one of the Parties to this arrangement shall in so far as they are under the control of the Party in whose territory they are situated be open to all aircraft of the other Party, which shall also be entitled to the assistance of the meteorological services, the wireless services, the lighting services and the day and night signalling services, in so far as the several classes of services are under control of the Party in whose territory they respectively are rendered. Any scale of charges made, namely, landing, accomodation or other charge, with respect to the aircraft of each Party in the territory of the other Party, shall in so far as such charges are under the control of the Party in whose territory they are made be the same for the aircraft of both Parties.

ARTICLE 13.

All aircraft entering or leaving the territory of either of the Parties to this arrangement shall land at or depart from an aerodrome open to public air traffic and classed as a customs aerodrome at which facilities exist for enforcement of immigration regulations and clearance of aircraft, and no intermediary landing shall be effected between the frontier and the aerodrome. In special cases the competent authorities may allow aircraft to land at or depart from other aerodromes, at which customs, immigration and clearance facilities have been arranged. The prohibition of any intermediary landing applies also in such cases.

In the event of a forced landing outside the aerodromes, referred to in the first paragraph of this article, the pilot of the aircraft, its crew and the passengers shall conform to the customs and immigration regulations in force in the territory in which the landing has been made.

Aircraft of each Party to this arrangement are accorded the right to enter the territory of the other Party subject to compliance with quarantine regulations in force therein.

The Parties to this arrangement shall exchange lists of the aerodromes in their territories designated by them as ports of entry and departure.

ARTICLE 14.

Each of the Parties to this arrangement reserves the right to require that all aircraft crossing the frontiers of its territory shall do so between certain points. Subject to the notification of any such requirements by one Party to the other Party, and to the right to prohibit air traffic over certain areas as stipulated in Article 6 the frontiers of the territories of the Parties to this arrangement may be crossed at any point.

ARTICLE 15.

As ballast, only fine sand or water may be dropped from an aircraft.

ARTICLE 16.

No article or substance, other than ballast, may be unloaded or otherwise discharged in the course of flight unless special permission for such purpose shall have been given by the authorities of the territory in which such unloading or discharge takes place.

ARTICLE 17.

Whenever questions of nationality arise in carrying out the present arrangement, it is agreed that every aircraft shall be deemed to possess the nationality of the Party in whose territory it is duly registered.

ARTICLE 18.

The Parties to this arrangement shall communicate to each other the regulations relative to air traffic in force in their respective territories.

ARTICLE 19.

The present arrangement shall be subject to termination by either Party upon sixty days' notice given to the other Party or by the enactment by either Party of legislation inconsistent therewith."

I am glad to assure you that the foregoing text is what has been accepted by my Government in the course of the negotiations and is approved by it.

In accordance with your suggestion it is understood that the arrangement will come into force on April 16, 1934.

I avail myself of this opportunity to renew to you, Madame, the assurance of my high consideration.

P. MUNCH

Mrs. RUTH BRYAN OWEN,
Minister of the United States of America.

[No. 58]

Arrangement between the United States of America and Denmark governing pilot licenses to operate civil aircraft. Effected by exchange of notes, signed March 14 and 24, 1934. Effective April 16, 1934.

March 12, 24, 1934.

The American Minister (Owen) to the Danish Minister for Foreign Affairs (Munch)

No. 48 LEGATION OF THE UNITED STATES OF AMERICA,
Copenhagen, March 14, 1934.

EXCELLENCY:—

Arrangement with Denmark governing pilot licenses to operate civil aircraft.

Reference is made to the negotiations which have taken place between the Government of the United States of America and the Government of Denmark for the conclusion of a reciprocal arrangement between the United States of America and Denmark providing for the issuance by the one country of licenses to nationals of the other country authorizing them to pilot civil aircraft.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:

ARTICLE 1

The present arrangement between the United States of America and Denmark relates to the issuance by each country of licenses to nationals of the other country for the piloting of civil aircraft. The term "civil aircraft" shall be understood to mean aircraft used for private, industrial, commercial or transport purposes.

ARTICLE 2

(a) The Department of Public Works of Denmark will issue pilots' licenses to American nationals upon a showing that they are qualified under the regulations of that Department covering the licensing of pilots.

(b) The Department of Commerce of the United States of America will issue pilots' licenses to Danish nationals upon a showing that they are qualified under the regulations of that Department covering the licensing of pilots.

ARTICLE 3

(a) Pilots' licenses issued by the Department of Commerce of the United States of America to Danish nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to American nationals.

(b) Pilots' licenses issued by the Department of Public Works of Denmark to American nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to Danish nationals.

ARTICLE 4

Pilots' licenses issued to nationals of the one country by the competent authority of the other country shall not be construed to accord to the licensees the right to register aircraft in such other country.

ARTICLE 5

Pilots' licenses issued to nationals of the one country by the competent authority of the other country shall not be construed to accord to the licensees the right to operate aircraft in air commerce wholly within territory of such other country reserved to national aircraft, unless the aircraft have been registered under the laws of the country issuing the pilots' licenses and the license is valid for the operations in which the pilot is to engage.

ARTICLE 6

The present arrangement shall be subject to termination by either Party upon sixty days' notice given to the other Party or by enactment by either Party of legislation inconsistent therewith.

I shall be glad to have you inform me whether it is the understanding of your Government that the arrangement agreed to in the negotiations is as herein set forth. If so, it is suggested that the arrangement become effective on April 16, 1934.

Accept, Excellency, the renewed assurances of my highest consideration.

RUTH BRYAN OWEN.

His Excellency
Dr. P. MUNCH,
Royal Minister for Foreign Affairs,
Copenhagen.

The Danish Minister for Foreign Affairs (Munch) to the American Minister (Owen)

UDENRIGSMINISTERIET. Ø.P.I.–Journal Nr. 93.D.32.

COPENHAGEN, *March 24, 1934.*

MADAM:—

Concurrence by Denmark.

I have the honor to acknowledge the receipt of the note of the 14th instant in which you communicated to me the text of the reciprocal arrangement between Denmark and the United States of America providing for the issuance by the one country of licenses to nationals of the other country authorizing them to pilot civil aircraft, as understood by you to have been agreed to during the negotiations, now terminated, between the two countries.

The text which you have communicated to me is reproduced below:

ARTICLE 1.

The present arrangement between the United States of America and Denmark relates to the issuance by each country of licenses to nationals of the other country for the piloting of civil aircraft. The term "civil aircraft" shall be understood to mean aircraft used for private, industrial, commercial or transport purposes.

ARTICLE 2.

(a) The Department of Public Works of Denmark will issue pilots' licenses to American nationals upon a showing that they are qualified under the regulations of that Department covering the licensing of pilots.

(b) The Department of Commerce of the United States of America will issue pilots' licenses to Danish nationals upon a showing that they are qualified under the regulations of that Department covering the licensing of pilots.

ARTICLE 3.

(a) Pilots' licenses issued by the Department of Commerce of the United States of America to Danish nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to American nationals.

(b) Pilots' licenses issued by the Department of Public Works of Denmark to American nationals shall entitle them to the same privileges as are granted by pilots' licenses issued to Danish nationals.

ARTICLE 4.

Pilots' licenses issued to nationals of the one country by the competent authority of the other country shall not be construed to accord to the licensees the right to register aircraft in such other country.

ARTICLE 5.

Pilots' licenses issued to nationals of the one country by the competent authority of the other country shall not be construed to accord to the licensees the right to operate aircraft in air commerce wholly within territory of such other country reserved to national aircraft, unless the aircraft have been registered under the laws of the country issuing the pilots' licenses and the license is valid for the operations in which the pilot is to engage.

ARTICLE 6.

The present arrangement shall be subject to termination by either Party upon sixty days' notice given to the other Party or by enactment by either Party of legislation inconsistent therewith."

I am glad to assure you that the foregoing text is what has been accepted by my Government in the course of the negotiations and is approved by it.

In accordance with your suggestion it is understood that the arrangement will come into force on April 16, 1934.

I avail myself of this opportunity to renew to you, Madame, the assurance of my high consideration.

P. MUNCH

Mrs. RUTH BRYAN OWEN,
Minister of the United States of America.

[No. 59]

March 12, 24, 1934. *Arrangement between the United States of America and Denmark for the reciprocal recognition of certificates of airworthiness for imported aircraft. Effected by exchange of notes, signed March 12 and 24, 1934; effective April 16, 1934.*

The American Minister (Owen) to the Danish Minister for Foreign Affairs (Munch)

No. 47 LEGATION OF THE UNITED STATES OF AMERICA,
Copenhagen, March 12, 1934.

EXCELLENCY:—

Arrangement with Denmark for the reciprocal recognition of certificates of airworthiness of imported aircraft.

Reference is made to the negotiations which have taken place between the Government of the United States of America and the Government of Denmark for the conclusion of a reciprocal arrangement between the United States of America and Denmark providing for the acceptance by the one country of certificates of airworthiness for aircraft exported from the other country as merchandise.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:

ARTICLE 1

The present arrangement applies to civil aircraft constructed in continental United States of America, exclusive of Alaska, and exported to Denmark; and to civil aircraft constructed in Denmark and exported to continental United States of America, exclusive of Alaska.

ARTICLE 2

The same validity shall be conferred on certificates of airworthiness issued by the competent authorities of the Government of the United States in respect of aircraft subsequently registered in Denmark as if they had been issued under the regulations in force on the subject in Denmark provided that in each case a certificate of airworthiness for export has also been issued by the United States authorities in respect of the individual aircraft, and provided that certificates of airworthiness issued by the competent authorities of Denmark in respect of aircraft subsequently registered in the United States of America are similarly given the same validity as if they had been issued under the regulations in force on the subject in the United States.

ARTICLE 3

The above arrangement will extend to civil aircraft of all categories, including those used for public transport and those used for private purposes.

ARTICLE 4

The present arrangement shall be subject to termination by either Party upon sixty days' notice given to the other Party or by the enactment of either Party of legislation inconsistent therewith.

I shall be glad to have you inform me whether it is the understanding of your Government that the arrangement agreed to in the negotiations is as herein set forth. If so, it is suggested that the arrangement become effective on April 16, 1934.

Accept, Excellency, the renewed assurances of my highest consideration.

RUTH BRYAN OWEN.

His Excellency
Dr. P. MUNCH,
Royal Minister for Foreign Affairs,
Copenhagen.

The Danish Minister for Foreign Affairs (Munch) to the American Minister (Owen)

Agreement by Denmark.

UDENRIGSMINISTERIET. Ø.P.I. Journal Nr. 93.D.32.

COPENHAGEN, *March 24, 1934.*

MADAM:—

I have the honor to acknowledge the receipt of the note of the 12th instant, in which you communicated to me the text of the reciprocal arrangement between Denmark and the United States of America providing for the acceptance by the one country of certificates of airworthiness for aircraft exported from the other country as merchandise, as understood by you to have been agreed to during the negotiations, now terminated, between the two countries.

The text which you have communicated to me is reproduced below:

ARTICLE 1.

The present arrangement applies to civil aircraft constructed in continental United States of America, exclusive of Alaska, and exported to Denmark; and to civil aircraft constructed in Denmark and exported to continental United States of America, exclusive of Alaska.

ARTICLE 2.

The same validity shall be conferred on certificates of airworthiness issued by the competent authorities of the Government of the United States in respect of aircraft subsequently registered in Denmark as if they had been issued under the regulations in force on the subject in Denmark provided that in each case a certificate of airworthiness for export has also been issued by the United States authorities in respect of the individual aircraft, and provided that certificates of airworthiness issued by the competent authorities of Denmark in respect of aircraft subsequently registered in the United States of America are similarly given the same validity as if they had been issued under the regulations in force on the subject in the United States.

ARTICLE 3.

The above arrangement will extend to civil aircraft of all categories, including those used for public transport and those used for private purposes.

ARTICLE 4.

The present arrangement shall be subject to termination by either Party upon sixty days' notice given to the other Party or by the enactment of either Party of legislation inconsistent therewith."

I am glad to assure you that the foregoing text is what has been accepted by my Government in the course of the negotiations and is approved by it.

In accordance with your suggestion it is understood that the arrangement will come into force on April 16, 1934.

I avail myself of this opportunity to renew to you, Madame, the assurance of my high consideration.

P. MUNCH

Mrs. RUTH BRYAN OWEN,
Minister of the United States of America.

[No. 60]

Arrangement between the United States of America and Denmark concerning reciprocal treatment of passenger motor vehicles. Effected by exchange of notes, signed September 4, 1928, October 27, 1928, and February 2, 1929; effective February 1, 1929.

September 4, October 27, 1928. February 2, 1929.

The Danish Minister (Brun) to the Acting Secretary of State

J. No. 30. J. a/5.

ROYAL DANISH LEGATION
WASHINGTON, D.C.

No. 125. *p.t.* BAR HARBOR, MAINE, *September 4, 1928.*

SIR,

Arrangement with Denmark for the reciprocal treatment of automobiles.

I am directed to inform you, that the Danish Government, on condition of reciprocity, is prepared to grant freedom from taxation for a period of 3 months to foreign automobiles built for the transportation of passengers not to exceed 7 in number including the driver, and belonging in the country in question and registered as the property of persons residing there.

In these circumstances I would be greatly obliged to you for being so good as to let me know, what formalities and conditions must be complied with in order that motor vehicles registered in Denmark may be exempted from taxation in the United States, therein included duties and taxes of all kinds.

I have the honor to be, Sir,

With the highest consideration,

Your most obedient and humble servant,

C. BRUN.

The Honorable
J. REUBEN CLARK, Jr.,
Acting Secretary of State,
Department of State, Washington, D.C.

The Secretary of State to the Danish Minister (Brun)

DEPARTMENT OF STATE,
Washington, October 27, 1928.

SIR:

Response by United States.

I have the honor to acknowledge the receipt of your note of September 4, 1928, in which you were good enough to inform me that your Government, on the basis of reciprocity, is prepared to grant freedom from taxation for a period of three months to foreign automobiles built for transportation of passengers not to exceed seven in number, including the driver, and belonging in the country in question and registered as the property of persons residing there.

In reply I have the honor to inform you that the Federal Government imposes no taxes on automobiles in the United States. The taxation of owners of automobiles and the exaction of fees for the registration of automobiles is a matter for determination by the several States. The Department has been informally advised that an investigation of the motor vehicle laws of the forty-eight States of the United States discloses the fact that all of them grant reciprocity to foreign visitors.

This reciprocity is granted in respect both to the license plate and the driving license, provided, of course, that the same reciprocity is extended by foreign countries to residents of States that are now granting this courtesy. With regard to the taxation of owners of automobiles which is usually distinct from the payment of a registration fee, it may be stated that it is the Department's understanding that as a general rule such taxes are only imposed upon persons who are found to be legal residents of a certain State. Such taxes, it is believed, would not be exacted from persons who are merely touring through the several States of the Union, the class of persons to whom, presumably, reference is made in your note under acknowledgment.

In this connection the following information regarding the freedom from customs duties granted on a reciprocal basis to motorcycles and automobiles brought into the United States by nonresidents for a period of not more than six months, quoted from a letter from the Treasury Department, would appear pertinent to your inquiry:

"The regulations governing such importations are contained in Chapter VIII, Customs Regulations of 1923, Articles 406–413. Article 407 provides that entry shall be made on Customs Form 7501, and that bond shall be given on Customs Form 7563 (with surety) in a penal sum equal to double the estimated duties. In lieu of such bond, the importer may deposit a cash amount equal to the estimated duties, which is treated as a cash bond. The entry will be liquidated free of duty, and the bond canceled or the amount deposited returned, if the vehicle in question is exported within the six months period prescribed by Section 308 and provided that exportation is made in the manner required by Article 412 of the regulations. When not so exported, the vehicles are treated in the same manner as similar articles imported for sale and consumption, and assessed for duty on their value at the time of importation. The six months period prescribed for exportation cannot be extended."

I have the honor to express the hope that in the light of the foregoing information the competent Danish authorities will be prepared to grant reciprocal treatment to American citizens desiring to drive automobiles in Denmark.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State:

W. R. CASTLE, JR.

Mr. CONSTANTIN BRUN,
Minister of Denmark.

The Danish Minister (Brun) to the Secretary of State

J. No. 30. J. a/5

ROYAL DANISH LEGATION
WASHINGTON, D.C.

No. 14. FEBRUARY 2, 1929.

SIR,

Concurrence by Denmark.

Referring again to your reply-letter of October 27, 1928 in regard to taxation in this country of automobiles and exemption from such taxation of the automobiles of foreign visitors, I have the honor to state as follows:

In the last paragraph of your aforesaid letter you expressed the hope, that the competent Danish authorities, in the light of the information placed at their disposal, would be prepared to grant reciprocal treatment to American citizens desiring to drive automobiles in Denmark.

In this connection I am directed by the Danish Minister of Foreign Affairs to transmit to you the four copies here enclosed of a Regulation issued on this subject on January 18, 1929 by the Danish Ministry of Public Works. It will be seen that this Regulation, in view of the authorization contained in § 7 No. 1 of the Act No. 143 of July 1, 1927 on taxation of automobiles, etc., exempts from the tax prescribed in the said paragraph, for a period not exceeding 3 months, (visiting) automobiles for transportation of persons, built to seat not more than seven persons including the chauffeur, which belong in the United States and are registered in the United States as the property of persons residing in the United States.

A copy of § 7 No. 1 of the said Act is herewith enclosed.

I have the honor to be, Sir,
with the highest consideration,
Your most obedient and humble servant,

C. BRUN.

The Honorable
FRANK B. KELLOGG,
Secretary of State,
Department of State, Washington, D.C.

[Enclosure 1]

JOURNAL NR. 371 c.
BREV NR. B.

I Henhold til den Ministeren for offentlige Arbejder i §7, Stk. 1, i Lov Nr. 143 af 1. Juli 1927 om Afgift af Motorkøretøjer m. v. givne Bemyndigelse frafalder Ministeriet herved efter Forhandling med Finansministeriet Afgiften i Henhold til nævnte Paragraf af saadanne i de amerikanske Forenede Stater hjemmehørende Personautomobiler, der ikke er indrettede til Befordring af mere end 7 Personer, Føreren iberegnet, og som i det paagældende Land er indregistrerede som tilhørende Personer, bosatte i dette Land.

Afgiftsfriheden gælder kun for et Tidsrum af 3 Maaneder, saaledes at den ifornævnte Lovs §§ 1–6 omhandlede Afgiftspligt indtræder, saafremt Køretøjet forbliver her i Landet i over 3 Maaneder.

Denne Bekendtgørelse træder i Kraft den 1. Februar 1929.

Hvilket under Henvisning til Bekendtgørelse herfra af 28. Januar 1928 herved bringes til almindelig Kundskab.

MINISTERIET FOR OFFENTLIGE ARBEJDER, DEN 18. JANUAR 1929.

J. P. STENSBALLE.
CH. BUCHWALD.

Bekendtgørelse
om
Afgiftsfrihed her i Landet for Motorvogne og Paahængsvogne til saadanne, der er hjemmehørende i de amerikanske Forenede Stater, og som Personer, der ankommer fra Udlandet til Danmark, benytter ved Indpassagen.

[Enclosure 1—Translation]

JOURNAL N. 371 c.
CIRCULAR No. B.

Pursuant to the authority given to the Minister of Public Works in section 7, paragraph 1, in act no. 143 of July 1, 1927, relative to tax on motor vehicles, etc., the Ministry, after consultation with the Ministry of Finance, hereby waives the tax, in accordance with the said paragraph, on such passenger automobiles belonging in the United States as are designed to carry not more than 7 persons including the chauffeur, and are registered in the country in question as belonging to persons domiciled in that country.

Exemption from taxation is valid only for a period of 3 months, and therefore the liability to taxation mentioned by sections 1–6 of the above-named law arises in case the vehicle remains in this country for more than 3 months.

This proclamation shall go into effect February 1, 1929.

Which is hereby made public, reference being made to the proclamation of January 28, 1928, on this subject.

MINISTRY OF PUBLIC WORKS, JANUARY 18, 1929.

J. P. STENSBALLE.
CH. BUCHWALD.

Proclamation
relative to
Exemption from taxation in this country of motor cars and trailers to same, which belong in the United States, and which are used in entering this country by persons coming to Denmark from abroad.

[Enclosure 2]

COPY OF ACT NO. 143 OF JULY 1, 1927, ON TAXATION OF AUTOMOBILES, ETC.

§ 7, *No. 1.*

Af ikke her i Landet hjemmehørende Motorvogne samt Paahængsvogne til saadanne, som Personer, der ankommer fra Udlandet til Danmark, benytter ved Indpassagen, betales, bortset fra de i § 1, Stk. 2, nævnte Undtagelsestilfælde, følgende Afgifter:

Af Personautomobiler, der ikke er indrettede til at befordre flere end 7 Personer, Føreren iberegnet, samt af Paahængsvogne til Personautomobiler 5 Kr. for indtil 2 Dages Kørsel, 15 Kr. for indtil 8 Dages Kørsel og 50 Kr. for indtil 1 Maaneds Kørsel. Saafremt Vognen ikke forbliver her i Landet i hele det Tidsrum, for hvilket der er betalt Afgift, kan den senere køre her i Landet i den øvrige Tid uden at betale en ny Afgift.

Af Personautomobiler, der er indrettede til at befordre flere end 7 Personer, Føreren iberegnet, af Traktorer, Vare- og Lastautomobiler samt af Paahængsvogne til saadanne 8 Kr. for indtil 2 Dages Kørsel, 25 Kr. for indtil 8 Dages Kørsel og 80 Kr. for indtil en Maaneds Kørsel.

Afgiften erlægges forud efter Regler, der nærmere fastsættes af Ministeren for offentlige Arbejder efter Forhandling med Finansministeren.

Ministeren for offentlige Arbejder kan dog efter Forhandling med Finansministeren frafalde Afgiften efter nærværende Bestemmelse for Personautomobiler, hjemmehørende i Lande, der indrømmer tilsvarende Afgiftsfrihed for her hjemmehørende Personautomobiler.

[Enclosure 2—Translation]

COPY OF ACT NO. 143 OF JULY 1, 1927, ON TAXATION OF AUTOMOBILES, ETC.

Section 7, No. 1.

The following taxes shall be paid on motor cars and trailers to same not belonging in this country, which are used in entering this country by persons coming to Denmark from abroad, except in the exceptional cases mentioned in section 1, paragraph 2.

On passenger automobiles, which are designed to carry not more than 7 persons including the chauffeur, and on trailers to passenger automobiles, 5 kroner for up to 2 days' driving, 15 kroner for up to 8 days' driving, and 50 kroner for up to 1 month's driving. If the car does not remain in this country during the whole period for which the tax is paid, it may be driven in this country later during the remaining time without payment of a new tax.

On passenger automobiles which are designed to carry more than 7 persons including the chauffeur, on tractors, commercial automobiles and motor trucks and on trailers to the same, 8 kroner for up to 2 days' driving, 25 kroner for up to 8 days' driving, and 80 kroner for up to 1 month's driving.

The tax is paid in advance in accordance with rules which shall be definitely fixed by the Minister of Public Works, after consultation with the Minister of Finance.

The Minister of Public Works may, however, after consultation with the Minister of Finance, waive payment of taxes under the present provision for passenger automobiles belonging in countries which grant the corresponding exemption from taxes for passenger automobiles belonging in this country.

April 23, 1934.
May 2, 4, 1934.

Arrangement between the United States of America and the Dominion of Canada governing radio communications between private experimental stations and between amateur stations. Effected by exchange of notes, signed April 23 and May 2 and 4, 1934; effective May 4, 1934.

The American Minister (Robbins) to the Canadian Secretary of State for External Affairs (Bennett)

No. 219. LEGATION OF THE UNITED STATES OF AMERICA,
Ottawa, Canada, April 23, 1934.

SIR:

Arrangement with Canada governing radio communications between private experimental and amateur stations.
Vol. 45, p. 2853.

Pursuant to the provisions in Article 6 of the General Regulations annexed to the International Radiotelegraph Convention signed at Washington on November 25, 1927, there was effected by an exchange of notes between the United States of America and the Dominion of Canada, dated October 2, 1928, December 29, 1928, and January 12, 1929, an arrangement governing radio communications between private experimental stations in the two countries.

The International Telecommunication Convention and the General Radio Regulations annexed thereto, signed at Madrid on December 9, 1932, will, when effective, abrogate and replace in the relations between the contracting governments the International Radiotelegraph Convention and the General Regulations of Washington, 1927.

I have the honor, therefore, for and in the name of my Government and by its direction, to propose that the above-mentioned arrangement governing radio communications between private experimental stations, effected by an exchange of notes, shall be deemed and understood by the two Governments to continue to apply to private experimental stations and to amateur radio stations, without change, under Sections 1 and 2 of Article 8 of the General Radio Regulations annexed to the International Telecommunication Convention of Madrid, 1932, when the said Convention and Regulations shall have been ratified by both Governments.

Continuance of application.

The Government of the United States will be pleased to consider the above-stated understanding to be effective on the date of the receipt of a note from the Government of the Dominion of Canada stating its acceptance of such understanding.

I avail myself of the occasion to renew to you, Sir, the assurances of my highest consideration.

WARREN D. ROBBINS

The Right Honorable
THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS,
Ottawa, Canada.

The Canadian Secretary of State for External Affairs (Bennett) to the American Minister (Robbins)

No. 40

DEPARTMENT OF EXTERNAL AFFAIRS,
Ottawa, 2nd May, 1934.

SIR,

Acceptance by Canada.

I have the honour to acknowledge your note No. 219 of the 23rd April, 1934, relating to an arrangement effected by an exchange of notes between Canada and the United States of America, dated October 2, 1928, December 29, 1928, and January 12, 1929, governing radio communications between private experimental stations in the two countries.

It is noted that the International Telecommunication Convention and the General Radio Regulations annexed thereto, signed at Madrid on December 9, 1932, will, when effective, abrogate and replace in the relations between the contracting governments the International Radiotelegraph Convention and the General Regulations of Washington, 1927.

It is noted that it is proposed, for and in the name of the United States Government and by its direction, that the above-mentioned arrangement governing radio communications between private experimental stations, effected by an exchange of notes, shall be deemed and understood by the two Governments to continue to apply to private experimental stations and to amateur radio stations, without change, under Sections 1 and 2 of Article 8 of the General Radio Regulations annexed to the International Telecommunication Convention of Madrid, 1932, when the said Convention and Regulations shall have been ratified by both Governments.

It is also noted that the United States Government will consider the above-stated understanding to be effective on the date of the receipt of a note from the Canadian Government, stating its acceptance of such understanding.

I have the honour to state that the Canadian Government accept such understanding and will consider it effective on the date of the receipt of this note as stated in the preceding paragraph.

I avail myself of the occasion to renew to you, Sir, the assurances of my highest consideration.

O. D. SKELTON
for
SECRETARY OF STATE
FOR EXTERNAL AFFAIRS.

The Honourable WARREN D. ROBBINS,
United States Minister to Canada,
Legation of the United States of America,
Ottawa.

The American Minister (Robbins) to the Canadian Secretary of State for External Affairs (Bennett)

No. 226. LEGATION OF THE UNITED STATES OF AMERICA,
Ottawa, Canada, May 4, 1934.

SIR:

Acknowledgment by United States.

I have the honor to acknowledge the receipt this morning of your note No. 40 of May 2, 1934, in which you convey your approval of an arrangement governing radio communications between private experimental stations in Canada and the United States. In accordance with the understanding reached in your note under acknowledgment and the Legation's note of April 23, 1934, the arrangement is considered to be effective as of today's date.

I avail myself of the occasion to renew to you, Sir, the assurances of my highest consideration.

WARREN D. ROBBINS.

The Right Honorable
THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS,
Ottawa.

[No. 62]

Memorandum of Agreement between the United States, Australia, Canada, China, India, Mexico, Peru, and Spain concerning Silver, with supplementary undertakings. Signed at London July 22, 24, and 26, 1933; effective April 24, 1934.

July 22, 24, 26, 1933.
April 24, 1934.

SILVER AGREEMENT

MEMORANDUM OF HEADS OF AGREEMENT entered into by the Delegates of India, China and Spain as holders of large stocks or users of silver, and of Australia, Canada, the United States, Mexico and Peru as principal producers of silver, at the Monetary and Economic Conference held in London, July, 1933.

Silver agreement.

WHEREAS, at a meeting of the Sub-Commission II (Permanent Measures) of the Monetary and Financial Commission of the Monetary and Economic Conference held on Thursday, July 20th, 1933, the following Resolution was unanimously adopted.

"Be it resolved to recommend to all the Governments parties to this Conference:

"(*a*) That an agreement be sought between the chief silver producing countries and those countries which are the largest holders or users of silver with a view to mitigating fluctuations in the price of silver; and that the other nations not parties to this agreement should refrain from measures which could appreciably affect the silver market;

"(*b*) That the Governments parties to this Conference shall refrain from new legislative measures which would involve further debasement of their silver coinage below a fineness of 800/1000;

"(*c*) That they shall substitute silver coins for low value paper currency insofar as the budgetary and local conditions of each country will permit;

"(*d*) That all of the provisions of this Resolution are subject to the following exceptions and limitations:

"The requirements of such provisions shall lapse on April 1st, 1934, if the agreement recommended in paragraph (*a*) does not come into force by that date, and in no case shall extend beyond January 1st, 1938;

"Governments may take any action relative to their silver coinage that they may deem necessary to prevent the flight or destruction of their silver coinage by reason of a rise in the bullion price of the silver content of their coin above the nominal or parity value of such silver coin," and,

WHEREAS, the Governments of India and Spain may desire to sell certain portions of their silver holdings, and it will be to their advantage that the countries which are large producers of silver should absorb silver as herein provided, to offset such sales, and,

WHEREAS, it is to the advantage of the large producing countries named in Article 2 that the sales of silver from monetary stocks be limited as herein provided, and

WHEREAS, it is to the advantage of China that sales from monetary stocks of silver be offset by purchases as herein provided, with a view to its effective stabilisation;

NOW, THEREFORE, it is agreed between the parties hereto:

1. (*a*) That the Government of India shall not dispose by sale of more than one hundred and forty million fine ounces of silver during a period of four years, commencing with January 1st, 1934. The disposals during each calendar year of the said four year period shall be based on an average of thirty five million fine ounces per year, it being understood, however, that, if in any year, the Government of India shall not dispose of thirty five million fine ounces, the difference between the amount actually disposed of and thirty five million fine ounces may be added as additional disposals in subsequent years. Provided further that the maximum amount disposed of in any year shall be limited to fifty million fine ounces.

(*b*) Notwithstanding anything previously stated in this Article, it is understood that if the Government of India should after the date of this agreement sell silver to any Government for the purpose of transfer to the United States Government in payment of war debts such silver shall be excluded from the scope of this agreement;

(*c*) Provided, however, that when the total of the disposals referred to in paragraph (*a*) above plus the sales referred to in paragraph (*b*) above by the Government of India under this agreement shall amount to one hundred and seventy five million fine ounces, the obligation of the parties hereto shall cease.

2. That the Governments of Australia, Canada, the United States, Mexico and Peru, during the existence of this agreement, shall not sell any silver, and shall also in the aggregate purchase, or otherwise arrange for withdrawing from the market, thirty five million fine ounces of silver from the mine production of such countries in each calendar year for a period of four years commencing with the calendar year 1934. The said Governments undertake to settle by agreement the share in the said thirty five million fine ounces which each of them shall purchase or cause to be withdrawn.

3. That the silver purchased or withdrawn in accordance with Article 2 above shall be used for currency purposes (either for coinage or for currency reserves), or be otherwise retained from sale during said period of four years.

4. That the Government of China shall not sell silver resulting from demonetised coins for a period of four calendar years commencing January 1st, 1934.

5. That the Government of Spain shall not dispose by sale of more than twenty million fine ounces of silver during a period of four years commencing January 1st, 1934. The disposals during each calendar year of the said four year period shall be based on an average of five million fine ounces per year; it being understood, however, that if in any year the Government of Spain shall not dispose of five million fine ounces, the difference between the amount actually disposed of and five million fine ounces may be added as additional disposals in subsequent years; provided further that the

maximum amount disposed of in any year shall be limited to seven million fine ounces.

6. That the Governments concerned will exchange all such information as may be necessary with regard to the measures to fulfil the provisions of this memorandum of agreement.

7. That it is understood, that subject to the provisions of Article 8, the undertakings of each party to the present memorandum of agreement are conditional upon the fulfilment of the undertakings of every other party thereto.

8. That this memorandum of agreement is subject to ratification by the Governments concerned. The instruments of ratification shall be deposited not later than the 1st April, 1934,[1] with the Government of the United States. It shall come into force as soon as the ratifications of all the Governments concerned are received provided that all the ratifications are received before the 1st April, 1934. A notice by any Government that the affirmative action necessary to carry out the purposes of this agreement has been taken will be accepted as an instrument of ratification. Nevertheless, if one or more of the Governments enumerated in Article 2 fail to ratify by the 1st April, 1934, the agreement shall come into force at that date if the other Governments mentioned in Article 2 which have ratified notify the other Governments which ratify that they are prepared to purchase, or cause to be withdrawn, in the aggregate the amount of silver mentioned in Article 2. The Government of the United States is requested to take such steps as may be necessary for the purpose of the conclusion of this agreement.

IN WITNESS WHEREOF the undersigned have signed the present memorandum of agreement.

DONE at London this 22nd day of July, 1933, in a single copy which shall be deposited in the archives of the Government of the United States.

S. M. BRUCE
Delegate of Australia.

EDGAR N. RHODES
Delegate of Canada.

W. W. YEN
Delegate of China.

KEY PITTMAN
Delegate of United States of America.

GEORGE SCHUSTER
Delegate of India.

EDUARDO SUÁREZ
Delegate of Mexico.

F. TUDELA
Delegate of Peru.

L. NICOLAU D'OLWER
Delegate of Spain.

[1] Extended to May 1, 1934, by agreement of all of the signatories.

Supplementary undertakings.

SUPPLEMENTARY UNDERTAKINGS

United States of America.

United States of America

In connection with the attached memorandum of heads of agreement entered into by the Delegates of India, China and Spain as holders of large stocks or users of silver, and of Australia, Canada, the United States, Mexico and Peru, as principal purchasers of silver, it is understood that the Government of the United States shall purchase or otherwise arrange for withdrawing from the market, as in the attached memorandum of agreement provided, twenty-four million, four hundred and twenty-one thousand, four hundred and ten, fine ounces of silver in each calendar year beginning with the calendar year 1934.

This understanding is conditioned upon similar undertakings being entered into by the Governments of Australia, Canada, Mexico and Peru whereby those Governments agree to purchase or otherwise arrange for withdrawing from the market of amounts of fine ounces of silver which, with the obligation hereby entered into, will make in the aggregate thirty-five million fine ounces of silver annually.

It is understood that this agreement and the similar agreements to be entered into by the Delegates of the Governments of Australia, Canada, Mexico, and Peru, are subject to the following general provisions:

1. That every provision of this agreement shall terminate on January 1, 1938.

2. That the absorption of silver referred to in this agreement means current mine production.

3. That when the Government of India shall have sold, transferred or otherwise disposed of Government stocks of silver to the net amount of one hundred and seventy-five million fine ounces, as provided in paragraph (*c*) of Article 1 of the attached memorandum of heads of agreement, the obligations of governments to purchase under this contract shall cease.

4. That this memorandum is subject to ratification by the proper governmental authorities of the United States whose delegate has executed this agreement, and the undersigned delegate undertakes to use his good offices to secure such action at the earliest possible date.

5. That this understanding shall come into force as soon as the ratifications of all the governments concerned are received, provided that all the ratifications are received before the 1st of April, 1934. A notice by any government, party to this understanding, that the affirmative action necessary to carry out the purposes of this understanding has been taken will be accepted as an instrument of ratification. Nevertheless, if one or more of the governments parties to

this understanding have failed to ratify by the first of April, 1934, the understanding shall go into force and effect at that date if the other governments parties to this understanding have ratified the understanding and have given notice that they are prepared to purchase or cause to be withdrawn in the aggregate these thirty-five million fine ounces of silver. The Government of the United States is requested to take such steps as may be necessary for the purpose of the conclusion of this agreement.

IN WITNESS WHEREOF, the undersigned have signed this memorandum of agreement.

DONE at London this 26th day of July, 1933, in a single copy which shall be deposited in the archives of the Government of the United States.

KEY PITTMAN
Delegate of the United States.

Australia Australia.

In connection with the attached memorandum of heads of agreement entered into by the Delegates of India, China and Spain as holders of large stocks or users of silver, and of Australia, Canada, the United States, Mexico and Peru, as principal purchasers of silver, it is understood that the Government of Australia shall purchase or otherwise arrange for withdrawing from the market, as in the attached memorandum of agreement provided, six hundred and fifty-two thousand, three hundred and fifty-five fine ounces of silver in each calendar year beginning with the calendar year 1934.

This understanding is conditioned upon similar undertakings being entered into by the Governments of Canada, the United States, Mexico and Peru whereby those Governments agree to purchase or otherwise arrange for withdrawing from the market of amounts of fine ounces of silver which, with the obligation hereby entered into, will make in the aggregate thirty-five million fine ounces of silver annually.

It is understood that this agreement and the similar agreements to be entered into by the Delegates of the Governments of Canada, the United States, Mexico and Peru, are subject to the following general provisions:

1. That every provision of this agreement shall terminate on January 1, 1938.

2. That the absorption of silver referred to in this agreement means current mine production.

3. That when the Government of India shall have sold, transferred or otherwise disposed of Government stocks of silver to the net amount of one hundred and seventy-five million fine ounces, as provided in paragraph (*c*) of Article 1 of the attached memorandum of heads of agreement, the obligations of governments to purchase under this contract shall cease.

4. That this memorandum is subject to ratification by the proper governmental authorities of Australia whose delegate has executed this agreement, and the undersigned delegate undertakes to use his good offices to secure such action at the earliest possible date.

5. That this understanding shall come into force as soon as the ratifications of all the governments concerned are received, provided that all the ratifications are received before the 1st of April, 1934. A notice by any government, party to this understanding, that the affirmative action necessary to carry out the purposes of this understanding has been taken will be accepted as an instrument of ratification. Nevertheless, if one or more of the governments parties to this understanding have failed to ratify by the first of April, 1934, the understanding shall go into force and effect at that date if the other governments parties to this understanding have ratified the understanding and have given notice that they are prepared to purchase or cause to be withdrawn in the aggregate these thirty-five million fine ounces of silver. The Government of the United States is requested to take such steps as may be necessary for the purpose of the conclusion of this agreement.

IN WITNESS WHEREOF, the undersigned have signed this memorandum of agreement.

DONE at London this 26th day of July, 1933, in a single copy which shall be deposited in the archives of the Government of the United States.

S. M. BRUCE,
Delegate of Australia.

Canada.

Canada

In connection with the attached memorandum of heads of agreement entered into by the Delegates of India, China and Spain as holders of large stocks or users of silver, and of Australia, Canada, the United States, Mexico and Peru, as principal purchasers of silver, it is understood that the Government of Canada shall purchase or otherwise arrange for withdrawing from the market, as in the attached memorandum of agreement provided, one million, six hundred and seventy-one thousand, eight hundred and two fine ounces of silver in each calendar year beginning with the calendar year 1934.

This understanding is conditioned upon similar undertakings being entered into by the Governments of Australia, United States, Mexico, and Peru, whereby those Governments agree to purchase or otherwise arrange for withdrawing from the market of amounts of fine ounces of silver which, with the obligation hereby entered into, will make in the aggregate thirty-five million fine ounces of silver annually.

It is understood that this agreement and the similar agreements to be entered into by the Delegates of the Governments of Australia, the United States, Mexico, and Peru are subject to the following general provisions:

1. That every provision of this agreement shall terminate on January 1, 1938.

2. That the absorption of silver referred to in this agreement means current mine production.

3. That when the Government of India shall have sold, transferred or otherwise disposed of Government stocks of silver to the net amount of one hundred and seventy-five million fine ounces, as provided in paragraph (*c*) of Article 1 of the attached memorandum of heads of agreement, the obligations of governments to purchase under this contract shall cease.

4. That this memorandum is subject to ratification by the proper governmental authorities of Canada whose delegate has executed this agreement, and the undersigned delegate undertakes to use his good offices to secure such action at the earliest possible date.

5. That this understanding shall come into force as soon as the ratifications of all the governments concerned are received, provided that all the ratifications are received before the 1st of April, 1934. A notice by any government, party to this understanding, that the affirmative action necessary to carry out the purposes of this understanding has been taken will be accepted as an instrument of ratification. Nevertheless, if one or more of the governments parties to this understanding have failed to ratify by the first of April, 1934, the understanding shall go into force and effect at that date if the other governments parties to this understanding have ratified the understanding and have given notice that they are prepared to purchase or cause to be withdrawn in the aggregate these thirty-five million fine ounces of silver. The Government of the United States is requested to take such steps as may be necessary for the purpose of the conclusion of this agreement.

IN WITNESS WHEREOF, the undersigned have signed this memorandum of agreement.

DONE at London this twenty fourth day of July, 1933, in a single copy which shall be deposited in the archives of the Government of the United States.

EDGAR N. RHODES
Delegate of Canada

Mexico.

Mexico

In connection with the attached memorandum of heads of agreement entered into by the Delegates of India, China and Spain as holders of large stocks or users of silver, and of Australia, Canada,

the United States, Mexico and Peru, as principal purchasers of silver, it is understood that the Government of Mexico shall purchase or otherwise arrange for withdrawing from the market, as in the attached memorandum of agreement provided, seven million, one hundred and fifty-nine thousand, one hundred and eight fine ounces of silver in each calendar year beginning with the calendar year 1934.

This understanding is conditioned upon similar undertakings being entered into by the Governments of Australia, Canada, United States and Peru whereby those Governments agree to purchase or otherwise arrange for withdrawing from the market of amounts of fine ounces of silver which, with the obligation hereby entered into, will make in the aggregate thirty-five million fine ounces of silver annually.

It is understood that this agreement and the similar agreements to be entered into by the Delegates of the Governments of Australia, Canada, the United States, and Peru, are subject to the following general provisions:

1. That every provision of this agreement shall terminate on January 1, 1938.

2. That the absorption of silver referred to in this agreement means current mine production.

3. That when the Government of India shall have sold, transferred or otherwise disposed of Government stocks of silver to the net amount of one hundred and seventy-five million fine ounces, as provided in paragraph (*c*) of Article 1 of the attached memorandum of heads of agreement, the obligations of governments to purchase under this contract shall cease.

4. That this memorandum is subject to ratification by the proper governmental authorities of Mexico whose delegate has executed this agreement, and the undersigned delegate undertakes to use his good offices to secure such action at the earliest possible date.

5. That this understanding shall come into force as soon as the ratifications of all the governments concerned are received, provided that all the ratifications are received before the 1st of April, 1934. A notice by any government, party to this understanding, that the affirmative action necessary to carry out the purposes of this understanding has been taken will be accepted as an instrument of ratification. Nevertheless, if one or more of the governments parties to this understanding have failed to ratify by the first of April, 1934, the understanding shall go into force and effect at that date if the other governments parties to this understanding have ratified the understanding and have given notice that they are prepared to purchase or cause to be withdrawn in the aggregate these thirty-five million fine ounces of silver. The Government of the United

States is requested to take such steps as may be necessary for the purpose of the conclusion of this agreement.

IN WITNESS WHEREOF, the undersigned have signed this memorandum of agreement.

DONE at London this 24 day of July, 1933, in a single copy which shall be deposited in the archives of the Government of the United States.

EDUARDO SUÁREZ
Delegate of Mexico.

Peru

Peru.

In connection with the attached memorandum of heads of agreement entered into by the Delegates of India, China and Spain as holders of large stocks or users of silver, and of Australia, Canada, the United States, Mexico and Peru, as principal purchasers of silver, it is understood that the Government of Peru shall purchase or otherwise arrange for withdrawing from the market, as in the attached memorandum of agreement provided, one million, ninety-five thousand, three hundred and twenty-five fine ounces of silver in each calendar year beginning with the calendar year 1934.

2. This understanding is conditioned upon similar undertakings being entered into by the Governments of Australia, Canada, United States and Mexico whereby those Governments agree to purchase or otherwise arrange for withdrawing from the market of amounts of fine ounces of silver which, with the obligation hereby entered into, will make in the aggregate thirty-five million fine ounces of silver annually.

It is understood that this agreement and the similar agreements to be entered into by the Delegates of the Governments of Australia, Canada, the United States, and Mexico, are subject to the following general provisions:

1. That every provision of this agreement shall terminate on January 1, 1938.

2. That the absorption of silver referred to in this agreement means current mine production.

3. That when the Government of India shall have sold, transferred or otherwise disposed of Government stocks of silver to the net amount of one hundred and seventy-five million fine ounces, as provided in paragraph (*c*) of Article 1 of the attached memorandum of heads of agreement, the obligations of governments to purchase under this contract shall cease.

4. That this memorandum is subject to ratification by the proper governmental authorities of Peru whose delegate has executed this agreement, and the undersigned delegate undertakes to use his good offices to secure such action at the earliest possible date.

5. That this understanding shall come into force as soon as the ratifications of all the governments concerned are received, provided

that all the ratifications are received before the 1st of April, 1934. A notice by any government, party to this understanding, that the affirmative action necessary to carry out the purposes of this understanding has been taken will be accepted as an instrument of ratification. Nevertheless, if one or more of the governments parties to this understanding have failed to ratify by the first of April, 1934, the understanding shall go into force and effect at that date if the other governments parties to this understanding have ratified the understanding and have given notice that they are prepared to purchase or cause to be withdrawn in the aggregate these thirty-five million fine ounces of silver. The Government of the United States is requested to take such steps as may be necessary for the purpose of the conclusion of this agreement.

IN WITNESS WHEREOF, the undersigned have signed this memorandum of agreement.

DONE at London this 24 day of July, 1933, in a single copy which shall be deposited in the archives of the Government of the United States.

F. TUDELA
Delegate of Peru.

Silver Agreement: Reservation by China

Reservation by China.

"In ratifying this Agreement, the National Government of China declares that as silver is the basic monetary standard of China, the National Government will consider itself at liberty to take whatever action it may deem appropriate, if, in its opinion, changes in the relative values of gold and silver adversely affect the economic condition of the Chinese people, contrary to the spirit of stabilizing the price of silver as embodied in this Agreement."

APPENDIX

RATIFICATIONS [1]

State	*Date of deposit*
Australia	Feb. 16, 1934 [2]
Canada	Mar. 28, 1934
China	Mar. 27, 1934 [3]
India	Mar. 21, 1934
Mexico	Mar. 26, 1934
Peru	Apr. 24, 1934 [2]
Spain	Apr. 24, 1934 [3]
United States	Dec. 21, 1933 [2]

[1] Deposited with the Department of State, Washington.
[2] Notice of affirmative action accepted as an instrument of ratification (sec. 8).
[3] Notice of ratification (sec. 8). China and Spain deposited formal instruments of ratification on May 14 and May 8, 1934, respectively.

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